

HOUSE No. 4705

The Commonwealth of Massachusetts

PRESENTED BY:

Paul Tucker and Joan B. Lovely

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 concerning the appointment of retired Salem police officers as special police officers within the city of Salem.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Paul Tucker</i>	<i>7th Essex</i>	<i>7/2/2018</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>	<i>7/2/2018</i>

HOUSE No. 4705

By Representative Tucker of Salem and Senator Lovely, a joint petition (accompanied by bill, House, No. 4705) of Paul Tucker and Joan B. Lovely (with the approval of the mayor and city council) that the city of Salem be authorized to appoint retired Salem police officers as special police officers in said city. Public Service. [Local Approval Received.]

The Commonwealth of Massachusetts

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

An Act concerning the appointment of retired Salem police officers as special police officers within the city of Salem.

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 chief of the city of Salem may appoint, with the approval of the
2 mayor, as the police chief considers necessary, retired Salem police officers as special police
3 officers to perform police details or any duties arising from police details or during the course of
4 police detail work, whether or not related to the detail work. The police chief shall have
5 discretion to appoint only retired Salem police officers as special police officers and shall
6 establish department rules, procedures and policies concerning these appointments. The police
7 chief shall appoint retired Salem police officers who served as regular Salem police officers and
8 are retired based on superannuation. Special police officers shall not be subject to the same
9 maximum age restrictions as applied to regular Salem police officers under chapter 32 of the
10 General Laws. Prior to appointment under this act, a retired Salem police officer shall pass a
11 medical examination by a physician or other certified professional chosen or agreed to by the

12 department to determine whether the retired police officer is capable of performing the essential
13 duties of a special police officer under this act. The cost of the medical examination shall be
14 borne by the retired Salem police officer.

15 SECTION 2. Special police officers appointed under this act shall not be subject to
16 chapter 31, section 99A of chapter 41, or chapter 150E of the General Laws.

17 SECTION 3. When performing the duties set forth in section 1, special police officers
18 shall have the same power to make arrests and to perform other police functions as do regular
19 police officers of the city of Salem.

20 SECTION 4. A special police officer shall be appointed a one-year term, subject to
21 renewal at the discretion of the police chief; provided, however, that a special police officer shall
22 be subject to suspension or removal by the police chief at his or her discretion at any time. All
23 benefits afforded to special police officers appointed under this act shall terminate upon the
24 conclusion of the employment term. A special police officer's appointment shall automatically
25 terminate upon the officer's 70th birthday.

26 SECTION 5. Special police officers appointed under this act shall be subject to the rules
27 and regulations, policies and procedures and requirements as the police chief may impose from
28 time to time including, but not limited to, restrictions on the type and number of detail
29 assignments, requirements regarding medical examinations to determine continuing fitness and
30 capability to perform the duties of a special police officer, requirements for training,
31 requirements for firearms licensing and qualifications, requirements for maintaining of a medical
32 or liability insurance policy, and requirements regarding uniforms and equipment. Special police

33 officers appointed under this act shall not be subject to section 96B of chapter 41 of the General
34 Laws.

35 SECTION 6. Special police officers appointed under this act shall be sworn in by the
36 police chief for the city of Salem.

37 SECTION 7. Sections 100 and 111F of chapter 41 of the General Laws shall not apply to
38 special police officers appointed under this act. Section 85H and 85H1/2 of chapter 32 of the
39 General Laws shall not apply to special police officers appointed under this act.

40 SECTION 8. Appointment as a special police officer shall not entitle the appointee to
41 assignment to any detail.

42 SECTION 9. Retired Salem police officers serving as special police officers under this
43 act shall be subject to limitations on hours worked and on earnings restrictions as provided in
44 paragraph (b) of section 91 of chapter 32 of the General Laws.

45 SECTION 10. The police chief has discretion over the appointment and removal of
46 special officers appointed under this act and may remove, or refuse to reappoint, a special
47 officer appointed for any reason, with or without cause.

48 SECTION 11. This act shall take effect upon its passage.