

SENATE No. 1118

The Commonwealth of Massachusetts

PRESENTED BY:

Joseph A. Boncore

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 retired police officers to serve as special police officers.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Joseph A. Boncore</i>	<i>First Suffolk and Middlesex</i>	
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>	<i>2/1/2017</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>2/15/2017</i>

SENATE No. 1118

By Mr. Boncore, a petition (accompanied by bill, Senate, No. 1118) of Joseph A. Boncore, Danielle W. Gregoire and Michael O. Moore for legislation to authorize the appointment of retired police officers to serve as special police officers. Municipalities and Regional Government.

The Commonwealth of Massachusetts

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

An Act authorizing the appointment of retired police officers to serve as special police officers.

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. Chapter 41 of the General Laws, as appearing in the 2016 Official Edition,
2 is hereby amended by inserting the following as section 97G:

3 SECTION 2. The appointing authority in any city or town may appoint as many retired
4 police officers as special police officers as the police chief deems necessary for the purpose of
5 performing police details or performing any police duties arising from those police details or
6 arising during the course of police detail work, whether or not related to the detail work. The
7 retired police officers must have been regular police officers and retired, based on
8 superannuation or voluntary separation but not under chapter 41, section 111F. The special
9 police officers shall not be subject to the maximum age restrictions applied to regular police
10 officers under chapter 32 of the General Laws, but shall not be eligible to serve as special police
11 officers if they have reached the age of 70. A special police officer must pass a medical
12 examination by a physician or other certified professional chosen by the city or town to

13 determine that he/she is capable of performing the essential duties of a special police officer, the
14 cost of which shall be borne by the special police officer prior to performing police details.

15 SECTION 3. Special police officers, appointed under this act, shall not be subject to
16 chapter 31 of the General Laws or section 85H of chapter 32, or sections 99, 100 or 111F of
17 chapter 41, chapter 151A or chapter 152 of the General Laws.

18 SECTION 4. Special police officers shall, when performing their duties under section 1,
19 have the same powers to make arrests and perform other functions as do regular police officers in
20 the city or town.

21 SECTION 5. Special police officers shall be appointed for an indefinite term, subject to
22 removal by the appointing authority at any time with 14 days' written notice.

23 SECTION 6. Special police officers shall be subject to the rules and regulations, policies
24 and procedures and requirements of the police department and the orders of the chief of police of
25 the city or town, including restrictions on the type of detail assignment, requirements regarding
26 medical examinations to determined continued capacity to perform the duties of a special police
27 officer, requirements for training, requirements for firearm licensing and qualification and
28 requirements regarding uniforms and equipment. Special police officers shall not be subject to
29 section 96B of chapter 41 of the General Laws.

30 SECTION 7. Special police officers shall be sworn in before the City or Town Clerk who
31 shall keep a record of all such appointments.

32 SECTION 8. An individual who is appointed as a special police officer under this act
33 shall be eligible for assignment to any detail subject to the approval of the chief of police.

34 However, nothing shall require the police chief to use or otherwise assign such special police
35 officers to any detail or other duties.

36 SECTION 9. Retired police officers serving as special police officers under this act shall
37 be subject to the limitations on hours worked and on payments to retired city or town employees
38 under subsection (b) of section 91 of chapter 32 of the General Law.

39 SECTION 10. This act shall take effect upon its passage.