

**HOUSE . . . . . No. 4194**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Josh S. Cutler and Thomas J. Calter*

*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 creating a special police force in the town of Duxbury.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

*Josh S. Cutler*

*6th Plymouth*

*Thomas J. Calter*

*12th Plymouth*

**HOUSE . . . . . No. 4194**

By Messrs. Cutler of Duxbury and Calter of Kingston, a petition (accompanied by bill, House, No. 4194) of Josh S. Cutler and Thomas J. Calter (by vote of the town) that the town of Duxbury be authorized to appoint special police officers in said town. Public Service. [Local Approval Received.]

**The Commonwealth of Massachusetts**

**In the Year Two Thousand Fourteen**

An Act creating a special police force in the town of Duxbury.

*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 board of selectmen of the Town of Duxbury may create a special police  
2 force not subject to chapter 31 of the General Laws to augment and assist the Duxbury Police  
3 Department as may be necessary for the safety and protection of the Town’s citizens. This  
4 special police force shall be comprised of qualified, suitable appointees of strong moral character  
5 as determined by the Duxbury Chief of Police or his designee. The Town may also appoint  
6 Duxbury police officers who are retired from the regular force based on superannuation as  
7 members of the special police force. A special police officer appointed under this act shall be  
8 subject to the maximum age restriction that applies to a regular police officer under chapter 32 of  
9 the General Laws. A special police officer appointed under this act shall pass a medical  
10 examination by a physician or other certified professional chosen by the town prior to  
11 performing any police duties. This examination, the cost of which shall be borne by the special  
12 police officer, is to determine that the proposed special police officer is capable of performing  
13 the essential duties of a special police officer. The appointees to this special police force shall be  
14 considered employees of the Town of Duxbury to the same extent as regular Duxbury police  
15 officers.

16 SECTION 2. A special police officer appointed under this act shall not be subject to  
17 chapter 31 or section 99A of chapter 41 of the General Laws.

18 SECTION 3. A special police officer appointed under this act, when performing duties  
19 authorized by section 1, shall have the same power to make arrests and perform other police  
20 functions as a regular police officer of the town of Duxbury.

21 SECTION 4. A special police officer appointed under this act shall be appointed for a  
22 one-year term, subject to removal by the Town Manager at any time upon written notice by the  
23 Town Manager.

24 SECTION 5. A special police officer appointed under this act may be subject to  
25 suspension at any time at the sole discretion of the chief of police of the Duxbury Police  
26 Department.

27 SECTION 6. A special police officer appointed under this act shall be subject to the  
28 rules, regulations, policies, procedures, and requirements of the police department and the chief  
29 of police of the Duxbury Police Department, including restrictions on the type of detail  
30 assignments, requirements regarding medical examinations to determine continued ability to  
31 perform the duties of a special police officer and requirements regarding uniform and equipment.  
32 A special police officer appointed under this act shall not be subject to section 96B of chapter 41  
33 of the General Laws.

34 SECTION 7. A special police officer appointed under this act shall be sworn before the  
35 town clerk, who shall keep a record of all such appointments.

36 SECTION 8. A special police officer appointed under this act shall be subject to section  
37 100 and section 111F of chapter 41 of the General Laws. The amount payable under said section  
38 111F of said chapter 41 to an incapacitated special police officer shall be calculated by averaging  
39 the amount earned over the prior 52 weeks as a special police officer, or averaged over such  
40 lesser period of time for an officer designated as a special police officer for less than 52 weeks  
41 prior to the incapacity. Payment under said section 111F of said chapter 41 shall not exceed, in a  
42 calendar year, the limitation on earning contained in paragraph (b) of section 91 of chapter 32 of  
43 the General Laws if applicable. Payment under said section 111F of said chapter 41 shall  
44 terminate when a special police officer reaches the age of 65. If the age limitation applicable to a  
45 regular police officer serving the town is increased from the current 65 years of age, the  
46 termination of benefits under said section 111F of said chapter 41, as provided in this act to a  
47 special police officer, shall take place at such higher age limit, but in no event shall the benefits  
48 extend beyond the age of 70 for a special police officer. A special police officer appointed under  
49 this act shall not be subject to section 85H of said chapter 32 or be eligible for benefits under  
50 said section 85H of said chapter 32.

51 SECTION 9. An appointment as a special police officer under this act shall not entitle an  
52 individual appointed as such to assignment to any detail or other police duty assignments.

53 SECTION 10. A retired Duxbury police officer serving as a special police officer under  
54 this act shall be subject to the limitations on hours worked and on payments to retired town  
55 employees under paragraph (b) of section 91 of chapter 32 of the General Laws.

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