SENATE DOCKET, NO. 1674 FILED ON: 1/16/2015

SENATE . . . . . No. 1325

The Commonwealth of Massachusetts

PRESENTED BY:

James E. Timilty

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 University of Massachusetts police.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
James E. Timilty	*Bristol and Norfolk*
James R. Miceli	*19th Middlesex*

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By Mr. Timilty, a petition (accompanied by bill, Senate, No. 1325) of James E. Timilty and James R. Miceli for legislation relative to the University of Massachusetts police. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act relative to the University of Massachusetts police.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to make forthwith certain corrective changes in general and specific laws relative to the University of Massachusetts Police Department, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 7 of chapter 4 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by adding as a fiftieth paragraph, the following words: - "Police officer", "policeman", or "permanent member of a police force", shall include without limitation, any police officer appointed by the University of Massachusetts.

SECTION 2. Chapter 75 of the General Laws is hereby amended by striking Section 32A and inserting in place thereof the following new section:

Section 32A. The trustees shall make rules and regulations for the control, movement and parking of vehicles on the campus of the university and on other land of the university, and may provide reasonable penalties for the violation of said rules and regulations. The trustees shall

10 appoint as police officers persons in the employ of the university who in the enforcement of said
11 rules and regulations and throughout university property, including but not limited to upon any
12 lands, roads, or properties owned, leased, occupied, sublet, or affiliated with the University of
13 Massachusetts; and throughout any or all such roadways contiguous to said university property
14 to and from all points or locales, shall have the powers of police officers, except as to service of
15 civil process. Notwithstanding any other provision of law, all fines and penalties recovered for
16 violation of rules and regulations made under authority of this section shall be accounted for by
17 the clerk of the court and forwarded to the trustees of the university to be deposited in the
18 scholarship trust fund of the university for scholarship purposes.

19 SECTION 3. Notwithstanding any general or special law, rule or regulation to the
20 contrary, all incumbent police officers previously appointed under section 32A of chapter 75 and
21 currently employed by the University of Massachusetts police department immediately prior to
22 the effective date of this act shall continue to serve in their respective offices or positions as non-
23 civil service police officers in the University of Massachusetts police department, established
24 under section 32A of chapter 75, without impairment of their retirement, seniority, or other rights
25 and they shall not be lowered in grade or compensation.

26 Nothing in this section shall be construed to confer upon any employee any rights not
27 held immediately prior to the effective date of this act or to prohibit any reduction of salary or
28 grade, transfer, reassignment, suspension, discharge, layoff, or abolition or position not
29 prohibited prior to said effective date.

30 SECTION 4. Section 5 of chapter 467 Acts of 2004 as so appearing, is hereby amended
31 by adding after the words “state or community college” the following words: - or the University
32 of Massachusetts.

33 SECTION 5. Section 111F of chapter 41 of the General Laws, is hereby amended by
34 inserting after the words:- “General Edward Lawrence Logan International Airport, and members
35 of the Massachusetts military reservation fire department, for the purposes of this section the
36 Massachusetts Port Authority and Massachusetts military reservation shall be fire districts,” the
37 following:-- The provisions of this section shall also apply in all aspects to any University of
38 Massachusetts police officer.

39 SECTION 6. Section 94 of chapter 32, as so appearing, is hereby amended by inserting
40 after the words “Massachusetts Bay Transportation Authority,” the following words:- or of the
41 University of Massachusetts police department.

42 SECTION 7. Section 9A of chapter 258 of the General Laws is hereby amended by
43 inserting after the words “state police”, each time they appear, the following words: - the police
44 department of the University of Massachusetts.

45 SECTION 8. Group 2 of paragraph (g) of subdivision (2) of section 3 of chapter 32 of the
46 General Laws, is hereby amended by striking out the words: - University of Massachusetts
47 police.

48 SECTION 9. Group 4 of paragraph (g) of subdivision (2) of section 3 of chapter 32 of the
49 General Laws, is hereby amended by striking out the words “chief of security for the University
50 of Massachusetts medical school or supervising identification agent; ” and inserting in its place
51 thereof the words: - chiefs and police officers of the University of Massachusetts system.

52 SECTION 10. Notwithstanding the provisions of chapter 32 of the Massachusetts
53 General Laws or any other general or special law to the contrary, the state board of retirement
54 shall establish and implement a retirement incentive for University of Massachusetts police
55 officers who held positions appointed under section 32A of chapter 75 immediately prior to the
56 effective date of this act. Each police officer eligible shall request and receive a combination of
57 years of creditable service and years of age, the sum of which shall not be greater than three
58 years of creditable service and years of age, provided said police officer shall retire within twelve
59 months of the date of enactment of this section.

60 SECTION 11. Chapter 41 of the General Laws is hereby amended by inserting after
61 section 98G the following new section: -

62 Section 98H. A police officer of the University of Massachusetts is who empowered to
63 make arrests on properties owned, occupied, leased, sublet, or affiliated with the university, may
64 while on duty in a city or town that contains or borders said properties, take any legal action or
65 exercise any lawful act within said town or city, to enforce the General Laws of the
66 Commonwealth.

67 SECTION 15. Section 8G of chapter 40 of the General Laws, as so appearing, is hereby
68 amended by inserting at the end thereof the following new sentence: - As used in this section, the
69 definition of "police officer" shall mean any officer of a city of town, or of the University of
70 Massachusetts.