

POTENTIAL MONEY ASSESSMENTS
IN CRIMINAL CASES

Massachusetts Trial Court
District Court Department

GENERAL CASE-RELATED ASSESSMENTS

Type of Money Assessment	Description	Waivable?	Payable to?
COUNSEL FEE c. 211D, § 2A(f)&(g)	<p>\$150 fee MANDATORY when counsel appointed for defendant who is indigent or indigent but able to contribute unless court determines that defendant is "unable to pay such \$150 within 180 days." Fee is in addition to any counsel contribution.</p> <ul style="list-style-type: none"> • Unless counsel fee is waived, case may not be terminated or bail released until fee is paid. • Failure to pay shall not be grounds for withholding or revoking appointed counsel. • No party may be incarcerated for failure to pay counsel fee. 	<ul style="list-style-type: none"> • Shall be waived if defendant unable to pay within 180 days without substantial financial hardship to defendant, defendant's immediate family or dependents. • Where not waived, judge may permit fee to be "worked off" with 15 hours of community service. • As to whether acquitted defendant may be entitled to remittal, see c. 278, § 14. 	General Fund
COUNSEL CONTRIBUTION c. 211D, § 2 SJC Rule 3:10(10)(c)	<p>"Reasonable amount" MANDATORY toward cost of counsel (in addition to Counsel Fee) when counsel appointed for defendant who is indigent but able to contribute.</p>	<ul style="list-style-type: none"> • As to whether acquitted defendant may be entitled to remittal, see c. 278, § 14. 	General Fund
FINE c. 279, §§ 1, 1A, 7, 9, 10, 11 c. 127, § 145(d)	As provided by statute for offense.	May impose an alternative to the fine, including, without limitation, community service if court finds payment would cause a substantial financial hardship to the defendant, the defendant's immediate family or dependents.	General Fund unless otherwise provided by law (c. 29A, § 3; c. 280, § 2)
SURFINE c. 280, § 6A	25% surfine REQUIRED on payable portion of any criminal fine, except for motor vehicle offenses not punishable by incarceration.	May waive or reduce upon a finding that such payment would cause a substantial financial hardship to the defendant, the defendant's immediate family or dependents.	General Fund
CIVIL MOTOR VEHICLE ASSESSMENT c. 90C, § 3(C)(3)	<p>Scheduled civil assessment REQUIRED when defendant found responsible for a civil motor vehicle infraction (CMVI) unless CMVI is filed and defendant sentenced on accompanying criminal charge. Scheduled civil assessment is set by Dist. Ct. Admin. Reg. 2-86 (rev. 10/23/13, Trans. 1112), but Dist. Ct. Admin. Reg. 2-06 (rev. 6/14/06, Trans. 924) allows judge to reduce scheduled assessment up to 50% "for exceptional circumstances in the particular case" unless (1) the scheduled assessment is less than \$50 or (2) the offense is speeding.</p>	CMVI may be filed without imposing an assessment only if defendant "has been found guilty of, and is simultaneously being sentenced on, [an accompanying] criminal automobile law violation."	Usually to municipality, except for speeding (50% to municipality and 50% to Highway Fund). For violations of Mass. Turnpike regulations: (1) criminal fines are 80% to MTA and 20% to General Fund; (2) CMVI assessments are 100% to MTA. See c. 280, § 2.
CIVIL FINE c. 277, § 70C	<p>On oral motion at arraignment or pretrial conference, or sua sponte at any time, judge may discretionarily convert most misdemeanor, ordinance or by-law charges to a civil infraction. If civil fine not specified in statute, judge may impose civil fine of not more than \$5000.</p> <p>The following offenses are ineligible for such treatment: G.L. c.90, §§ 22F, 24, 24D, 24G, 24L, 24N; c. 90B, §§ 8, 8A, 8B; c.119A; c. 209; c. 209A; c.265; c. 266, § 25; c.268, §§1, 2, 3, 6, 6A, 6B, 8B, 13, 13A, 13B, 13C, 14, 14B, 15, 15A, 16, 17, 18, 19, 20, 23, 23A; c. 268A; c. 269, §§ 10, 10A, 10C, 10D, 10E, 11B, 11C, 11E, 12, 12A, 12B, 12D, 12E; c. 272, §§ 1, 2, 3, 4, 4A, 4B, 6, 7, 8, 12, 13, 16, 28, 29A, 29B.</p>		Apparently distributed in same manner as criminal fine for that offense. See (c. 29A, § 3; c. 280, § 2)

Type of Money Assessment	Description	Waivable?	Payable to?
<p>RESTITUTION c. 119, § 62 c. 258B, § 3(o) c. 276, §§ 92-92A</p> <p><i>Authorized for specific offenses in:</i> c. 119, § 58B c. 131, § 90 c. 149, § 152A c. 151A, § 47 c. 175H, § 7 c. 266, § 30(5) c. 273, § 15A(5)</p> <p><i>Mandated for specific offenses listed.</i></p> <p><i>Triple restitution may be assessed for property damages upon conviction of a hate crime (c.265, §39).</i></p>	<p>May be based on victim's loss, established by preponderance of evidence. <i>Comm. v. Nawn</i>, 394 Mass. 1 (1985). Limited to injury resulting from incident but not limited by elements of offense. <i>Comm. v. McIntyre</i>, 436 Mass. 829 (2002). May include "medical expenses, court-related travel expenses, property loss and damage, lost pay, or even lost [pay] required to attend court proceedings," <i>Comm. v. Rotonda</i>, 434 Mass. 211 (2001), or replacement cost for comparable substitute, <i>Comm. v. Hastings</i>, 53 Mass. App. Ct. 41 (2001). Court must determine victim's actual economic and appropriate period of probation first, then assess defendant's ability to pay. <i>Comm. v. Henry</i>, 475 Mass. 117 (2016).</p> <p>Restitution REQUIRED for these offenses:</p> <ul style="list-style-type: none"> • c. 152, § 14 (Workers Compensation Fraud) • c. 160, § 225 (Malicious Injury to Railroad) • c. 175H, §§ 2&7 (False Health Care Claim) • c. 175H, §§ 3&7 (Health Care Kickback) • c. 266, §§ 27&92A (Larceny of Construc.Tools) • c. 266, § 27A (Conceal MV to Defraud) • c. 266, §§ 28&29 (Larceny of MV, Malicious Damage to MV, or Receiving Stolen MV) • c. 266, § 37E (Identity Fraud) • c. 266, § 87 (Conceal Leased Personalty) • c. 266, § 94-97&100&126A&126B (Vandalism) • c. 266, § 99A (Larceny of Library Materials) • c. 266, § 102A½ (Hoax Explosive) • c. 266, §§ 111B&92A (False MV Insur Claim) • c. 266, §§ 139&92A (Altered VIN) • c. 269, § 14 (Bomb/Hijack Threat) • c. 269, § 14B (False/Silent 911 Call) 	<p>Defendants bears the burden of proving inability to pay. Court must determine the maximum monthly amount defendant is able to pay, considering all relevant factors. Restitution order may not cause a substantial financial hardship to the defendant, the defendant's immediate family or dependents. Maximum monthly amount may be adjusted based on any material change in defendant's financial circumstances. Court may not extend the period of probation due solely to an inability to pay. Incarceration for failure to pay restitution is prohibited, as a probation violation or otherwise, absent a willful failure to pay a restitution amount defendant had the ability to pay. <i>Comm. v. Henry</i>, 475 Mass. 117 (2016).</p>	<p>Victim</p>
<p>VICTIM/WITNESS ASSESSMENT c. 258B, § 8</p> <p><i>NOTE: By statute, this assessment has FIRST PRIORITY among all "fines, assessments or other payments."</i></p>	<ul style="list-style-type: none"> • Felony: not less than \$90 assessment MANDATORY upon conviction or finding of sufficient facts of any felony. • Misdemeanor: \$50 assessment MANDATORY upon conviction or finding of sufficient facts of any misdemeanor. • Delinquency: \$45 assessment MANDATORY upon adjudication or finding of sufficient facts of any delinquency by juvenile aged 14 or older. • There is no limit on cumulative assessments for multiple criminal charges.¹ • Youthful Offenders are not subject to this assessment.² 	<p>WAIVER REQUIRES WRITTEN FINDINGS</p> <p>May be reduced or waived only on a written finding of fact that it would cause a substantial financial hardship to the defendant, the defendant's immediate family or dependents, to be determined independently of indigency for purposes of appointed counsel. Upon such written finding, court may structure a payment plan to ensure compliance with payment.</p>	<p>General Fund since Victim & Witness Assistance Fund (c. 10, § 49) was repealed by St. 2003, c. 26, § 45.</p>
<p>DOMESTIC VIOLENCE PREVENTION ASSESSMENT c. 258B, § 8</p> <p><i>NOTE: By statute, this assessment has FIRST PRIORITY among all "fines, assessments or other payments."</i></p>	<p>\$50 assessment MANDATORY upon conviction for:</p> <ul style="list-style-type: none"> • c. 265 § 13M Domestic Assault or A&B • c. 265 § 15D Strangulation • Violation of Restraining Order pursuant to c. 208, §§ 18,34B; c. 209, § 32; c. 209A, §§ 3,4,5; c. 209C, §§ 15,20 • an act which would constitute abuse, as defined in c. 209A, § 1. 	<p>WAIVER REQUIRES WRITTEN FINDINGS</p> <p>May be reduced or waived only on a written finding of fact that it would cause a substantial financial hardship to the defendant, the defendant's immediate family or dependents, to be determined independently of indigency for purposes of appointing counsel. Upon such written finding, court may structure a payment plan to ensure compliance with payment, or may impose at least 8 hours of community service if a structured payment plan would continue to impose a severe financial hardship.</p>	<p>Domestic and Sexual Violence Prevention and Victim Assistance Fund (c. 20, § 17)</p>

