

SENATE No. 2424

Senate, July 13, 2023 -- Substituted as a new draft (Senator O'Connor) for the Senate Bill authorizing the town of Scituate to appoint retired police officers as special police officers (Senate, No. 1710).

The Commonwealth of Massachusetts

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

An Act authorizing the town of Scituate to appoint retired police officers as special police officers.

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. The town administrator of the town of Scituate may appoint, as the town
2 administrator deems necessary, retired Scituate Police Officers as special police officers to
3 perform police details or any police duties arising therefrom or during the course of police detail
4 work, whether or not related to the detail work. Special police officers appointed pursuant to this
5 act shall not be subject to the maximum age restriction applied to regular police officers pursuant
6 to chapter 32 of the General Laws or section 2 of chapter 415 of the acts of 1987 but shall be
7 subject to a maximum age restriction of 70 years of age. Prior to appointment under this act, a
8 special police officer shall pass a medical examination by a physician or other certified
9 professional chosen by the town to determine that they are capable of performing the essential
10 duties of a special police officer, the cost of which shall be borne by the special police officer.
11 Retired police officers shall have previously served as regular, full-time police officers for the
12 town of Scituate and voluntarily retired based upon superannuation in accordance with said

13 chapter 32. A special police officer appointed under this act shall comply with all requirements
14 of chapter 6E of the General Laws, including: (i) maintaining certification and good standing
15 with the Massachusetts Peace Officer Standards and Training Commission; and (ii) complying
16 with all annual in-service and other training requirements mandated by the municipal police
17 training committee.

18 SECTION 2. Special police officers appointed pursuant this act shall not be subject to
19 chapter 31 of the General Laws or section 99A of chapter 41 of the General Laws.

20 SECTION 3. Special police officers appointed pursuant to this act shall, when performing
21 the duties under section 1, have the same power to make arrests and perform other police
22 functions as regular police officers of the town of Scituate.

23 SECTION 4. Special police officers appointed pursuant to this act shall be appointed for
24 an indefinite term, subject to removal by the town administrator at any time with 14 days'
25 written notice. Upon request, the town administrator shall provide the reasons for removal in
26 writing.

27 SECTION 5. Special police officers appointed pursuant to this act shall also be subject to
28 the rules and regulations, policies and procedures and requirements of the town administrator and
29 the chief of police of the town of Scituate, including, but not limited to, restrictions on the type
30 of detail assignments, requirements regarding medical examinations to determine continuing
31 capability to perform the duties of a special police officer, requirements for training,
32 requirements for firearms licensing and qualifications and requirements regarding uniforms and
33 equipment. Special police officers shall not be subject to section 96B of chapter 41 of the
34 General Laws.

35 SECTION 6. Special police officers appointed pursuant to this act shall be sworn in
36 before the town clerk of the town of Scituate, who shall keep a record of all such appointments.

37 SECTION 7. Special police officers appointed pursuant this act shall be subject to
38 sections 100 and 111F of chapter 41 of the General Laws. The amount payable pursuant to said
39 section 111F of said chapter 41 shall be calculated by averaging the amount earned over the prior
40 52 weeks as a special police officer working police details or by averaging the amount over a
41 lesser period of time for any officer designated as a special police officer less than 52 weeks
42 prior to the incapacity. Payment pursuant to said section 111F of said chapter 41 shall not
43 exceed, in any calendar year, the limitation on earning contained in paragraph (b) of section 91
44 of chapter 32 of the General Laws. Payments pursuant to said section 111F of said chapter 41
45 shall terminate when a special police officer reaches the age of 65 years. Special police officers
46 appointed pursuant to this act shall not be subject to section 85H of said chapter 32 nor shall be
47 eligible for any benefits pursuant thereto.

48 SECTION 8. Appointment as a special police officer pursuant to this act shall not entitle
49 any individual appointed as such to assignment to any detail.

50 SECTION 9. Retired Scituate police officers serving as special police officers under this
51 act shall be subject to the limitations on hours worked and on payments to retired town
52 employees pursuant to paragraph (b) of section 91 of chapter 32 of the General Laws.

53 SECTION 10. This act shall take effect upon its passage.