HOUSE DOCKET, NO. 4342 FILED ON: 11/7/2017

HOUSE . . . . . No. 4030

The Commonwealth of Massachusetts

PRESENTED BY:

Kenneth I. Gordon and Cindy F. Friedman

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 Special Police Officers In the Town of Burlington.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Kenneth I. Gordon	*21st Middlesex*	*11/7/2017*
Cindy F. Friedman	*Fourth Middlesex*	*11/7/2017*

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HOUSE . . . . . No. 4030

By Representative Gordon of Bedford and Senator Friedman, a joint petition (accompanied by bill, House, No. 4030) of Kenneth I. Gordon and Cindy F. Friedman (by vote of the town) that the town of Burlington be authorized to appoint special police officers in said town. Public Service. [Local Approval Received.]

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

An Act Relative to Special Police Officers In the Town of Burlington.

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

ARTICLE 13 RE: Home Rule Petition - Special Legislation Concerning Special Police Officers

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the board of selectmen of the town of Burlington may appoint, at the recommendation of the police chief and as said chief deems necessary, individuals with a law enforcement background as special police officers to perform police details or any other duties arising therefrom or during the course of police detail work, whether or not related to the detail work. Prior to appointment under this act, a special police officer shall pass a medical examination conducted by a physician or other certified professional chosen by the town to determine whether the special police officer is capable of performing the essential duties of a special police officer and the cost thereof shall be borne by the special police officer.

SECTION 2. Special police officers shall not be subject to chapter 31 of the General Laws, section 99A of chapter 41 of the General Laws, or chapter 150E of the General Laws.

SECTION 3. When performing duties authorized under section 1, special police officers shall have the same power to make arrests and perform other functions as do regular police officers of the town of Burlington.

SECTION 4. A special police officer shall be appointed for an indefinite term, subject to removal or suspension by the Board of Selectmen at any time. In the case of removal, a special police officer shall be provided with 14 days written notice prior to removal. Upon request, the Board of Selectmen shall provide the reasons for removal or suspension in writing.

SECTION 5. Special police officers shall be subject to the rules and regulations, policies and procedures and requirements of the Board of Selectmen and the chief of police of the town of Burlington including, but not limited to, restrictions on the type of detail assignments, requirements regarding medical examinations to determine continuing capability to perform the duties of a special police officer, requirements for training, requirements for firearms licensing and qualifications and requirements regarding uniform and equipment. Special police officers shall not be subject to section 96B of chapter 41 of the General Laws. The cost of all training, uniforms and equipment shall be borne by the special police officer.

SECTION 6. Special police officers shall be sworn before the town clerk of the town of Burlington who shall keep a record of all such appointments.

SECTION 7. Special police officers appointed under this act shall be subject to sections 100 and 111F of chapter 41 of the General Laws. The amount payable under said section 111F of said chapter 41 shall be calculated by averaging the amount earned over the prior 52 weeks as a

special police officer working police details, or averaged over such lesser period of time for any officer designated as a special police officer less than 52 weeks prior to the incapacity. Payments under said section 111F of said chapter 41 shall not exceed, in a calendar year, the limitation on earnings in paragraph (b) of section 91 of chapter 32 of the General Laws. Payments under said section 111F of said chapter 41 shall terminate in accordance with said section 111F of said chapter 41 or when a special police officer reaches the age of 65, whichever occurs sooner. In the event the age limitation applicable to regular police officers serving a town is increased under said chapter 32 from the current 65 years of age, the termination benefits under said section 111F of said chapter 41, as provided under this act to special police officers, shall terminate at such higher age limit but in no event shall those termination benefits extend beyond the age of 70 for such special police officers. Special police officers appointed under this act shall not be subject to sections 89E, 85H or 85H½ of said chapter 32 nor shall they be eligible for any benefits pursuant thereto.

SECTION 8. An appointment as a special police officer shall not entitle that person to assignment to a detail.

SECTION 9. Special police officers appointed under this act shall be subject to the limitation on hours worked and other restrictions on earnings as provided in paragraph (b) of section 91 of chapter 32 of the General Laws.

SECTION 10. A special police officer shall not be subject to maximum age restrictions applied to regular officers under chapter 32 of the General Laws, but shall not be eligible to serve as a special police officer upon reaching the age of 70. The provisions of this section shall apply to any special police officer appointed prior or subsequent to the effective date of this act.

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