

HOUSE No. 4918

The Commonwealth of Massachusetts

PRESENTED BY:

Louis L. Kafka

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 Stoughton.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>	<i>9/20/2018</i>
<i>William C. Galvin</i>	<i>6th Norfolk</i>	<i>9/25/2018</i>
<i>Walter F. Timilty</i>	<i>Norfolk, Bristol and Plymouth</i>	<i>9/25/2018</i>

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By Mr. Kafka of Stoughton, a petition (accompanied by bill, House, No. 4918) of Louis L. Kafka, William C. Galvin and Walter F. Timilty (by vote of the town) that the town of Stoughton 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 authorizing the appointment of special police officers in the town of Stoughton.

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 town manager of the town of Stoughton may appoint retired police
2 officers of the town of Stoughton as special police officers to perform police details or any other
3 police duties arising therefrom or during the course of police detail work, whether or not related
4 to the detail work; provided, that the retired police officer shall have been a regular, full-time
5 police officer of the town of Stoughton who retired in good standing and based on
6 superannuation. A special police officer appointed pursuant to this act shall not be subject to the
7 maximum age restrictions for police officers set forth in chapter 32 of the General Laws, but
8 shall not be eligible to serve as a special police officer once the special police officer has reached
9 the age of 70.

10 SECTION 2. Prior to appointment as a special police officer pursuant to this act, a retired
11 police officer shall be required to: (i) pass a medical examination conducted by a physician
12 selected by the chief of police of the town of Stoughton to determine whether the retired police

13 officer is capable of performing the essential duties of a special police officer and (ii) provide
14 proof of such passage to the chief of police. Additional post-appointment fitness for duty
15 examinations may be required of a special police officer by the chief of police if, in the chief of
16 police's sole discretion, a question as to that special police officer's fitness for duty has arisen.
17 The cost of all medical examinations pursuant to this section shall be borne by the retired or
18 special police officer.

19 SECTION 3. A special police officer appointed pursuant to this act shall not be subject to
20 chapter 31 of the General Laws, sections 99A and 111F of chapter 41 of the General Laws or
21 chapter 150E of the General Laws. A special police officer may be required by the chief of
22 police, as a condition of employment, to purchase an insurance policy that indemnifies the town
23 of Stoughton against any workers' compensation costs in the event that the special police officer
24 is injured while performing the duties of a special police officer.

25 SECTION 4. A special police officer appointed pursuant to this act shall be subject to the
26 policies, procedures, rules and regulations of the police department of the town Stoughton
27 including, but not limited to, those policies, procedures, rules and regulations governing training,
28 equipment, uniforms, certifications or any other restrictions or requirements related to
29 employment as a special police officer.

30 SECTION 5. A special police officer of the town of Stoughton, while performing the
31 duties described in this act, shall have the same power of arrest and authority to perform other
32 functions as full-time, regular police officers of the town of Stoughton.

33 SECTION 6. A special police officer shall be appointed annually for a term of 1 year
34 commencing on July 1, but shall serve at the pleasure of the town of Stoughton and may be

35 suspended or removed from the appointment by the town manager at any time. In the case of
36 removal, the special police officer shall be provided with 14 days' written notice prior to
37 removal.

38 SECTION 7. The chief of police of the town of Stoughton may restrict the type of detail
39 assignments that special police officers may work. Special police officers appointed pursuant to
40 this act shall not be subject to section 96B of chapter 41 of the General Laws. The cost of all
41 training, equipment, and uniforms shall be borne by the special police officer except as otherwise
42 determined by the chief of police.

43 SECTION 8. Special police officers of the town of Stoughton shall be sworn before the
44 clerk of the town of Stoughton, who shall keep a record of all appointments and expirations of
45 appointments.

46 SECTION 9. Special police officers appointed pursuant to this act shall be eligible for
47 indemnification pursuant to section 100 of chapter 41 of the General Laws. Special police
48 officers shall not be subject to section 85H or 85H1/2 of chapter 32 of the General Laws and
49 shall not be eligible for any benefits pursuant to said section 85H or 85H1/2 of said chapter 32.

50 SECTION 10. The assignment of a special police officer pursuant to this act to a police
51 detail or other duties shall be at the discretion of the chief of police of the town of Stoughton.

52 SECTION 11. A special police officer appointed pursuant to this act shall be subject to
53 the limitations on hours worked and earnings restrictions as set forth in section 91 of chapter 32
54 of the General Laws.

55 SECTION 12. This act shall take effect upon its passage.