HOUSE DOCKET, NO. 3325 FILED ON: 2/19/2021

HOUSE . . . . . No. 1724

The Commonwealth of Massachusetts

PRESENTED BY:

David Henry Argosky LeBoeuf

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act establishing a right to counsel in civil asset forfeiture cases.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
David Henry Argosky LeBoeuf	*17th Worcester*	*2/19/2021*
David Allen Robertson	*19th Middlesex*	*2/26/2021*
Elizabeth A. Malia	*11th Suffolk*	*3/15/2021*

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HOUSE . . . . . No. 1724

By Mr. LeBoeuf of Worcester, a petition (accompanied by bill, House, No. 1724) of David Henry Argosky LeBoeuf, David Allen Robertson and Elizabeth A. Malia establishing a right to counsel in civil asset forfeiture cases. The Judiciary.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

An Act establishing a right to counsel in civil asset forfeiture cases.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Subsection (d) of section 47 of chapter 94C of the General Laws is hereby amended by striking the second, third, and fourth paragraphs and inserting in place thereof the following:-

SECTION 1

Upon the filing of a claim to the property by any person other than the commonwealth, the clerk of the court shall determine whether the person is a natural person. Upon a determination that the claimant is a natural person, the chief counsel of the committee for public counsel services shall assign the case to either the public counsel division or the private counsel division.

The final order of the court shall provide that said moneys and the proceeds of any such sale shall be distributed to the Counsel for Indigent Salary Enhancement Trust Fund established under section 35Z of chapter 10 of the General Laws, and shall then be expended without further

appropriation to pay (1) counsel assigned or appointed pursuant to this section, and (2) counsel assigned or appointed to represent parties in summary process proceedings.

SECTION 17

The committee shall establish, supervise and maintain a system for the appointment of counsel for the provision of legal services for indigents subject to summary process or similar proceedings and resulting appeals under chapter 239 and section 19 of chapter 139 as provided by section 2B of chapter 239 and section 19½ of chapter 139. Legal aid organizations that provide representation to indigent individuals and families are eligible for appointment and may be designated as counsel within the meaning of this section.