

**SENATE . . . . . No. 792**

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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:	DISTRICT/ADDRESS:
<i>Cynthia S. Creem</i>	<i>First Middlesex and Norfolk</i>
<i>District Attorney Marian T. Ryan</i>	<i>15 Commonwealth Avenue Woburn, MA 01801</i>

**SENATE . . . . . No. 792**

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By Ms. Creem, a petition (accompanied by bill, Senate, No. 792) of Cynthia S. Creem and District Attorney Marian T. Ryan 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. 763 OF 2015-2016.]

**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninetieth General Court  
(2017-2018)**  
\_\_\_\_\_

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 2014  
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 the defendant’s own costs on  
6 appeal, unless the Commonwealth loses the appeal or the Commonwealth’s application thereof is  
7 denied. In such cases, a defendant is entitled to be reimbursed for the costs the defendant  
8 incurred as a result of the appeal, including reasonable attorney’s fees, subject to approval of the  
9 court.