Type of Money Assessment	Description	Waivable?	Payable to?
PROBATION FEE & VICTIM SERVICES SURCHARGE c. 276, § 87A ¶¶2-9	\$65 per month (\$60 fee plus \$5 surcharge) MANDATORY from defendant on supervised probation, including all OUI probationers <ul style="list-style-type: none"> • Exception: nonsupport convictions under c. 273, § 1 or § 15 where support payments are a condition of probation. • Exception: shall not be assessed for first six months of probation after release from prison or house of correction 	May waive fee and/or surcharge if, after hearing, the court determines payment would impose a substantial financial hardship on the defendant, the defendant's immediate family or dependents. A waiver shall only be in effect during the period of time the person is unable to pay.	General Fund
ADMINISTRATIVE PROBATION FEE & VICTIM SERVICES SURCHARGE c. 276, § 87A ¶¶2-9	\$50 per month (\$45 fee plus \$5 surcharge) MANDATORY from defendant on administrative supervised probation <ul style="list-style-type: none"> • Exception: nonsupport convictions under c. 273, § 1 or § 15 where support payments are a condition of probation. • Exception: shall not be assessed for first six months of probation after release from prison or house of correction 	Upon a finding of hardship, the court may require community service, but for no more than 4 hours per month.	General Fund
COURT COSTS c. 280, § 6 Mass. R. Crim. P. 10(b) Mass. R. Crim. P. 6(d)(1)	<ul style="list-style-type: none"> • Defendant may be assessed the "reasonable and actual expenses of the prosecution" as a condition of dismissal, filing, or probation (c.280, §6). • Defendant or either counsel may be assessed any "unnecessary expenses" incurred by the adverse party as a condition of granting a continuance requested without sufficient notice (Mass.R.Crim.P. 10[b]). • Defendant may be assessed the "reasonable costs" resulting from a default that was "intentional or negligent and without good cause." c. 280, § 6; Mass.R.Crim.P. 6(d)(1). They must be "actual expenses resulting directly" from the default, and not merely nominal costs. <i>Commonwealth v. Gomes</i>, 407 Mass. 206 (1990). 		<ul style="list-style-type: none"> • Prosecutor's office that incurred expenses; • Otherwise General Fund (c. 29A, § 3). Party that incurred expenses Whoever incurred expenses
DEFAULT WARRANT FEE c. 276, §§ 30 ¶1, 31 & 32	\$50 fee MANDATORY: <ul style="list-style-type: none"> • when a default warrant is recalled, or • when a default warrant is issued solely for defendant's failure to pay required moneys. 	May be waived upon a finding of good cause or if would cause a substantial financial hardship to defendant, defendant's immediate family or dependents.	General Fund
DEFAULT WARRANT ARREST FEE c. 276, § 30 ¶2	\$75 fee MANDATORY from defendant who is arrested on a default warrant (i.e., a warrant issued because of a default on a recognizance or upon surrender by a probation officer)	May be waived for indigency or if would cause a substantial financial hardship to defendant, defendant's immediate family or dependents, whereupon defendant must perform 1 day of community service unless physically or mentally unable.	Municipality where defendant arrested

