SENATE . . . . . No. 2345

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

An Act allowing the town of Wilbraham to appoint 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:

SECTION 1. The chief of police, with the approval of the board of selectmen of the town of Wilbraham, may appoint, as he deems necessary, retired police officers of the town as special police officers for the purpose of performing police details or any police duties arising therefrom or during the course of police detail work, whether or not related to the detail work. The retired police officers shall have been regular Wilbraham police officers who retired based upon superannuation. Each appointment shall be made conditional upon the satisfactory completion of the medical examination.

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

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

SECTION 4. Special police officers shall be appointed under this act shall be appointed for an indefinite term, subject to removal by the police chief, with the approval of the board of selectmen, at any time, upon 14 days written notice. Upon request, the police chief shall provide the reasons for such removal in writing.

SECTION 5. Special police officers appointed under this act shall be subject to the rules and regulations, policies and procedures and requirements of the board of selectmen and the chief of police in the town of Wilbraham, including restrictions on the type of detail assignments, requirements regarding medical examinations to determine continuing capability to perform the duties of a special police officer, requirements for training, requirements for firearms qualifications and licensing and requirements regarding uniforms and equipment, with all costs

23 of compliance to be incurred by the special police officers. Special police officers appointed
24 under this act shall not be subject to section 96B of chapter 41 of the General Laws.

25 SECTION 6. Special police officers appointed under this act shall be sworn before the
26 town clerk who shall keep a record of all such appointments.

27 SECTION 7. Special police officers appointed under this act shall be subject to sections
28 100 and 111F of chapter 41 of the General Laws. The amount payable under said section 111F
29 of said chapter 41 to an incapacitated special police officer shall be calculated by averaging the
30 amount earned over the prior 52 weeks as a special police officer working details, or averaged
31 over such lesser period of time for any officer designated as special police officers less than 52
32 weeks prior to the incapacity. In no event shall payment under said section 111F of said chapter
33 41 exceed, in any calendar year, the limitation on earning contained in paragraph (b) of section
34 91 of chapter 32 of the General Laws. Payment under said section 111F of said chapter 41 shall
35 terminate when a special police officer reaches the age of 65. In the event of age limitation
36 applicable to regular police officers serving a town is increased from 65 years of age, the
37 termination of benefits under said section 111F of said chapter 41, as provided herein to special
38 officers, shall terminate at such higher age limit, but in no event shall the benefits extend beyond
39 the age of 70 for any special police officer. Special police officers appointed under this act shall
40 not be subject to section 85H of said chapter 32, nor eligible for any benefits pursuant thereto.

41 SECTION 8. An appointment as a special police officer under this act shall allow, but
42 not entitle, any individual appointed as such to assignment to any detail, as authorized by the
43 police chief.

44 SECTION 9. Special police officers appointed pursuant to the act shall be subject to the
45 limitation on hours worked and other restrictions on earnings as provided in subsection (b) of
46 section 91 of chapter 32 of the General Laws.

47 SECTION 10. Retired police officers of the town of Wilbraham, serving as special
48 police officers under this act shall not be eligible for unemployment benefits relative to their
49 service as special police officers under this act.