

HOUSE No. 2339

The Commonwealth of Massachusetts

PRESENTED BY:

Daniel J. Hunt

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 retired police officers as special police officers in the city of Boston.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Daniel J. Hunt</i>	<i>13th Suffolk</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>
<i>Linda Dorcena Forry</i>	<i>First Suffolk</i>
<i>Russell E. Holmes</i>	<i>6th Suffolk</i>
<i>Nick Collins</i>	<i>4th Suffolk</i>

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By Mr. Hunt of Boston, a petition (accompanied by bill, House, No. 2339) of Daniel J. Hunt and others (with the approval of the mayor and city council) that the city of Boston be authorized to use retired Boston police officers for certain details in said city. Public Service. [Local Approval Received.]

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 4529 OF 2013-2014.]

The Commonwealth of Massachusetts

—————
**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**
—————

An Act authorizing the appointment of retired police officers as special police officers in the city of Boston.

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 Boston, as the appointing authority,
2 may appoint, as the Commissioner deems necessary, retired Boston police officers as special
3 police officers to perform police details or any duties arising therefrom or during the course of
4 police detail work, whether or not related to the detail work. The Police Commissioner shall have
5 sole discretion to appoint retired Boston police officers as special police officers and shall
6 establish all Department rules, procedures and policies concerning such appointments. The
7 Police Commissioner shall appoint retired Boston police officers who served as regular Boston
8 police officers and are retired based on superannuation. No retired police officer shall be
9 appointed under this act as a special police officer if that officer has been retired for more than

10 four and one half years. The special police officers shall not be subject to the same maximum age
11 restrictions as applied to regular Boston police officers under chapter 32 of the General Laws,
12 but shall not be eligible to serve as special police officers if they have reached the age of 68.
13 Prior to appointment under this act, a retired Boston police officer shall pass a medical
14 examination by a physician or other certified professional chosen, or agreed to, by the
15 Department to determine whether the retired Boston police officer is capable of performing the
16 essential duties of a special police officer under this act, the cost of which shall be borne by the
17 retired Boston police officer.

18 Section 2. Special police officers appointed under this act shall not be subject to chapter
19 31 of the General Laws, section 99A of chapter 41 of the General Laws, chapter 150E of the
20 General Laws, or chapter 151A of the General Laws.

21 Section 3. Special police officers shall, when performing the duties under section one,
22 have the same power to make arrests and perform other police functions as do regular police
23 officers of the City of Boston.

24 Section 4. Special police officers shall be appointed for a one year term, subject to
25 renewal at the Police Commissioner's discretion. Notwithstanding, special police officers shall
26 be subject to suspension or removal by the Police Commissioner at any time. All benefits
27 afforded to special police officers appointed under this act shall terminate upon the conclusion of
28 the employment term. The special police officer's appointment shall automatically terminate
29 upon the officer's 68th birthday.

30 Section 5. Special police officers appointed under this act shall be subject to the rules and
31 regulations, policies and procedures and requirements as the Police Commissioner of the City of

32 Boston may impose from time to time, including, but not limited to, restrictions on the type of
33 detail assignments, requirements regarding medical examinations to determine continuing
34 capability to perform the duties of a special police officer, requirements for training,
35 requirements for firearms licensing and qualifications, requirements for maintaining of a medical
36 and/or liability insurance policy, and requirements regarding uniforms and equipment. The
37 Police Commissioner shall, a his discretion, set a schedule of fees associated with the costs of
38 training, medical examinations, equipment, uniforms, and any other requirements deemed
39 necessary by the Police Commissioner, that shall be paid by the special police officer appointed
40 under this act. Special police officers appointed under this act shall not be subject to section 96B
41 of chapter 41 of the General Laws.

42 Section 6. Special police officers appointed under this act shall be sworn in by the Police
43 Commissioner for the City of Boston, Massachusetts.

44 Section 7. Special police officers appointed under this act shall be subject to sections 100
45 and 111F of chapter 41 of the General laws. The amount payable under section 111F of chapter
46 41 shall be calculated by averaging the amount earned over the prior 52 weeks as a special police
47 officer working police details, or averaged over such lesser period of time for any officer
48 designated as a special police officer less than 52 weeks before the incapacity, the limitation on
49 earning contained in paragraph (b) of section 91 of chapter 32 of the General Laws. Payment
50 under section 111F of chapter 41 shall terminate in accordance with section 111F or at the
51 conclusion of the employment term, whichever occurs sooner. Special police officers appointed
52 under this act shall not be subject to section 85H or 84H ½ of chapter 32, nor eligible for any
53 benefits pursuant thereto.

54 Section 8. Appointment as a special police officer does not entitle that person to
55 assignment to any detail.

56 Section 9. Retired Boston police officers serving as special police officers under this act
57 shall be subject to the limitations on hours worked and on earnings restrictions as provided in
58 paragraph (b) of section 91 of chapter 32 of the General Laws.

59 Section 10. This act shall take effect upon its passage.