SPECIAL ASSESSMENTS FOR PARTICULAR OFFENSES

Type of Money Assessment	Description	Waivable?	Payable to?
OUI \$24D FEE c. 90, § 24D ¶¶9-10	\$250 fee MANDATORY when defendant is placed in a driver alcohol or drug abuse education program as part of c.90 §24D disposition for OUI.	May be reduced, paid over time or waived if would cause a substantial financial hardship to defendant, defendant's immediate family or dependents	General Fund, earmarked for OUI programs
OUI VICTIMS ASSESSMENT c. 90, § 24(1)(a)(1) ¶3	\$50 assessment MANDATORY upon conviction, CWOFF, probation, admission to sufficient facts or guilty plea for: <ul style="list-style-type: none"> • c. 90, § 24 OUI • c. 90, § 24G Vehicular Homicide involving OUI • c. 90, § 24L OUI with Serious Injury. 	<ul style="list-style-type: none"> • Must be imposed "in addition to, and not in lieu of, any other fee imposed by the court" • "[S]hall not be subject to waiver by the court for any reason" 	Victims of Drunk Driving Trust Fund (c. 10 § 66)
HEAD INJURY ASSESSMENT FOR OUI OR OPER NEGL c. 90, § 24(1)(a)(1) ¶2 or § 24(2)(a) ¶2 or c. 90B, § 8(a)(4) ¶ 10	\$250 assessment MANDATORY upon conviction, CWOFF, probation, admission to sufficient facts or guilty plea for: <ul style="list-style-type: none"> • c.90, § 24(1) OUI/.08% • c.90, § 24(2) Operating Negligently • c.90B, § 8(a) OUI-Boat 	"[S]hall not be subject to reduction or waiver by the court for any reason"	<ul style="list-style-type: none"> • OUI-Boat: \$150 to Head Injury Treat. Servs. Trust Fund (c. 10, § 59) & \$100 to Gen. Fund. • OUI/.08%: \$187.50 to Trust Fund & \$62.50 to Gen. Fund • Oper. Negl: \$250 to Trust Fund
BATTERERS INTERVENTION PROGRAM ASSESSMENT c. 209A, § 10	\$350 assessment MANDATORY when defendant is referred to a certified batterers intervention program as a condition of probation (in addition to cost of program, and any other fines, assessments or restitution imposed).	May be reduced or waived if indigent or if payment would cause a substantial financial hardship to defendant, defendant's immediate family or dependents	General Fund
DRUG ANALYSIS FEE c. 280, § 6B	\$150-\$500 fee MANDATORY upon conviction or finding of sufficient facts of these felonies: <ul style="list-style-type: none"> • c. 94C, § 32 Distribute Class A Drug • c. 94C, § 32A Distribute Class B Drug • c. 94C, § 32B Distribute Class C Drug • c. 94C, § 34 Possess Heroin, 2d offense. \$35-\$100 fee MANDATORY upon conviction or finding of sufficient facts of these misdemeanors: <ul style="list-style-type: none"> • c. 94C, § 32C Distribute Class D Drug • c. 94C, § 32D Distribute Class E Drug • c. 94C, § 32G Distribute Counterfeit Drug • c. 94C, § 35 Being Present Where Heroin Kept. Maximum cumulative assessment is \$500.	May be reduced or waived if would cause a substantial financial hardship to defendant, defendant's immediate family or dependents	Drug Analysis Fund (c. 280, § 6C)
GPS FEE c. 265, § 47	\$5.95/day fee MANDATORY from probationer who must wear GPS device as mandatory probation condition for <ul style="list-style-type: none"> • any sexual offense that requires sex offender registration. 	May be waived if court finds such fees would cause a substantial financial hardship to defendant, defendant's immediate family or dependents.	General Fund
HATE CRIMES SURFINE c. 265, § 39(b)	\$100 surfine MANDATORY on any fine imposed for the following crimes under c265 §39: <ul style="list-style-type: none"> • Assault to Intimidate • A&B to Intimidate • A&B to Intimidate, with Bodily Injury • Property Damage to Intimidate. For multiple offenses, surfine applies to each.		General Fund since Diversity Awareness Education Trust Fund (c. 10, § 35Q) was repealed by St. 2003, c. 26, § 38.

Type of Money Assessment	Description	Waivable?	Payable to?
<p>SPEEDING HEAD INJURY SURFINE c. 90, § 20 ¶4</p>	<p>\$50 surfine MANDATORY on any civil assessment imposed on a CMVI for:</p> <ul style="list-style-type: none"> • c. 90, § 17 Speeding • c. 90, § 17 Speeding in Constr Zone • c. 90, § 17 Speeding While Overweight • c. 90, § 18 Speeding in Viol of Special Regul except if CMVI accompanying a criminal charge is filed without assessment under c. 90C, § 3(C)(3). 		<p>Head Injury Treatment Services Trust Fund (c. 10, § 59)</p>
<p>PUBLIC SAFETY TRAINING SURFINE c. 89, § 12 c. 90, § 20 ¶7</p>	<p>\$5 surfine MANDATORY on any fine imposed for conviction of motor vehicle violation under c. 89 or c. 90, and on any civil assessment imposed on a CMVI under c. 89 or c. 90, except if CMVI accompanying a criminal charge is filed without assessment under c. 90C, § 3(C)(3).</p>		<p>Public Safety Training Fund</p>
<p>209A VIOLATION ADDITIONAL FINE c. 209A § 7 ¶5</p>	<p>\$25 additional fine MANDATORY on any conviction for:</p> <ul style="list-style-type: none"> • c. 209A, § 7 Violation of Restraining Order in addition to other authorized penalties, including an optional fine of not more than \$5000. 		<p>General Fund</p>



Statutes Requiring Mandatory Money Assessments in Criminal Cases

209A VIOLATION ADDITIONAL FINE

G.L. c. 209A § 7, ¶5: Any violation of such order or a protection order issued by another jurisdiction shall be punishable by a fine of not more than five thousand dollars, or by imprisonment for not more than two and one-half years in a house of correction, or by both such fine and imprisonment. In addition to, but not in lieu of, the forgoing penalties and any other sentence, fee or assessment, including the victim witness assessment in section 8 of chapter 258B, the court shall order persons convicted of a crime under this statute to pay a fine of \$25 that shall be transmitted to the treasurer for deposit into the General Fund

BATTERERS INTERVENTION PROGRAM ASSESSMENT

G.L. c. 209A, § 10: The court shall impose an assessment of three hundred and fifty dollars against any person who has been referred to a certified batterers' treatment program as a condition of probation. Said assessment shall be in addition to the cost of the treatment program. In the discretion of the court, said assessment may be reduced or waived when the court finds that the person is indigent or that payment of the assessment would cause substantial financial hardship to the person or the person's immediate family or the person's dependents. Assessments made pursuant to this section shall be in addition to any other fines, assessments, or restitution imposed in any disposition. All funds collected by the court pursuant to this section shall be transmitted monthly to the state treasurer, who shall deposit said funds in the General Fund.

CIVIL MOTOR VEHICLE ASSESSMENT

G.L. c. 90C, § 3(C): If a violator is cited for a civil motor vehicle infraction in conjunction with and arising from the same occurrence as an automobile law violation that constitutes a criminal offense, . . . (3) If the violator has been found guilty of, and is simultaneously being sentenced on, the criminal automobile law violation, the justice may order filed without imposition of an assessment any associated civil motor vehicle infraction as to which the violator admits responsibility or has been found responsible. In all other cases, if the violator admits responsibility or has been found responsible for the civil motor vehicle infraction, the justice shall require the violator to pay a civil assessment in accordance with subsection (A)

COSTS

G.L. c. 280, § 6: Costs shall not be imposed by a justice as a penalty for a crime. A justice may, as a condition of the dismissal or placing on file of a complaint or indictment, or as a term of probation, order the defendant to pay the reasonable and actual expenses of the prosecution. A justice may impose reasonable costs as a result of a default by a criminal defendant that was intentional or negligent and without good cause.

G.L. c. 278, § 14: No prisoner or person under recognizance, acquitted by verdict or discharged because no indictment has been found against him, or for want of prosecution, shall be liable for any costs or fees or for any charge for subsistence while he was in custody.

Mass. R. Crim. P. 6(d)(1): A judge may order that expenses incurred as a result of the entry of a default against a defendant are to be assessed as costs against the defendant.

Mass. R. Crim. P. 10(d): When a continuance is granted upon the motion of either the Commonwealth or the defendant without adequate notice to the adverse party, causing the adverse party to incur unnecessary expenses, a judge may in his discretion assess those expenses as costs against the party or counsel requesting the continuance.

COUNSEL CONTRIBUTION

G.L. c. 211D, § 2: The committee for public counsel shall establish a definition of "indigency" for the purposes of this chapter and uniform standards and procedures for the determination by the courts of the commonwealth that (1) a person is indigent and is unable to obtain counsel or (2) said indigent person has the ability to pay a reduced fee for the appointment of counsel Payment of any reduced fee by an indigent person for the appointment of counsel shall be made to the probation department of the appointing court, and shall be forwarded to the state treasurer who shall deposit such in the general fund.

