

**JOINT COMMITTEE ON THE JUDICIARY
BILL SUMMARY**

BILL NO.	H1768
TITLE:	An Act related to indigency
SPONSOR:	Rep. Daniel J. Hunt
COSPONSORS:	None
HEARING DATE:	April 8, 2025
PRIOR HISTORY:	2023 – 2024, H1561 2021 – 2022, H1673
SENATE BILL:	S1037 (Brownsberger)
CURRENT LAW:	<p>Section 27A of Chapter 261 of the General Laws defines “indigent” as a person who: (a) receives public assistance under state or federal programs; (b) has an income after taxes of 125% or less of the federal poverty standard; or (c) is unable to pay the fees and cost of the court proceeding without depriving themselves or their dependents of the necessities of life. It includes a reference to a separate procedure for judging an inmate indigent.</p> <p>Section 2A of Chapter 211D outlines the steps necessary to verify a claim of indigency to qualify for court-appointed counsel.</p> <ul style="list-style-type: none">• It requires a person claiming indigency to execute a waiver authorizing probation to obtain wage, tax and asset information to verify their claim.• Probation is responsible for ensuring the indigency claim meets the definition of indigency and for explaining the standard, process and penalties to the person claiming indigent status. The probation officer writes an indigency intake report for the court with a recommendation on whether the person is indigent.• The chief probation officer must verify indigency within 7 days and prepare a final report of the person’s financial circumstances including information from the departments of revenue, transitional assistance and the registry of motor vehicles.• Probation must reassess the indigency determination every 6 months and if a criminal defendant is charged with a second or further offense the court may require a further determination of indigency.

- A person found to have materially misrepresented or omitted information in their indigency assessment will be assessed costs and fees of not less than \$1,000.
- All indigent adults who are provided court-appointed attorneys are assessed a \$150 counsel fee unless the Court authorizes community service in lieu of paying this fee.
- The clerk must report within 60 days the amount of any legal counsel fee owed to the departments of revenue and transitional assistance and the registry of motor vehicles. The department of revenue may recover the fee from tax refunds due and the RMV shall not issue or renew the person's driver's license or vehicle registration until notified that the fee has been collected or community service performed in lieu of the fee.
- The office of probation must submit quarterly reports to the house and senate committees on ways and means with data on indigency claims and determinations, misrepresentations, re-assessment determinations and fees.

BILL SUMMARY:

Section 1. Amends the definition of "indigent" in Section 27A of Chapter 261 of the General Laws to reference additional state public assistance programs and to utilize updated guidelines for poverty threshold calculations.

Sections 2 to 5 edit Section 21 of Chapter 211 to no longer require indigency reassessments every 6 months. Instead, an indigency reassessment may be ordered any time the court receives information causing the determination of a person's indigency status to be in doubt. It removes the reference to bi-annual reassessments for indigency and all references to a probation fee. Also removes all reporting requirements dealing with fee collection or community service performed in lieu of fee collection.