

**SENATE . . . . . No. 00721**

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The Commonwealth of Massachusetts

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PRESENTED BY:

*Cynthia S. Creem*

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*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 passage of the accompanying bill:

An Act relating to costs of appeals by the Commonwealth.

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PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Cynthia S. Creem</i>	<i>First Middlesex and Norfolk</i>

# SENATE . . . . . No. 00721

By Ms. Creem, petition (accompanied by bill, Senate, No. 721) of Creem for legislation relative to costs of appeals by the Commonwealth [Joint Committee on the Judiciary].

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

## The Commonwealth of Massachusetts

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**In the Year Two Thousand Eleven**  
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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  
2 2008 Official Edition, is hereby amended by adding, after the third paragraph thereof, the  
3 following paragraph:

4 A defendant who is not indigent, as defined by Chapter 211D of the General Laws, and  
5 is therefore not entitled to public representation, is responsible for his own costs on appeal,  
6 unless the Commonwealth loses the appeal or the Commonwealth’s application thereof is denied.  
7 In 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.