S.J.C. Rule 3:10(10) [Contribution toward Cost of Counsel]:

(a) While determined to be indigent, a party may not be ordered, required, or solicited to make any payment toward the cost of counsel, except for an order entered pursuant to G.L.c 211D, § 2A. The indigent counsel fee shall be waived where a judge, after the indigency verification process, determines that the party is unable without substantial financial hardship to pay the indigent counsel fee within 180 days. Where the indigent counsel fee is not waived, the judge may authorize the party to perform community service in lieu of payment of the indigent counsel fee in accordance with G. L. c. 211D, § 2A(g) . The clerk shall enter the judge's determination on the court docket.

(b) If a judge determines that a party is indigent but able to contribute, the judge shall order the party to pay the indigent counsel fee plus a contribution fee based on the financial circumstances of the party, provided that the amount of the contribution fee shall not cause substantial financial hardship. The party shall be given an opportunity to be heard and to present information, including witness affidavits or testimony, regarding whether the contribution fee would cause substantial financial hardship.

**COUNSEL
CONTRIBUTION
(continued)**

(c) If a party over the age of eighteen is determined to be indigent but able to contribute under Section 1(h)(iii) because the party is claimed as a dependent for tax purposes by a parent or guardian who is not indigent, the contribution fee shall be based on the financial circumstances of the parent or guardian. The parent or guardian shall be solely responsible for paying any contribution fee assessed under this subsection.

COUNSEL FEE

G.L. c. 211D, § 2A: (f) Except for a person under 18 years of age, a person provided counsel under this chapter shall be assessed a counsel fee of \$150, which the court may waive only upon a determination from officer's data verification process that the person is unable to pay such \$150 within 180 days. If, upon the biannual reassessment of the person's indigency, the court concludes that the person is able to pay the \$150 counsel fee of which the person obtained a waiver, the court shall revoke the waiver and reimpose the \$150 counsel fee. The fee shall be in addition to any reduced fee required pursuant to section 2.

(g) The court may authorize a person for whom counsel was appointed to perform community service in lieu of payment of the counsel fee. A person seeking to work off a counsel fee in community service shall perform 10 hours of community service, in a community service program administered by the administrative office of the trial court, for each \$100 owed in legal counsel fees, which may be prorated. Notwithstanding any general or special law to the contrary, a court proceeding shall not be terminated and the person shall not be discharged if the person owes any portion of the legal counsel fee imposed by this section. The clerk shall not release any bail posted on such court proceeding until the legal counsel fee is satisfied in accordance with this chapter.

(h) The clerk of the court shall, within 60 days of appointment of counsel, report to the department of revenue, the department of transitional assistance and the registry of motor vehicles the amount of any legal counsel fee owed by the person for whom counsel was appointed under this chapter. The department of revenue shall intercept payment of such fee from tax refunds due to persons who owe all or a portion of such fee. The registry of motor vehicles shall not issue or renew a person's driver's license or motor vehicle registration for any vehicle subsequently purchased by such person until it receives notification from the clerk of the court that the fee has been collected or worked off in community service.

**DEFAULT WARRANT
FEE**

G.L. c. 276, § 30 ¶ 1: Notwithstanding any law, rule or regulation to the contrary, whenever a default warrant, issued in any jurisdiction in the commonwealth against any person, is recalled by a court, the court shall assess a fee of fifty dollars against the person in payment of the costs of recalling the warrant, except that the court may waive the fee upon a finding of good cause or upon a finding that such a fee would cause a substantial financial hardship to the person, the person's immediate family or the person's dependents.

G.L. c. 276, § 31: Whenever a court issues a default warrant solely due to the person's failure to pay a fine, assessment, court cost, restitution, support payment or other amount as ordered by the court or required by law, the court shall specify the amount owed, including an additional assessment of \$50 which assessment may be waived by the court upon a finding of good cause or upon a finding that such an assessment would cause a substantial financial hardship to the person, the person's immediate family or the person's dependents, with a statement that the warrant against the person may be discharged upon payment of the amount and the assessment, if any, and shall note the same in the warrant management system

G.L. c. 276, § 32: Whenever a person, brought before a court, against whom an outstanding warrant was issued, solely due to the failure of the person brought before the court to pay a fine assessment, court cost, restitution, support payment, or other amount, the court may accept payment of such amount and assess an additional fifty dollars which assessment may be waived by the court upon a finding of good cause and if the person is not being held on other process, the court may direct that the person be released from custody and shall notify the jurisdiction in which the warrant was issued of the payment and the assessment, if any. Upon notice of the release the court that issued the warrant shall recall the warrant and cause such information to be entered in the warrant management system.

**DEFAULT WARRANT
ARREST FEE**

G.L. c. 276, § 30 ¶ 2: Any person arrested on a warrant issued because such person has forfeited or defaulted on his bail bond or recognizance or has been surrendered by a probation officer shall be required by the court to pay a fee of \$75 payable to the city or town in which such arrest was effected, unless the judge finds that such person is indigent or that such fee would cause a substantial financial hardship to the person, the person's immediate family or the person's dependents.

**DRUG ANALYSIS
FEE**

G.L. c. 280, § 6B: The court shall impose an assessment of not less than thirty-five dollars nor more than one hundred dollars against any person who has attained the age of seventeen years and who is convicted of a misdemeanor or against whom a finding of sufficient facts for a conviction is made on a complaint charging a misdemeanor under sections thirty-two C [Distribute Class D Drug], thirty-two D [Distribute Class E Drug], and thirty-two G [Distribute Counterfeit Drug] and thirty-five [Being Present Where Heroin Kept] of chapter ninety-four C. The court shall impose an assessment of not less than one hundred and fifty dollars nor more than five hundred dollars against any person who is convicted of a felony or against whom a finding of sufficient facts for a conviction is made on a complaint charging a felony under sections thirty-two [Distribute Class A Drug], thirty-two A [Distribute Class B Drug], thirty-two B [Distribute Class C Drug], thirty-two E, thirty-two F [*there are no felonies under §§ 32E and 32F*], and thirty-four [Possession of Heroin, second offense] of chapter ninety-four C. When multiple criminal offenses arising from a single incident are charged, the total assessment shall not exceed five hundred dollars. The court or justice may waive all or any part of said assessment upon a finding that such payment would cause a substantial financial hardship to the person, the person's immediate family or the person's dependents.

All such assessments made shall be collected by the court and shall be transmitted monthly to the state treasurer Assessments pursuant to this section shall be in addition to any other fines or restitution imposed in any disposition.

GPS FEE

G.L. c. 265, § 47: Any person who is placed on probation for any offense listed within the definition of "sex offense", a "sex offense involving a child" or a "sexually violent offense", as defined in section 178C of chapter 6, shall, as a requirement of any term of probation, wear a global positioning system device, or any comparable device, administered by the commissioner of probation, at all times for the length of his probation for any such offense. The commissioner of probation, in addition to any other conditions, shall establish defined geographic exclusion zones including, but not limited to, the areas in and around the victim's residence, place of employment and school and other areas defined to minimize the probationer's contact with children, if applicable. If the probationer enters an excluded zone, as defined by the terms of his probation, the probationer's location data shall be immediately transmitted to the police department in the municipality wherein the violation occurred and the commissioner of probation, by telephone, electronic beeper, paging device or other appropriate means. If the commissioner or the probationer's probation officer has probable cause to believe that the probationer has violated this term of his probation, the commissioner or the probationer's probation officer shall arrest the probationer pursuant to section 3 of chapter 279. Otherwise, the commissioner shall cause a notice of surrender to be issued to such probationer.

