SENATE DOCKET, NO. 919 FILED ON: 1/20/2011

SENATE . . . . . No. 721

The Commonwealth of Massachusetts

PRESENTED BY:

Cynthia S. 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:
Cynthia S. Creem	

SENATE DOCKET, NO. 919 FILED ON: 1/20/2011

SENATE . . . . . No. 721

By Ms. Creem, a petition (accompanied by bill, Senate, No. 721) of Cynthia S. Creem for legislation relative to costs of appeals by the Commonwealth. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *1657* OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

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:

SECTION 1. Section 28E of Chapter 278 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by adding, after the third paragraph thereof, the following paragraph:

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