SENATE DOCKET, NO. 1671 FILED ON: 1/16/2015

SENATE . . . . . No. 35

The Commonwealth of Massachusetts

PRESENTED BY:

Richard J. Ross

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 town of Wrentham.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Richard J. Ross	*Norfolk, Bristol and Middlesex*
Shawn Dooley	*9th Norfolk*

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SENATE . . . . . No. 35

By Mr. Ross, a petition (accompanied by bill, Senate, No. 35) of Richard J. Ross and Shawn Dooley for legislation to authorize the appointment of special police officers in the town of Wrentham. Public Service. [Local Approval Received.]

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *2275* OF 2013-2014.]

The Commonwealth of Massachusetts

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

An Act authorizing the appointment of special police officers in the town of Wrentham.

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 town administrator of the town of Wrentham may, at the recommendation of the police chief and as said chief deems necessary, appoint active and retired police officers and reappoint individuals who as of the effective date of this act hold an appointment as a Wrentham special police officer, as special police officers to perform police details or other duties arising from or during the course of police detail work whether or not related to the detail work; provided, however, that a retired police officer shall have been a regular police officer within the commonwealth and retired based on superannuation.

SECTION 2. Notwithstanding section 1 of chapter 32 of the General Laws or any other general or special law to the contrary, the maximum age for a Wrentham special police officer shall be the last day of the month that the special police officer attains the age of 75; provided,

11 however, that prior to appointment or reappointment under this act and annually thereafter, any
12 individual who is not an active police officer in the commonwealth shall pass a medical
13 examination conducted by a physician or other certified professional selected by the town to
14 determine whether the individual is capable of performing the essential duties of a special police
15 officer and all costs thereof shall be borne by the individual.

16 SECTION 3. Special police officers appointed under this act may be appointed for a
17 term not exceeding 3 years. Before entering upon the official duties, the special police officer
18 shall be sworn to the faithful performance of those duties before the town clerk of the town of
19 Wrentham or before a justice of the peace who shall, within 7 days after administering the oath
20 of office, return a certificate of such oath to the town clerk. The town clerk of the town of
21 Wrentham shall keep a record of all special police officer appointments.

22 SECTION 4. When performing the duties authorized under section 1, special police
23 officers shall have the same power to make arrests and perform other police functions as do
24 regular uniformed police officers of the town of Wrentham.

25 SECTION 5. Special police officers appointed under this act shall be subject to removal
26 or suspension by the town administrator at any time. In the case of removal, a special police
27 officer shall be provided with 14 days written notice prior to removal. Upon request, the town
28 administrator shall provide the reasons for removal or suspension in writing.

29 SECTION 6. Special police officers appointed under this act shall be subject to the rules
30 and regulations, policies and procedures and requirements of the town administrator and the
31 chief of police of the town of Wrentham including, but not limited to, restrictions on the type of
32 detail assignments, requirements regarding medical examinations to determine continuing

33 capability to perform the duties of a special police officer, requirements for training,
34 requirements for firearms licensing and qualifications and requirements regarding uniform and
35 equipment. Special police officers shall not be subject to section 96B of chapter 41 of the
36 General Laws. The cost of all training, certification, uniforms and equipment shall be borne by
37 the special police officer.

38 SECTION 7. Special police officers appointed under this act shall not be subject to
39 chapter 31 of the General Laws, sections 85H or 85H-1/2 of chapter 32 of the General Laws,
40 section 99A of chapter 41 of the General Laws or chapter 150E of the General Laws.

41 SECTION 8. Special police officers appointed under this act shall be subject to sections
42 100 and 111F of chapter 41 of the General Laws; provided, however, that the amount payable
43 under said section 111F of said chapter 41 shall be calculated by averaging the amount earned
44 over the prior 52 weeks as a special police officer working police details or averaged over such
45 lesser period of time for any individual designated as a special police officer less than 52 weeks
46 prior to the incapacity. Payments under said section 111F of said chapter 41 shall not exceed, in
47 a calendar year, the limitation on earnings in paragraph (b) of section 91 of chapter 32 of the
48 General Laws. Payments under said section 111F of said chapter 41 shall terminate in
49 accordance with said section 111F of said chapter 41 or when the special police officer reaches
50 the age of 75, whichever occurs sooner.

51 SECTION 9. Appointment as a special police officer shall not entitle that person to
52 assignment to any detail.

53 SECTION 10. Special police officers appointed under this act shall be subject to the
54 limitation on hours worked and other restrictions on earnings as provided in paragraph (b) of
55 section 91 of chapter 32 of the General Laws.

56 SECTION 11. This act shall not limit the town's authority to appoint special police
57 officers pursuant to section 99 of chapter 41 of the General Laws, nor limit the authority,
58 immunities or privileges of special police officers appointed under said section 99 of said chapter
59 41.

60 SECTION 12. This act shall take effect upon its passage.