The fees incurred by installing, maintaining and operating the global positioning system device, or comparable device, shall be paid by the probationer. If the court finds that such fees would cause a substantial financial hardship to the person, the person's immediate family or the person's dependents, the court may waive such fees.

**HATE CRIMES
SURFINE**

G.L. c. 265, § 39(b) ¶ 2: There shall be a surcharge of one hundred dollars on a fine assessed against a defendant convicted of a violation of this section [Assault or A&B to intimidate because of race, color, religion, national origin, sexual orientation or disability] . . . and deposited in the Diversity Awareness Education Trust Fund [*this fund was repealed by St. 2003, c.26, § 38*] In the case of convictions for multiple offenses, said surcharge shall be assessed for each such conviction.

**HEAD INJURY
ASSESSMENT FOR
OUI OR OPERATING
NEGLIGENTLY**

G.L. c. 90, § 24(1)(a)(1) ¶2: There shall be an assessment of \$250 against a person who is convicted of, is placed on probation for, or is granted a continuance without a finding for or otherwise pleads guilty to or admits to a finding of sufficient facts of operating a motor vehicle while under the influence of intoxicating liquor, marijuana, narcotic drugs, depressants or stimulant substances under this section; provided, however, that but [sic] \$150 [\$187.50 per St. 2012, c.139, § 97 (eff. 7/1/13)] of the amount collected under this assessment shall be deposited by the court with the state treasurer for [sic] who shall deposit it into the Head Injury Treatment Services Trust Fund, and the remaining amount of the assessment shall be credited to the General Fund. The assessment shall not be subject to reduction or waiver by the court for any reason.

G.L. c. 90, § 24(2)(a) ¶ 2: There shall be an assessment of \$250 against a person who, by a court of the commonwealth, is convicted of, is placed on probation for or is granted a continuance without a finding for or otherwise pleads guilty to or admits to a finding of sufficient facts of operating a motor vehicle negligently so that the lives or safety of the public might be endangered under this section, but \$150 [\$187.50 per St. 2012, c. 139, § 97 (eff. 7/1/13); \$250 per St. 2013, c. 38, § 80 (eff. 3/1/14)] of the \$250 collected under this assessment shall be deposited monthly by the court with the state treasurer, who shall deposit it in the Head Injury Treatment Services Trust Fund, and the remaining amount of the assessment shall be credited to the General Fund. The assessment shall not be subject to reduction or waiver by the court for any reason.

**HEAD INJURY
ASSESSMENT FOR
OUI OR OPERATING
NEGLIGENTLY
(continued)**

G.L. c. 90B, § 8(a)(4)(b) ¶ 9: There shall be an assessment of \$250 against a person who is convicted of, placed on probation for, or otherwise pleads guilty to or admits to a finding of sufficient facts of operating a vessel while under the influence of intoxicating liquor or marijuana, narcotic drugs, depressant or stimulant substances or from smelling or inhaling the fumes of any substance having the property of releasing toxic vapors as defined in section 18 of chapter 270; provided, however, that \$150 of the \$250 collected under this assessment shall be deposited by the court with the state treasurer into the Head Injury Treatment Services Trust Fund, established by [G.L. c. 10, § 59], and the remaining amount of the assessment shall be credited to the General Fund. The assessment shall not be subject to reduction or waiver by the court for any reason.

G.L. c. 90B, § 34 ¶ 2: There shall be an assessment of \$250 against a person who is convicted of, placed on probation for, or granted a continuance without a finding for or otherwise pleads guilty to or admits to a finding of sufficient facts of operating a snow vehicle or recreation vehicle while under the influence of intoxicating liquor or narcotic drugs in violation of section 26; provided, however, that \$150 of the \$250 collected under this assessment shall be deposited by the court with the state treasurer into the Head Injury Treatment Services Trust Fund, established by section 59 of chapter 10, and the remaining amount of the assessment shall be credited to the General Fund. The assessment shall not be subject to reduction or waiver by the court for any reason.

OUI § 24D FEE

G.L. c. 90, § 24D ¶¶ 9-10: An additional fee of two hundred and fifty dollars shall be paid to the chief probation officer of each court by each person placed in a program of driver alcohol or controlled substance abuse education pursuant to this section and all such fees shall be deposited with the state treasurer, subject to appropriation, for the support of programs operated by the secretary of public safety, the alcohol beverage control commission, and the department of public health for the investigation, enforcement, treatment and rehabilitation of those persons convicted of or charged with driving under the influence of intoxicating liquor or drugs.

No such fee shall be collected from any person who, after the filing of an affidavit of indigency or inability to pay with the court within ten days of disposition and investigation by the probation officer confirming such indigency or establishing that the payment of such fee would cause a substantial financial hardship to the individual, the individual's immediate family or the individual's dependents, is determined by the court to be indigent, provided that the court enters a written finding thereof. In lieu of waiver of the entire amount of said fee, the court may direct such individual to make partial or installment payments of such fee when appropriate. Failure to pay the fees required under this section shall, unless excused, constitute sufficient basis for a finding by the court at a hearing held pursuant to section twenty-four E that the person has failed to satisfactorily comply with the program.

**OUI VICTIMS
ASSESSMENT**

G.L. c. 90, § 24(1)(a)(1) ¶ 3: There shall be an assessment of \$50 against a person who is convicted, placed on probation or granted a continuance without a finding or who otherwise pleads guilty to or admits to a finding of sufficient facts for operating a motor vehicle while under the influence of intoxicating liquor or under the influence of marijuana, narcotic drugs, depressants or stimulant substances, all as defined by section 1 of chapter 94C, pursuant to this section or section 24D or 24E or subsection (a) or (b) of section 24G [Vehicular Homicide] or section 24L [OUI with Serious Injury]. The assessment shall not be subject to waiver by the court for any reason. If a person against whom a fine is assessed is sentenced to a correctional facility and the assessment has not been paid, the court shall note the assessment on the mittimus. The monies collected pursuant to the fees established by this paragraph shall be transmitted monthly by the courts to the state treasurer who shall then deposit, invest and transfer the monies, from time to time, into the Victims of Drunk Driving Trust Fund . . . Fees paid by an individual into the Victims of Drunk Driving Trust Fund pursuant to this section shall be in addition to, and not in lieu of, any other fee imposed by the court pursuant to this chapter or any other chapter . . .

**PROBATION FEE &
ADMINISTRATIVE
PROBATION FEE**

G.L. c. 276, § 87A ¶¶ 2-5: The court shall assess upon every person placed on supervised probation, including all persons placed on probation for offenses under section 24 of chapter 90, a monthly probation supervision fee, hereinafter referred to as "probation fee", in the amount of \$60 per month. Said person shall pay said probation fee once each month during such time as said person remains on supervised probation. The court shall assess upon every person placed on administrative supervised probation a monthly administrative probation supervision fee, hereinafter referred to as "administrative probation fee", in the amount of \$45 per month. Said person shall pay said administrative probation fee once each month during such time as said person remains on administrative supervised probation. Notwithstanding the foregoing, said fees shall not be assessed upon any person accused or convicted of a violation of section 1 or 15 of chapter 273, where compliance with an order of support for a spouse or minor child is a condition of probation.

