

HOUSE No. 1143

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act authorizing the appointment of special police officers in the Town of Dracut..

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.

2 The town manager of the town of Dracut may appoint at the recommendation of the
3 police chief and as he deems necessary, retired Dracut police officers as special police officers
4 for the purpose of performing police details or any other duties arising there from or during the
5 course of police detail work, whether or not related to detail work; provided, however that the
6 officers shall have been regular Dracut police officers and retired based on superannuation. The
7 special police officers shall be subject to the same maximum age restriction as applied to regular
8 police officers under chapter 32 of the General Laws. Prior to appointment under this act, a
9 retired police officer shall pass a medical examination conducted by a physician or other certified
10 professional chosen by the town to determine whether he or she is capable of performing the
11 essential duties of a special police officer and the cost thereof shall be borne by the special police
12 officer.

13 SECTION 2

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

16 SECTION 3

17 Special police officers shall, when performing duties under section 1, have the same
18 power to make arrests and perform other functions, as do regular police officers of the town of
19 Dracut.

20 SECTION 4

21 A special police officer shall be appointed for an indefinite term, subject to removal by
22 the town manager at any time with 14 days written notice. Upon request, the town manager shall
23 provide the reasons for removal in writing.

24 SECTION 5

25 Special police officers shall also be subject to the rules and regulations, policies and
26 procedures and requirements of the town manager and the chief of police of the town of Dracut,
27 including restrictions on the type of detail assignments, requirements regarding medical
28 examinations to determine continuing capability to perform the duties of a special police officer,
29 requirements for training, requirements for firearms licensing and qualifications and
30 requirements regarding uniforms and equipment. special police officers shall not be subject to
31 section 96B of chapter 41 of the General Laws. The cost of all training, uniforms, and equipment
32 shall be borne by the Special Police Officer.

33 SECTION 6

34 Special police officers shall be sworn before the town clerk of the town of Dracut, who
35 shall keep a record of all such appointments.

36 SECTION 7

37 Special police officers appointed under this act shall be subject to sections 100 and 111F
38 of chapter 41 of the General Laws. The amount payable under said section 111F of said chapter
39 41 shall be calculated by averaging the amount earned over the prior 52 weeks as a special police
40 officer working police details, or averaged over such lesser period of time for any officer
41 designated as a special police officer less than 52 weeks prior to the incapacity. The payment
42 under said section 111F of said chapter 41 shall not exceed, in a calendar year, the limitation of
43 earning in subsection (b) of section 91 of chapter 32 of the General Laws. Payment under said
44 section 111F of said chapter 41 shall terminate when a police officer reaches the age of 65. In
45 the event the age limitation applicable to regular police officers serving a town is increased from
46 the current 65 years of age, the termination of benefits under said section 111F of said chapter
47 41, as provided herein to special police officers, shall terminate at such higher age limit but shall
48 not extend beyond the age of 70 for any special police officer. Special police officers appointed
49 under this act shall not be subject to section 85H of said chapter 32 nor shall they be eligible for
50 any benefits pursuant thereto.

51 SECTION 8

52 An appointment as a Special police officer shall not entitle that person to assignment of
53 any detail.

54 SECTION 9

55 Special police officers appointed pursuant to this act shall be subject to the limitation on
56 hours worked as provided in subsection (b) of section 91 of chapter 32 of the General Laws.

57 SECTION 10

58 This act shall take effect upon its passage.