

**SENATE . . . . . No. 2363**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

***Mark C. Montigny***

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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 town of Dartmouth.

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PETITION OF:

NAME:

DISTRICT/ADDRESS:

*Mark C. Montigny*

*Second Bristol and Plymouth*

*Christopher M. Markey*

*9th Bristol*

**SENATE . . . . . No. 2363**

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By Mr. Montigny, a petition (accompanied by bill, Senate, No. 2363) of Mark C. Montigny and Christopher M. Markey (by vote of the town) for legislation to authorize the appointment of special police officers in the town of Dartmouth. Public Service. [Local Approval Received.]

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Fourteen**  
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An Act authorizing the appointment of special police officers in the town of Dartmouth.

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

13           Section 2: Special police officers appointed under this act shall not be subject to Chapter  
14 31 or Chapter 150E of the General Laws or Sections 99A or 111F of Chapter 41.

15           Section 3: Special police officers while performing the duties under Section 1 have the  
16 same powers to make arrests and perform other functions as do regular police officers in the  
17 town of Dartmouth.

18           Section 4: Special police officers shall be appointed for a term of 1 year, subject to  
19 removal or suspension by the chief of police with the approval of the select board at any time, in  
20 case of removal, a special police officer shall be provided with 14 days written notice prior to

21 removal. Upon request the chief of police shall provide the reasons for removal or suspension in  
22 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 Dartmouth, 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 special police officer, requirements for training, requirements for firearms licensing and  
28 qualifications, and requirements regarding uniforms and equipment. Special police officers shall  
29 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 a  
32 record of all appointments.

33 Section 7: Special police officers appointed under this act shall be subject to Section 100  
34 of Chapter 41 of the General Laws. Since special police officers in the town of Dartmouth are  
35 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 shall  
40 be eligible for assignment to any detail, as authorized by the chief of police.

41 Section 9: Retired police officers in the town of Dartmouth 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 collect  
45 unemployment compensation under MGL c.151A.