The court shall not assess said monthly probation fee or said administrative probation fee upon any person placed on supervised probation or administrative supervised probation after release from prison or a house of correction for said person's first 6 months of such probation. Either or both of said fees shall be assessed after the first 6 months of such probation unless otherwise waived by the court pursuant to this section.

**PROBATION FEE &
ADMINISTRATIVE
PROBATION FEE
(continued)**

The court may waive payment of either or both of said fees if it determines after a hearing that such payment would impose a substantial financial hardship on the person, the person's immediate family or dependents. Following the hearing and upon a finding of hardship, the court may require any such person to perform unpaid community service work at a public or nonprofit agency or facility, monitored by the probation department, for not more than 4 hours per month in lieu of payment of a probation fee. A waiver shall be in effect only during the period of time that a person is unable to pay the monthly probation fee.

The court may waive payment of either or both of said fees in whole or in part if said person is assessed payment of restitution. In such cases, said fees may be waived only to the extent and during the period that restitution is paid in an amount equivalent to said fee.

Said probation fee shall be collected by the several probation offices of the trial court and transmitted to the state treasurer for deposit into the General Fund

**PROBATION VICTIM
SERVICES
SURCHARGE**

G.L. c. 276, § 87A ¶¶ 6-9: The court shall also assess upon every person placed on supervised probation, including all persons placed on probation for offenses under section 24 of chapter 90, a monthly probationers' victim services surcharge, hereinafter referred to as "victim services surcharge", in the amount of \$5 per month. Said person shall pay said victim services surcharge once each month during such time as said person remains on supervised probation. The court shall assess upon every person placed on administrative supervised probation a monthly administrative probationer's victim services surcharge, hereinafter referred to as "administrative victim services surcharge" in the amount of \$5 per month.

Said person shall pay said administrative victim services surcharge once each month during such time as said person remains on administrative supervised probation. Notwithstanding the foregoing, said fees shall not be assessed upon any person accused or convicted of a violation of section 1 or 15 of chapter 273, where compliance with an order of support for a spouse or minor child is a condition of probation.

The court may waive payment of either or both of said fees if it has determined, after a hearing, that the payment would impose a substantial financial hardship on the person, the person's immediate family or dependents. A waiver shall be in effect only during the period of time that the person is unable to pay the monthly probation fee.

Said probation fee shall be collected by the several probation offices of the trial court and shall be transmitted to the state treasurer for deposit into the General Fund of the commonwealth

**MANDATORY
RESTITUTION**

G.L. c. 160, § 225 [Malicious Injury to Railroad]: Whoever maliciously injures a railroad, or anything pertaining thereto, or any materials or implements for the construction or use thereof, or aids or abets in such trespass, shall be punished by a fine of not more than five thousand dollars or by imprisonment in jail for not more than one year, or both, and shall for each offense forfeit to the use of the corporation treble the amount of damages which it has sustained thereby.

G.L. c. 175H, § 7 [False Health Care Claim; Health Care Kickback]: Any person convicted of a violation of sections two or three, in addition to any fines or sentences imposed, including any order of probation, shall be ordered to make restitution to a health care corporation or health care insurer for the full amount of the benefit or payment made, and for reasonable attorneys fees and costs, inclusive of costs of investigation.

G.L. c. 266, § 27A ¶¶ 2-4 [Concealing Motor Vehicle to Defraud]: The court shall, after conviction, conduct an evidentiary hearing to ascertain the extent of the damages or financial loss suffered as a result of the defendant's crime. A person found guilty of violating this section shall, in all cases, upon conviction, in addition to any other punishment, be ordered to make restitution to the insurer for any financial loss sustained as a result of the commission of the crime; provided, however, that restitution shall not be ordered to a party whom the court determines to be aggrieved without that party's consent. Restitution shall be imposed in addition to incarceration or fine, and not in lieu thereof. . . .

In determining the amount, time and method of payment of restitution, the court shall consider the financial resources of the defendant and the burden restitution will impose on the defendant. Upon a real or impending change in financial circumstances, a defendant ordered to pay restitution may petition the court for a modification of the amount, time or method of payment of restitution. If the court finds that because of any such change the payment of restitution will cause a substantial financial hardship to the individual, the individual's immediate family or the individual's dependents, the court may grant remission from any payment of restitution or modify the amount, time or method of payment.

If a defendant who is required to make restitution defaults in any payment of restitution or installment thereof, the court shall hold him in contempt unless said defendant has made a good faith effort to pay such restitution. If said defendant has made a good faith effort to pay such restitution, the court may modify the amount, time or method of payment, but may not grant complete remission from payment of restitution.

**MANDATORY
RESTITUTION
(continued)**

G.L. c. 266, § 29 ¶¶ 3-5 [Larceny of MV, Malicious Damage to MV, and Receiving Stolen MV]: The court shall, after a defendant is convicted of a violation of subsection (a) of section twenty-eight, conduct an evidentiary hearing to ascertain the extent of the damages or financial loss suffered as a result of the defendant's crime. A person found guilty of violating subsection (a) of section twenty-eight shall in all cases, upon conviction, in addition to any other punishment, be ordered to make restitution to the insurer for any financial loss sustained as a result of the commission of the crime; provided, however, that restitution shall not be ordered to a party whom the court determines to be aggrieved without that party's consent. Restitution shall be imposed in addition to incarceration or fine, and not in lieu thereof

In determining the amount, time and method of payment of restitution, the court shall consider the financial resources of the defendant and the burden restitution will impose on the defendant. Upon a real or impending change in financial circumstances, a defendant ordered to pay restitution may petition the court for a modification of the amount, time or method of payment of restitution. If the court finds that because of any such change the payment of restitution will cause a substantial financial hardship to the individual, the individual's immediate family or the individual's dependents, the court may grant remission from any payment of restitution or modify the amount, time or method of payment.

If a defendant who is required to make restitution defaults in any payment of restitution or installment thereof, the court shall hold him in contempt unless said defendant has made a good faith effort to pay such restitution. If said defendant has made a good faith effort to pay such restitution, the court may modify the amount, time or method of payment, but may not grant complete remission from payment of restitution.

G.L. c. 266, § 37E(d) [Identity Fraud]: A person found guilty of violating any provisions of this section shall, in addition to any other punishment, be ordered to make restitution for financial loss sustained by a victim as a result of such violation. Financial loss may include any costs incurred by such victim in correcting the credit history of such victim or any costs incurred in connection with any civil or administrative proceeding to satisfy any debt or other obligation of such victim, including lost wages and attorney's fees.

G.L. c. 266, § 87 [Concealing Leased Personality]: A person found guilty of violating this section shall, in all cases upon conviction in addition to any other punishment, be ordered to make restitution to the owner for any financial loss.

G.L. c. 266 § 94 [Vandalizing Building, Sign, Light]: Any person convicted under the provisions of this section shall, in addition to any imprisonment or fine, make restitution.

G.L. c. 266, §§ 95-97 [Vandalizing Historical Monuments or Markers, or State or County Buildings]: Any person convicted under the provisions of this section shall, in addition to any fine assessed, reimburse the [commonwealth or county] for the total amount of damage incurred.

G.L. c. 266, § 99A [Larceny of Library Materials]: Whoever willfully conceals on his person or among his belongings any library materials or property and removes said library materials or property, . . . if the value of the property stolen does not exceed two hundred and fifty dollars, shall be . . . ordered to pay the replacement value of such library materials or property, including all reasonable processing costs, as determined by the governing board of said library.

