

HOUSE No. 1741

The Commonwealth of Massachusetts

PRESENTED BY:

David Paul Linsky

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 for legislation relative to costs of appeals by the Commonwealth.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|--------------------------|----------------------|------------------|
| <i>David Paul Linsky</i> | <i>5th Middlesex</i> | <i>1/13/2021</i> |

HOUSE No. 1741

By Mr. Linsky of Natick, a petition (accompanied by bill, House, No. 1741) of David Paul Linsky relative to costs of appeals by certain defendants. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 3356 OF 2019-2020.]

The Commonwealth of Massachusetts

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

An Act for legislation relative to costs of appeals by the Commonwealth.

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

1 SECTION 1. Section 28E of Chapter 278 of the General Laws is hereby amended by
2 adding, after the third paragraph thereof, the following paragraph:-

3 A defendant who is not indigent, as defined by Chapter 211D of the General Laws, and is
4 therefore not entitled to public representation, is responsible for their own costs on appeal, unless
5 the Commonwealth loses the appeal or the Commonwealth’s application thereof is denied. In
6 such cases, a defendant is entitled to be reimbursed for the costs incurred as a result of the
7 appeal, including reasonable attorney’s fees, subject to approval of the court.