

# HOUSE . . . . . No. 4372

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, August 11, 2025.

The committee on the Judiciary, to whom was referred the petition (accompanied by bill, House, No. 1768) of Daniel J. Hunt for legislation relative to indigency, reports recommending that the accompanying bill (House, No. 4372) ought to pass.

For the committee,

MICHAEL S. DAY.

**HOUSE . . . . . No. 4372**

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**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Fourth General Court  
(2025-2026)**

An Act related to indigency.

*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 27A of chapter 261 of the General Laws, as appearing in the 2022  
2 Official Edition, is hereby amended by striking out the definition of “indigent” and inserting in  
3 place thereof the following definition:-

4           "Indigent", (a) a person who receives one of the following types of public assistance:  
5 transitional aid to families with dependent children, emergency aid to elderly, disabled and  
6 children, supplemental nutrition assistance program benefits, refugee cash assistance, need-  
7 based veterans' benefits or SSI state supplemental program benefits; (b) a person whose income,  
8 after taxes, is 125 per cent or less of the current poverty guidelines established annually by the  
9 Department of Health and Human Services pursuant to Section 673(2) of the Omnibus Budget  
10 Reconciliation Act of 1981 (42 U.S.C. 9902(2)), as amended; or (c) a person who is unable to  
11 pay the fees and costs of the proceeding in which they are involved or is unable to do so without  
12 depriving themselves or their dependents of the necessities of life, including food, shelter and  
13 clothing, but an inmate shall not be adjudged indigent pursuant to section 27C unless the inmate

14 has complied with the procedures set forth in section 29 and the court finds that the prisoner is  
15 incapable of making payments under the plans set forth in said section 29.

16 SECTION 2. Section 2A of chapter 211D, as so appearing, is hereby amended by striking  
17 out the second paragraph of subsection (c) and inserting in place thereof the following  
18 paragraph:-

19 Any time the court receives information causing its determination of a person's indigency  
20 status to be in doubt, the court shall order the chief probation officer or the officer's designee to  
21 reassess the financial circumstances of the person to ensure that the person meets the definition  
22 of indigency. The chief probation officer or the officer's designee shall prepare, sign and file a  
23 written report certifying that the person meets, or does not meet, the definition of indigency.

24 SECTION 3. Said section 2A of said chapter 211D, as so appearing, is hereby further  
25 amended by striking out, in lines 87-89, the words “, other than the bi-annual reassessments  
26 required by the defendant's representation for the first offense,”

27 SECTION 4. Said section 2A of said chapter 211D, as so appearing, is further amended  
28 by striking out subsections (f), (g) and (h).

29 SECTION 5. Said section 2A of said chapter 211D, as so appearing, is hereby further  
30 amended by striking out subsection (i) and inserting in place thereof the following subsection:-

31 (i) The office of the commissioner of probations shall submit quarterly reports to the  
32 house and senate committees on ways and means that shall include, but not be limited to: (a) the  
33 number of individuals claiming indigency who are determined to be indigent; (b) the number of  
34 individuals claiming indigency who are determined not to be indigent; (c) the number of

35 individuals found to have misrepresented wage, tax or asset information; (d) the number of  
36 individuals found to no longer qualify for appointment of counsel upon any re-assessment of  
37 indigency required by this section; and (e) other pertinent information to ascertain the  
38 effectiveness of indigency verification procedures. The information within such reports shall be  
39 delineated by court division and delineated further by month.