Any person who has properly charged out any library materials or property, and who, upon neglect to return the same within the time required and specified in the by-laws, rules or regulations of the library owning the property, after receiving notice from the librarian or other proper custodian of the property that the same is overdue, shall willfully fail to return the same within thirty days from the date of such notice . . . shall pay the replacement value of such library materials or property, including all reasonable processing costs, as determined by said governing board

G.L. c. 266, § 100 [Vandalizing Library Materials]: Whoever willfully, maliciously or wantonly writes upon, injures, defaces, tears, cuts, mutilates or destroys any library material or property, shall make restitution in full replacement value of the library materials or property

G.L. c. 266, § 102A¹/₂ [Hoax Explosive]: The court shall, after a conviction, conduct a hearing to ascertain the extent of costs incurred, damages and financial loss suffered by local, county or state public safety agencies and the amount of property damage caused as a result of the violation of this section. A person found guilty of violating this section shall, in all cases, upon conviction, in addition to any other punishment, be ordered to make restitution to the local, county or state government for any costs incurred, damages and financial loss sustained as a result of the commission of the offense. Restitution shall be imposed in addition to incarceration or fine; however, the court shall consider the defendant's present and future ability to pay in its determinations regarding a fine. In determining the amount, time and method of payment of restitution, the court shall consider the financial resources of the defendant and the burden restitution will impose on the defendant.

**MANDATORY
RESTITUTION
(continued)**

G.L. c. 266, § 108 [Destroying Boat]: A person found guilty of violating this section shall, in addition to any other punishment, be ordered to make restitution to the insurer or owner for any financial loss sustained as a result of the commission of the crime except as hereinafter provided. Restitution shall be imposed in addition to incarceration or fine. If the defendant is indigent or if the court finds that ordering such restitution would cause a substantial financial hardship to the defendant or the defendant's immediate family or the defendant's dependents, the court may determine that the interests of the victim and of justice would not be served by ordering such restitution.

The court shall, after conviction, conduct an evidentiary hearing to ascertain the extent of the damages or financial loss suffered as a result of the defendant's crime and may then determine the amount and method of restitution. In so determining, the court shall consider the financial resources of the defendant and the burden restitution will impose on the defendant. The defendant's present and future ability to make such restitution shall be considered.

A defendant ordered to make restitution may petition the court for remission from any payment of restitution or from any unpaid portion thereof. If the court finds that the payment of restitution due will impose a substantial financial hardship on the defendant or the defendant's immediate family or the defendant's dependents, the court may grant remission from any payment of restitution or modify the time and method of payment.

G.L. c. 266, § 111B [False MV Insurance Claim]: The court shall, after conviction, conduct an evidentiary hearing to ascertain the extent of the damages or financial loss suffered as a result of the defendant's crime. A person found guilty of violating this section shall, in all cases, upon conviction, in addition to any other punishment, be ordered to make restitution to the insurer for any financial loss sustained as a result of the commission of the crime; provided, however, that restitution shall not be ordered to a party whom the court determines to be aggrieved without that party's consent. Restitution shall be imposed in addition to incarceration or fine, and not in lieu thereof

In determining the amount, time and method of payment of restitution, the court shall consider the financial resources of the defendant and the burden restitution will impose on the defendant. Upon a real or impending change in financial circumstances, a defendant ordered to pay restitution may petition the court for a modification of the amount, time or method of payment of restitution. If the court finds that because of any such change the payment of restitution will cause a substantial financial hardship on the defendant or the defendant's immediate family or the defendant's dependents, the court may grant remission from any payment of restitution or modify the amount, time or method of payment.

If a defendant who is required to make restitution defaults in any payment of restitution or installment thereof, the court shall hold him in contempt unless said defendant has made a good faith effort to pay such restitution. If said defendant has made a good faith effort to pay such restitution, the court may modify the amount, time or method of payment, but may not grant complete remission from payment of restitution.

G.L. c. 266, § 126A [Vandalizing Property]: Whoever intentionally, willfully and maliciously or wantonly, paints, marks, scratches, etches or otherwise marks, injures, mars, defaces or destroys the real or personal property of another including but not limited to a wall, fence, building, sign, rock, monument, gravestone or tablet, . . . shall also be required to pay for the removal or obliteration of such painting, marking, scratching or etching, or to remove or obliterate such painting, marking, scratching or etching

G.L. c. 266, § 126B [Tagging Property]: Whoever sprays or applies paint or places a sticker upon a building, wall, fence, sign, tablet, gravestone, monument or other object or thing on a public way or adjoined to it, or in public view, or on private property, such person known or commonly known as "taggers" and such conduct or activity known or commonly known as "tagging", or other words or phrases associated to such persons, conduct or activity, and either as an individual or in a group, joins together with said group, with the intent to deface, mar, damage, mark or destroy such property, . . . shall also be required to pay for the removal or obliteration of such "tagging" or to obliterate such "tagging"

G.L. c. 269, § 14(d) [Bomb/Hijack Threat]: The court shall, after conviction, conduct a hearing to ascertain the extent of costs incurred, damages and financial loss suffered by an individual, public or private entity and the amount of property damage caused as a result of the defendant's crime. A person found guilty of violating this section shall, in all cases, in addition to any other punishment, be ordered to make restitution to the individual, public or private entity for any costs incurred, damages and financial loss sustained as a result of the commission of the crime. Restitution shall be imposed in addition to incarceration or fine, and not in lieu thereof, however, the court shall consider the defendant's present and future ability to pay in its determinations regarding a fine. In determining the amount, time and method of payment of restitution, the court shall consider the financial resources of the defendant and the burden restitution will impose on the defendant.

**MANDATORY
RESTITUTION
(continued)**

G.L. c. 269, § 14B(b) [False/Silent 911 Call]: Upon any conviction under this section, the court shall conduct a hearing to ascertain the extent of costs incurred, and damages and financial loss sustained by any emergency response services provider as a result of the violation and shall order the defendant to make restitution to the emergency response services provider or providers for any such costs, damages or loss. The court shall consider the defendant's present and future ability to pay restitution in its determinations relative to the imposition of a fine. In determining the amount, time and method of payment of restitution, the court shall consider the defendant's employment status, earning ability, financial resources, living expenses, dependents and any special circumstances that may have bearing on their ability to pay. The court may waive restitution or modify the amount, time or method of payment if such restitution payment would cause a substantial financial hardship to the defendant or the defendant's immediate family or the defendant's dependents.

G.L. c. 276, § 92A [Larceny of Construction Tools; Larceny of MV; Malicious Damage to MV; Receiving Stolen MV; False MV Insurance Claim; Altered VIN]: A person found guilty of violating the provisions of sections twenty-seven, twenty-eight, one hundred and eleven B and one hundred and thirty-nine of chapter two hundred and sixty-six shall, in all cases, upon conviction, in addition to any other punishment, be ordered to make restitution to any person whom the court deems appropriate for any financial loss sustained by the victim of his crime, his dependents or an insurer as a result of the commission of the crime. The term "financial loss" shall be interpreted to include but shall not be limited to, loss of earnings, out-of-pocket expenses, and replacement costs. Losses due to pain and suffering are not financial loss. Restitution shall be interpreted to include monetary reimbursement, work or service, or a combination thereof, provided to any person, organization, corporation, or governmental entity, the court determines, has suffered said damage or financial loss, or to perform such work or service for any other person, organization, corporation or governmental entity as the court may determine. Restitution shall be imposed in addition to incarceration or fine, but not in lieu thereof. In an extraordinary case such as indigency, the court may determine that the interests of the victim and justice would not be served by ordering restitution. In such a case, the court shall make and enter specific written findings on the record concerning the extraordinary circumstances presented which militated against the imposition of restitution.

