HOUSE DOCKET, NO. 4764 FILED ON: 5/5/2016

HOUSE . . . . . No. 4319

The Commonwealth of Massachusetts

PRESENTED BY:

Timothy R. Madden and Daniel A. Wolf

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 in the Town of Nantucket to serve as special police officers.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Timothy R. Madden	*Barnstable, Dukes and Nantucket*
Daniel A. Wolf	*Cape and Islands*

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By Representative Madden of Nantucket and Senator Wolf, a joint petition (accompanied by bill, House, No. 4319) of Timothy R. Madden and Daniel A. Wolf (by vote of the town) that the town of Nantucket be authorized to appoint retired police officers of said town to serve as special police officers. Public Service. [Local Approval Received.]

The Commonwealth of Massachusetts

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

An Act authorizing the appointment of retired police officers in the Town of Nantucket to serve 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:

SECTION 1. The chief of police in the Town of Nantucket, as the appointing authority, may appoint as he/she deems necessary, retired police officers as special police officers for the purpose of performing police details or performing any police duties arising from those police details or arising during the course of police detail work, whether or not related to the detail work. The retired police officers must have been regular police officers and retired, based on superannuation. The special police officers shall not be subject to the maximum age restrictions applied to regular police officers under chapter 32 of the General Laws, but shall not be eligible to serve as special police officers if they have reached the age of 70. A special police officer must pass a medical examination by a physician or other certified professional chosen by the Town to determine that he/she is capable of performing the essential duties of a special police

11 officer, the cost of which shall be borne by the special police officer prior to performing police
12 details.

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14 SECTION 2. Special police officers, appointed under this act, shall not be subject to
15 chapter 31 of the General Laws or sections 99, 100 or 111F or of chapter 41 of the General
16 Laws. Or section 85H of chapter 23 of the General Laws. Special police officers appointed
17 under this act shall be subject to chapter 151A of the General Laws.

18 SECTION 3. Special police officers shall, when performing their duties under section 1,
19 have the same powers to make arrests and perform other functions as do regular police officers in
20 the Town of Nantucket.

21 SECTION 4. Special police officers shall be appointed for an indefinite term, subject to
22 removal by the Chief of Police of the Town of Nantucket at any time with 14 days' written
23 notice. Upon request, the Police Chief shall provide reasons for removal in writing.

24 SECTION 5. Special police officers shall be subject to the rules and regulations, policies
25 and procedures and requirements of the police department and chief of police of the Town of
26 Nantucket, including restrictions on the type of detail assignment, requirements regarding
27 medical examinations to determined continued capacity to perform the duties of a special police
28 officer, requirements for training, requirements for firearm licensing and qualification and
29 requirements regarding uniforms and equipment. Special police officers shall not be subject to
30 section 96B of chapter 41 of the General Laws.

31 SECTION 6. Special police officers shall be sworn in before the Town Clerk of the
32 Town of Nantucket who shall keep a record of all such appointments.

33 SECTION 7. An individual who is appointed as a special police officer under this act
34 shall be eligible for assignment to any detail.

35 SECTION 8. Retired police officers in the Town of Nantucket serving as special police
36 officers under this act shall be subject to the limitations on hours worked and on payments to
37 retired Town employees under subjection (b) of section 91of chapter 32 of the General Law.

38 SECTION 9. This act shall take effect upon its passage.