

SENATE No. 961

The Commonwealth of Massachusetts

PRESENTED BY:

Cynthia Stone Creem

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 relating to costs of appeals by the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Cynthia Stone Creem</i>	<i>First Middlesex and Norfolk</i>
<i>Marian T. Ryan, Middlesex District Attorney</i>	<i>15 Commonwealth Avenue Woburn, MA 01801</i>

SENATE No. 961

By Ms. Creem, a petition (accompanied by bill, Senate, No. 961) of Cynthia Stone Creem and Marian T. Ryan, Middlesex District Attorney for legislation relative to costs of appeals by the Commonwealth. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 878 OF 2019-2020.]

The Commonwealth of Massachusetts

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

An Act relating 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, as appearing in the 2016
2 Official Edition, is hereby amended by adding, after the third paragraph thereof, the following
3 paragraph:

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