The court shall, after conviction, conduct an evidentiary hearing to ascertain the extent of the damages or financial loss suffered as a result of the defendant's crime. The court may then determine the amount and method of restitution. In so determining, the court shall consider the financial resources of the defendant and the burden restitution will impose on the defendant. The defendant's present and future ability to make such restitution shall be considered.

A defendant ordered to make restitution may petition the court for remission from any payment of restitution or from any unpaid portion thereof. If the court finds that the payment of restitution due will cause a substantial financial hardship to the defendant, the defendant's immediate family or the defendant's dependents, the court may grant remission from any payment of restitution, or modify the amount, time or method of payment.

If a defendant who is required to make restitution defaults in any payment of restitution or installment thereof, the court may hold him in contempt unless said defendant has made a good faith effort to make restitution. If the defendant has made a good faith effort to make restitution, the court may, upon motion of the defendant, modify the order requiring restitution by: (a) providing for additional time to make any payment in restitution; (b) reducing the amount of any payment in restitution or installment thereof; (c) granting a remission from any payment of restitution or part thereof.

Restitution shall not be authorized to a party whom the court determines to be aggrieved, without that party's consent.

**PUBLIC SAFETY
TRAINING SURFINE**

G.L. c. 89, § 12: There shall be a surcharge of \$5 on a fine assessed against a person convicted of or found responsible for a motor vehicle violation under this chapter or a violation of a special regulation lawfully made under the authority of this chapter. The surcharge shall be transferred by the registrar of motor vehicles to the state treasurer for deposit into the Public Safety Training Fund established in section 2JJJJ of chapter 29.

G.L. c. 90, § 20 ¶ 7: There shall be a surcharge of \$5 on a fine assessed against a person convicted of or found responsible for a motor vehicle violation pursuant to this chapter or a violation of a special regulation lawfully made under the authority of this chapter. The surcharge shall be transferred by the registrar of motor vehicles to the state treasurer for deposit into the Public Safety Training Fund established under 2JJJJ of chapter 29.

**SPEEDING HEAD
INJURY SURFINE**

G.L. c. 90, § 20 ¶ 4: There shall be a surcharge of \$50 on a fine assessed against a person convicted of or found responsible of a violation of section 17 [Speeding] or a violation of a special regulation lawfully made under the authority of section 18 [Speeding in Violation of Special Regulation]. The first \$30 [\$37.50 per St. 2012, c.139, § 96 (eff. 7/1/13); \$50 per St. 2013, c.38, § 78 (eff. 3/1/14)] of each surcharge shall be transferred by the registrar of motor vehicles to the state treasurer for deposit into the Head Injury Treatment Services Trust Fund. The remaining amount shall be transferred by the registrar to the state treasurer for deposit in the General Fund.

SURFINE

G.L. c. 280, §6A: Before imposing a fine or forfeiture as a punishment or part punishment for a crime, the court or justice shall levy as a special cost assessment an amount equal to twenty-five per cent of the fine or forfeiture; provided however, that no special cost assessment shall be levied on fines or forfeitures for minor motor vehicle offenses, and juvenile offenses or acts of delinquency. Minor motor vehicle offenses shall be defined as those not punishable by incarceration.

When a fine is suspended, in whole or in part, the special cost assessment shall be computed on the fine remaining to be paid. The court or justice may waive all or any part of said cost assessment upon a finding that such payment would cause a substantial financial hardship to the person, the person's immediate family or the person's dependents.

Said cost assessment shall be accounted for by the clerk of the court and forwarded to the state treasurer who shall deposit such assessment in the General Fund.

VICTIM/WITNESS ASSESSMENT

and

DOMESTIC VIOLENCE PREVENTION ASSESSMENT

G.L. c. 258B, § 8: The court shall impose an assessment of no less than \$90 against any person who has attained the age of seventeen years and who is convicted of a felony or against whom a finding of sufficient facts for a conviction is made on a complaint charging a felony. The court shall impose an assessment of \$50 against any person who has attained the age of seventeen and who is convicted of a misdemeanor or against whom a finding of sufficient facts for a conviction is made on a complaint charging a misdemeanor. The court shall impose an assessment of \$45 against any person who has attained the age of fourteen years and who is adjudicated a delinquent child or against whom a finding of sufficient facts for a finding of delinquency is made. The court shall impose an additional domestic violence prevention and victim assistance assessment of \$50 for: (i) any violation of an order issued pursuant to sections 18 or 34B of chapter 208, section 32 of chapter 209, sections 3, 4 or 5 of chapter 209A or section 15 or 20 of chapter 209C; (ii) a conviction or adjudication for an act which would constitute abuse, as defined in section 1 of chapter 209A; or (iii) a violation of section 13M or 15D of chapter 265, which shall be deposited in the Domestic and Sexual Violence Prevention and Victim Assistance Fund, established in section 20 or chapter 17. . . . When multiple civil motor vehicle infractions arising from a single incident are charged, the total assessment shall not exceed \$75; provided, however, that the total assessment against a person who has not attained seventeen years shall not exceed thirty dollars. In the discretion of the court or the clerk magistrate in the case of a civil motor vehicle infraction that has not been heard by or brought before a justice, a civil motor vehicle assessment imposed pursuant to this section which would cause the person against whom the assessment is imposed severe financial hardship, may be reduced or waived.

If it is determined by a written finding of fact that an assessment, other than for a civil motor vehicle infraction imposed by this section would cause a substantial financial hardship to the person against whom the assessment is imposed or the person's immediate family or the person's dependents, the court may waive the fee or structure a payment plan in order to ensure compliance with payment; provided, however, that the court may order a person required to pay a domestic violence prevention and victim assistance assessment to complete at least 8 hours of community service in order to satisfy such assessment, if a structured payment would continue to impose a severe financial hardship. Such a finding shall be made independently of a finding of indigency for purposes of appointing counsel. If the person is sentenced to a correctional facility in the commonwealth and the assessment has not been paid, the court shall note the assessment on the mittimus.

All such assessments made shall be collected by the court or by the registrar, as the case may be, and shall be transmitted monthly to the state treasurer. If the person convicted is sentenced to a correctional facility in the commonwealth, the superintendent or sheriff of the facility shall deduct any part or all of the monies earned or received by any inmate and held by the correctional facility, to satisfy the victim and witness assessment, and shall transmit such monies to the court monthly. The assessment from any conviction or adjudication of delinquency which is subsequently overturned on appeal shall be refunded by the court to the person whose conviction or adjudication of delinquency is overturned. Said court shall deduct such funds from the assessments transmitted to the state treasurer. Assessments pursuant to this section shall be in addition to any other fines or restitution imposed in any disposition.

When a determination of the order of priority for payments required of a defendant must be made by the court or other criminal justice system personnel required to assess and collect such fines, assessments or other payments, the victim and witness assessment and the domestic violence prevention and victim assistance assessment mandated by this section shall be the defendant's first obligation.