

SENATE No. 915

The Commonwealth of Massachusetts

PRESENTED BY:

William N. Brownsberger

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 related to indigency.

PETITION OF:

NAME:

William N. Brownsberger

DISTRICT/ADDRESS:

Suffolk and Middlesex

SENATE No. 915

By Mr. Brownsberger, a petition (accompanied by bill, Senate, No. 915) of William N. Brownsberger for legislation relative to indigency. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 934 OF 2021-2022.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act related to indigency.

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 27A of chapter 261 is hereby amended by striking out the definition
2 of “indigent” and inserting in place thereof the following:

3 "Indigent", (a) a person who receives one of the following types of public assistance:
4 transitional aid to families with dependent children, emergency aid to elderly, disabled and
5 children, supplemental nutrition assistance program benefits, refugee cash assistance, need-
6 based veterans' benefits, Medicaid, supplemental security income or supplemental security
7 income state supplemental program benefits; (b) a person whose income, after taxes, is 125 per
8 cent or less of the current poverty guidelines established annually by the Department of Health
9 and Human Services pursuant to Section 673(2) of the Omnibus Budget Reconciliation Act of
10 1981 (42 U.S.C. 9902(2)), as amended; or (c) a person who is unable to pay the fees and costs of

11 the proceeding in which he is involved or is unable to do so without depriving himself or his
12 dependents of the necessities of life, including food, shelter and clothing, but an inmate shall not
13 be adjudged indigent pursuant to section 27C unless the inmate has complied with the procedures
14 set forth in section 29 and the court finds that the inmate is incapable of making payments under
15 the plans set forth in said section 29.

16 SECTION 2. Section 2A of chapter 211D is hereby amended by striking out the second
17 paragraph of section 2A (c) and inserting in place thereof the following:-

18 At any time the court receives information causing its determination of a person's
19 indigency status to be in doubt, the court shall order the chief probation officer or the officer's
20 designee to reassess the financial circumstances of the person to ensure that the person meets the
21 definition of indigency. The chief probation officer or the officer's designee shall prepare, sign
22 and file a written report certifying that the person meets, or does not meet, the definition of
23 indigency.

24 SECTION 3. Said chapter 211D is further amended in section 2A (d) by striking the
25 following: ", other than the bi-annual reassessments required by the defendant's representation
26 for the first offense,"

27 SECTION 4. Said chapter 211D is further amended by striking out section 2A (f), (g), (h)
28 and (i).