

**HOUSE . . . . . No. 3864**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Kay Khan*

*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 relative to the appointment of special police officers in the city of Newton.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>1/16/2014</i>
<i>Ruth B. Balseer</i>	<i>12th Middlesex</i>	<i>1/16/2014</i>
<i>Cynthia S. Creem</i>	<i>First Middlesex and Norfolk</i>	<i>1/17/2014</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>	<i>1/16/2014</i>
<i>Mayor Setti Warren</i>	<i>City Hall 1000 Commonwealth Ave Newton Centre, MA 02459</i>	<i>1/16/2014</i>

**HOUSE . . . . . No. 3864**

By Ms. Khan of Newton, a petition (accompanied by bill, House, No. 3864) of Kay Khan and others (with the approval of the mayor and board of aldermen) that the city of Newton be authorized to appoint retired police officers as special police officers. Public Service. [Local Approval Received.]

**The Commonwealth of Massachusetts**

**In the Year Two Thousand Fourteen**

An Act relative to the appointment of special police officers in the city of Newton.

*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 mayor of the City of Newton may appoint, at the recommendation of  
2 the police chief and as the police chief deems necessary, retired Newton 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 retired Newton police officers  
5 shall have been regular Newton police officers and retired based on superannuation. They shall  
6 be subject to the same maximum age restrictions as applied to regular Newton police officers  
7 under chapter 32 of the General Laws. Prior to appointment under this act, a retired Newton  
8 police officer shall pass a medical examination by a physician or other certified professional  
9 chosen by the City to determine whether the retired Newton police officer is capable of  
10 performing the essential duties of a special police officer under this act, the cost of which shall  
11 be borne by the retired Newton police officer.

12 SECTION 2. Special police officers appointed under this act shall not be subject to  
13 chapter 31 of the General Laws, section 99A of chapter 41 of the General Laws, chapter 150E of  
14 the General Laws, or chapter 151A of the General Laws. Special police officers appointed under  
15 this act shall not be eligible for special leave, vacation or other benefits enumerated in article II  
16 of chapter 2 of Newton Revised Ordinances, 2012.

17 SECTION 3. Special police officers shall, when performing the duties under section 1,  
18 have the same power to make arrests and perform other police functions as do regular police  
19 officers of the City of Newton.

20 SECTION 4. Special police officers shall be appointed for an indefinite term, subject to  
21 removal by the mayor or the chief of police at any time with a 14 day written notice.

22 SECTION 5. The workweek for special police officers appointed under this act shall be  
23 seven (7) consecutive twenty-four (24) hour periods, for a total of one hundred and sixty-eight  
24 (168) hours, which shall commence at 8:00 A.M. at the start of each Monday of the calendar  
25 week. In no case shall any special police officer appointed under this act perform police details  
26 or any duties arising therefrom in excess of forty (40) hours in any given workweek.

27 SECTION 6. Special police officers appointed under this act shall be subject to the rules  
28 and regulations, policies and procedures and requirements as the chief of police and the mayor of  
29 the City of Newton may impose from time to time, including, but not limited to restrictions on  
30 the type of detail assignments, requirements regarding medical examinations to determine  
31 continuing capability to perform the duties of a special police officer, requirements for training,  
32 requirements for firearms licensing and qualifications and requirements regarding uniforms and  
33 equipment. Compliance with all requirements will be at no cost to the City of Newton. Special  
34 police officers appointed under this act shall not be subject to section 96B of chapter 41 of the  
35 General Laws.

36 SECTION 7. Special police officers appointed under this act shall be sworn before the  
37 city clerk of the City of Newton who shall keep a record of all such appointments.

38 SECTION 8. Special police officers appointed under this act shall be subject to sections  
39 100 and 111F of chapter 41 of the General Laws. The amount payable under section 111F of  
40 chapter 41 shall be calculated by averaging the amount earned over the prior 52 weeks as a  
41 special police officer working police details, or averaged over such lesser period of time for any  
42 officer designated as a special police officer less than 52 weeks before the incapacity. In no  
43 event shall payment under section 111F of chapter 41 exceed, in any calendar year, the limitation  
44 on earning contained in paragraph (b) of section 91 of chapter 32 of the General Laws. Payment  
45 under section 111F of chapter 41 shall terminate in accordance with section 111F of Chapter 41  
46 or when a special police officer appointed under this act reaches the age of 65, whichever occurs  
47 sooner. If the age limitation applicable to regular police officers serving a city is increased from  
48 65 years of age, the termination of benefits under section 111F of chapter 41, as provided in this  
49 section for special police officers, shall terminate at such a higher age limit, but in no event shall  
50 the benefits extend beyond the age of 70 for any such special police officer. Special police  
51 officers appointed under this act shall not be subject to section 85H or 85H 1/2 of chapter 32, nor  
52 eligible for any benefits pursuant thereto.

53 SECTION 9. Appointment as a special police officer does not entitle that person to  
54 assignment to any detail.

55           SECTION 10. Retired Newton police officers serving as special police officers under  
56 this act shall be subject to the limitations on hours worked and on earnings restrictions as  
57 provided in paragraph (b) of section 91 of chapter 32 of the General Laws.

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