

**HOUSE . . . . . No. 4016**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Paul J. Donato and Jason M. Lewis*

*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 authorizing the appointment of special police officers in the city of Malden.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Paul J. Donato</i>	<i>35th Middlesex</i>	<i>10/31/2017</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>10/31/2017</i>

**HOUSE . . . . . No. 4016**

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By Representative Donato of Medford and Senator Lewis, a joint petition (accompanied by bill, House, No. 4016) of Paul J. Donato and Jason M. Lewis (with the approval of the mayor and city council) that the city of Malden be authorized to appoint special police officers in said city. Public Service. [Local Approval Received.]

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**The Commonwealth of Massachusetts**

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

An Act authorizing the appointment of special police officers in the city of Malden.

*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 police commissioner of the City of Malden may appoint as he/she  
2           deems necessary retired police officers of the City of Malden as special police officers to  
3           perform police details or duties arising from police details or during the course of the police  
4           detail work, whether or not related to the detail work. The retired Malden police officers shall be  
5           subject to the same maximum age restrictions as applied to regular police officers in the City of  
6           Malden pursuant to chapter 32 of the General Laws. Before being appointed pursuant to this act,  
7           a retired officer shall pass a medical examination conducted by a physician or other certified  
8           professional chosen or agreed to by the city to determine whether the retired officer is capable of  
9           performing the essential duties of a special police officer pursuant to this act, the cost of which  
10          shall be borne by the retired officer. Proof of payment of that cost shall be pre-requisite of  
11          employment.

12 SECTION 2. A special police officer appointed pursuant to this act shall not be subject  
13 to chapter 31, section 99A of chapter 41 or chapter 150E of the General Laws. A special police  
14 officer appointed pursuant to this act shall not be eligible for leave, vacation, or other benefits  
15 pursuant to any collective bargaining agreements with the City of Malden.

16 SECTION 3. A special police officer shall, when performing the duties described in  
17 Section 1, have the same power to make arrests and perform other police functions as a regular  
18 police officer of the City of Malden.

19 SECTION 4. A special police officer shall be appointed for a 1-year term, subject to  
20 removal by the police commissioner upon 14 days written notice before removal.

21 SECTION 5. A special police officer appointed pursuant to this act shall be subject to  
22 the rules, regulations, policies, procedures, and requirements imposed by the chief of police and  
23 the police commissioner of the City of Malden including, but not limited to: (i) restrictions on  
24 the type of detail assignments; (ii) requirements regarding medical examinations to determine  
25 continuing capability to perform the duties of a special police officer; (iii) requirements for  
26 training; (iv) requirement for first aid certification and qualifications; (v) requirements for  
27 firearms licensing and qualification; and (vi) requirements regarding uniforms and equipment. A  
28 special police officer's compliance with the rules, regulations, policies, procedures and  
29 requirements shall be at no cost to the City of Malden. A special police officer appointed  
30 pursuant to this act shall not be subject to section 96B of chapter 41 of the General Laws.

31 SECTION 6. A special police officer appointed pursuant to this act shall be sworn before  
32 the city clerk of the City of Malden, who shall keep record of the appointment.

33 SECTION 7. A special police officer appointed pursuant to this act shall be subject to  
34 sections 100 and 111F of chapter 41 of the General Laws. The amount payable pursuant to said  
35 section 111F of said chapter 41 shall be calculated by averaging the amount earned during the  
36 preceding 52 weeks as a special police officer working police details or by averaging that  
37 amount over lesser period of time for an officer designated as a special police officer fewer than  
38 52 weeks before the incapacity. Payment pursuant to said section 111F of said chapter 41 shall  
39 not exceed, in a calendar year, the limitations on earnings contained in paragraph (b) of section  
40 91 of chapter 32 of the General Laws. Payment pursuant to said section 111F of said chapter 41  
41 shall terminate in accordance with said section 111F of said chapter 41 or when a special police  
42 officer appointed pursuant to this act reaches the age of 65, whichever occurs first. If the age  
43 limitation applicable to a regular police officer serving the city is increased from 65 years of age,  
44 the termination of benefits pursuant to said section 111F of said chapter 41, as provided in this  
45 section for special police officers, shall terminate at the higher age limit; provided, however, that  
46 the benefits shall not extend beyond the age of 70 for a special police officer. A special police  
47 officer appointed pursuant to this act shall not be subject to section 85H or 85H ½ of chapter 32  
48 or eligible for benefits pursuant to those sections.

49 SECTION 8. Appointment as a special police officer shall not entitle appointee to  
50 assignment to a detail.

51 SECTION 9. A special police officer appointed pursuant to this act shall be subject to  
52 the limitations on hours worked and earnings restrictions in paragraph (b) of section 91 of  
53 chapter 32 of the General Laws.

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