SENATE DOCKET, NO. 525 FILED ON: 1/15/2015

SENATE . . . . . No. 1403

The Commonwealth of Massachusetts

PRESENTED BY:

Michael O. Moore

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 appellate review.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Michael O. Moore	*Second Worcester*

SENATE DOCKET, NO. 525 FILED ON: 1/15/2015

SENATE . . . . . No. 1403

By Mr. Moore, a petition (accompanied by bill, Senate, No. 1403) of Michael O. Moore for legislation relative to the state police. Public Service.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *1297* OF 2011-2012.]

The Commonwealth of Massachusetts

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

An Act relative to appellate review.

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

Chapter 22C of the General Laws is hereby amended by striking out section 13, as appearing in the 2012 Official Edition, and inserting in the place thereof the following section:-

Section 13. Any uniformed member of the state police who has served for 1 year or more and against whom charges have been preferred shall be tried by a board to be appointed by the colonel or, at the request of the officer, may be tried by a board consisting of the colonel. Any person aggrieved by the finding of such a trial board may within sixty days after being notified thereof, bring a petition before the civil service commission addressed to the chairman of the commission, or to the American Arbitration Association, asking that the action of the department trial board be reviewed by the commission, or an arbitrator selected in accordance with the Association's established procedures, and after such notice to the colonel as the commission or

arbitrator deems necessary, the commission or arbitrator shall review such finding de novo and determine whether upon all the evidence such finding and punishment was justified. If the commission or arbitrator finds that such finding and punishment was justified, the action of the department trial board shall be affirmed; otherwise it shall be reversed and the petitioner shall be reinstated to his office without loss of compensation or other benefits. The decision of the commission or arbitrator shall be final and conclusive upon the parties, and a copy of the decision shall be forwarded forthwith by the commission or association to the colonel. A uniformed officer of the state police who has been dismissed from the force after trial before such a trial board, or who resigns while charges to be tried by a trial board are pending against him, shall not be reinstated by the colonel.