SENATE DOCKET, NO. 2100 FILED ON: 2/22/2017

SENATE . . . . . No. 2034

The Commonwealth of Massachusetts

PRESENTED BY:

Marc R. Pacheco

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 as special police officers in the city of Taunton.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
Marc R. Pacheco	*First Plymouth and Bristol*	
Patricia A. Haddad	*5th Bristol*	
Keiko M. Orrall	*12th Bristol*	
Shaunna L. O'Connell	*3rd Bristol*	*3/23/2017*

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By Mr. Pacheco, a petition (accompanied by bill, Senate, No. 2034) of Marc R. Pacheco, Patricia A. Haddad and Keiko M. Orrall (with the approval of the mayor and city council) for legislation to authorize the appointment of retired police officers as special police officers in the city of Taunton. 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 retired police officers as special police officers in the city of Taunton.

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. The chief of police of the City of Taunton, as the appointing authority, may appoint, as the chief of police considers necessary, retired Taunton police officers as special police officers to perform police details or any duties arising from police details or during the course of police detail work, whether or not related to the detail work. The police chief shall have sole discretion to appoint retired Taunton police officers as special police officers and shall establish all department rules, procedures and policies concerning these appointments. The chief of police shall appoint retired Taunton police officers who served as regular Taunton police officers and are retired based on superannuation. No retired police officer shall be appointed under this act as a special police officer if that officer has been retired for more than 4½ years. Special police officers shall not be subject to the same maximum age restrictions as applied to regular Taunton police officers under chapter 32 of the General Laws, but shall not be eligible to

serve as special police officers if they have reached the age of 68. Prior to appointment under this act, a retired Taunton police officer shall pass a medical examination by a physician or other certified professional chosen or agreed to by the department to determine whether the retired Taunton police officer is capable of performing the essential duties of a special police officer under this act. The cost of the medical examination shall be borne by the retired Taunton police officer.

SECTION 2. Special police officers appointed under this act shall not be subject to chapter 31, section 99A of chapter 41, chapter 150E or chapter 151A of the General Laws.

SECTION 3. When performing the duties set forth in section 1, special police officers shall have the same power to make arrests and to perform other police functions as do regular police officers of the City of Taunton.

SECTION 4. A special police officer shall be appointed for a 1-year term, subject to renewal at the discretion of the chief of police; provided, however, that a special police officer shall be subject to suspension or removal by the chief of police at any time. All benefits afforded to special police officers appointed under this act shall terminate upon the conclusion of the employment term. A special police officer's appointment shall automatically terminate upon the officer's 68th birthday.

SECTION 5. Special police officers appointed under this act shall be subject to the rules and regulations, policies and procedures and requirements as the chief of police may impose from time to time 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, requirements for maintaining of a medical or liability insurance policy, and requirements regarding uniforms and equipment. The chief of police shall, at the chief of police's discretion, set a schedule of fees associated with the costs of training, medical examinations, equipment, uniforms and any other requirements considered necessary by the chief of police that shall be paid by the special police officer appointed under this act. Special police officers appointed under this act shall not be subject to section 96B of chapter 41 of the General Laws.

SECTION 6. Special police officers appointed under this act shall be sworn in by the chief of police for the City of Taunton.

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 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 before the incapacity. In no event shall payment under said section 111F of said chapter 41 exceed, in any calendar year, the limitation on earning contained in paragraph (b) of section 91 of chapter 32 of the General Laws. Payment under said section 111F of said chapter 41 shall terminate in accordance with said section 111F or at the conclusion of the employment term, whichever occurs sooner. Special police officers appointed under this act shall not be subject to sections 85H or 85H½ of said chapter 32 of the General Laws and shall not be eligible for any benefits pursuant to said sections 85H or 85H½ of said chapter 32.

SECTION 8. Appointment as a special police officer shall not entitle the appointee to assignment to any detail.

SECTION 9. Retired Taunton police officers serving as special police officers under this act shall be subject to the limitations on hours worked and on earnings restrictions as provided in paragraph (b) of section 91 of chapter 32 of the General Laws.

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