

**SENATE . . . . . No. 763**

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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:

*Cynthia S. Creem*

DISTRICT/ADDRESS:

*First Middlesex and Norfolk*

**SENATE . . . . . No. 763**

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By Ms. Creem, a petition (accompanied by bill, Senate, No. 763) of Cynthia S. Creem for legislation relative to costs of appeals by the Commonwealth. The Judiciary.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 662 OF 2013-2014.]

**The Commonwealth of Massachusetts**

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**In the One Hundred and Eighty-Ninth General Court  
(2015-2016)**  
\_\_\_\_\_

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 2012  
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.