

# HOUSE . . . . . No. 3643

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## The Commonwealth of Massachusetts

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PRESENTED BY:

***Brian R. Mannal and Cleon H. Turner***

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*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 city known as the town of  
Barnstable.

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PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Brian R. Mannal</i>	<i>2nd Barnstable</i>	<i>8/7/2013</i>
<i>Cleon H. Turner</i>	<i>1st Barnstable</i>	

# HOUSE . . . . . No. 3643

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By Messrs. Mannal of Barnstable and Turner of Dennis, a petition (accompanied by bill, House, No. 3643) of Brian R. Mannal and Cleon H. Turner (by vote of the town) that the town of Barnstable be authorized to appoint special police officers, notwithstanding the maximum age requirement. Public Service. [Local Approval Received.]

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## The Commonwealth of Massachusetts

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In the Year Two Thousand Thirteen  
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An Act authorizing the appointment of special police officers in the city known as the town of Barnstable.

*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 Town Manager of the Town of Barnstable may appoint upon  
2 recommendation of the Chief of Police, retired Barnstable Police Officers as Special Police  
3 Officers for the purpose of performing police details or any other police duties arising therefrom  
4 or during the course of police detail work, whether or not related to the detail work; provided  
5 however, that such retired police officer shall have been a regular Barnstable Police Officer who  
6 retired based on superannuation. These Special Police Officers shall not be subject to the  
7 maximum age restrictions applied to regular police officers under Chapter 32 of the General  
8 Laws, but shall not be eligible to serve as special police officers if they have reached the age of  
9 70. Prior to appointment, retired police officers shall pass a medical examination conducted by a  
10 physician or other certified professional chosen by the town, to determine whether such officers  
11 are capable of performing the essential duties of a Special Police Officer and that cost thereof  
12 shall be born by the retired officers.

13           SECTION 2. Special Police Officers appointed under this act shall not be subject to  
14 Chapter 31 or Chapter 150E of the General Laws or sections 99A, or 111F of Chapter 41.

15           SECTION 3. Special Police Officers when performing their duties under section 1, have  
16 the same powers to make arrests and perform other functions as do regular police officers in the  
17 Town of Barnstable.

18 SECTION 4. Special Police Officers shall be appointed for a term of one year, subject to  
19 removal or suspension by the chief of Police with the approval of the Town Manager at any time.  
20 In the case of removal, a Special Police Officer shall be provided with 14 days written notice  
21 prior to removal. Upon request, the Chief of Police shall provide the reasons for removal or  
22 suspension in writing.

23 SECTION 5. Special Police Officers appointed under this act shall be subject to the rules  
24 and regulations, policies and procedures and requirements of the Chief of Police of the Town of  
25 Barnstable, including but not limited to restrictions on the type of detail assignments,  
26 requirements regarding medical examinations to determine continuing capability to perform the  
27 duties of a Special Police Officer, requirements for training, requirements for firearms licensing  
28 and qualifications, and requirements regarding uniforms and equipment. Special Police Officers  
29 shall not be subject to section 96B of Chapter 41 of the General Laws. The cost of all training  
30 equipment, and uniforms shall be born by the Special Police Officer.

31 SECTION 6. Special Police Officers shall be sworn before the town clerk who shall keep  
32 a record of all appointments.

33 SECTION 7. Special Police Officers appointed under this act shall be subject to section  
34 100 of Chapter 41 of the General Laws. Since Special Police Officers in the Town of Barnstable  
35 are not subject to the maximum age restriction, eligibility under section 100 does not terminate  
36 when the Special Police Officer reaches age 65. Special Police Officers appointed under this act  
37 shall not be subject to section 85H of Chapter 32 of the General Laws, or eligible for any  
38 benefits under that section.

39 SECTION 8. An individual who is appointed as a Special Police Officer under this act  
40 shall be eligible for assignment to any detail, as authorized by the Chief of Police.

41 SECTION 9. Retired police officers in the Town of Barnstable serving as Special Police  
42 Officers under this act shall be subject to the limitations on hours worked and payments to retired  
43 town employees under MGL c.32 s.91(b).

44 SECTION 10. Special Police Officers appointed under this act shall not be eligible to  
45 collect unemployment compensation under MGL c. 151A.

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