

**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.