SENATE DOCKET, NO. 2805 FILED ON: 10/25/2018

SENATE . . . . . No. 2671

The Commonwealth of Massachusetts

PRESENTED BY:

Mark C. Montigny

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 city of New Bedford.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Mark C. Montigny	*Second Bristol and Plymouth*
Robert M. Koczera	*11th Bristol*
Paul A. Schmid, III	*8th Bristol*
Christopher M. Markey	*9th Bristol*
Antonio F. D. Cabral	*13th Bristol*

SENATE DOCKET, NO. 2805 FILED ON: 10/25/2018

SENATE . . . . . No. 2671

By Mr. Montigny, a petition (accompanied by bill, Senate, No. 2671) of Mark C. Montigny, Robert M. Koczera, Paul A. Schmid, III, Christopher M. Markey and other members of the General Court (with approval of the mayor and city council) for legislation to authorize the appointment of special police officers in the city of New Bedford. 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 city of New Bedford.

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. (a) The police chief of the city of New Bedford may appoint, as the chief considers necessary in the chief's sole discretion and judgment, retired New Bedford police officers as special police officers to perform police details and any other duties arising from or during the course of police detail work if the special police officer is on detail assignment and an emergency response by the special police officer is required due to the inability of a regular police officer to timely respond to the emergency. No retired police officer shall be appointed under this act unless the officer previously served as a regular New Bedford police officer and is retired based on superannuation under chapter 32 of the General Laws. No retired police officer shall be appointed under this act as a special police officer if the officer has been retired from the New Bedford police department for more than 4½ years unless the police officer has since maintained employment as an active police officer in the commonwealth. No retired police

officer shall be eligible for appointment under this act if the officer has attained the age of 65 and any police officer so appointed shall be terminated upon attaining the age of 65. Prior to appointment under this act and in order to be eligible for such appointment, a retired New Bedford police officer shall successfully pass a medical examination by a physician or other certified professional chosen or agreed to by the police chief to determine whether the retired New Bedford 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 New Bedford police officer.

(b) Special police officers appointed under this act shall not be subject to chapter 31, sections 96B and 99A of chapter 41, chapter 150E, or chapter 151A of the General Laws.

(c) When performing the duties set forth in section 1, officers appointed under this act shall have the same power to make arrests and to perform other police functions as do regular police officers of the city of New Bedford.

(d) Special police officers appointed under this act shall be appointed for a 1-year term subject to renewal at the sole discretion of the chief and shall be subject to suspension or removal by the chief at any time.

(e) Special police officers appointed under this act shall be subject to such rules, regulations, policies, procedures and requirements as the chief may impose in in the police chief's sole discretion, 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 a medical or liability insurance policy

and requirements regarding uniforms and equipment. The chief shall, in the chief's sole discretion, set a schedule of fees associated with the costs of training, medical examinations, equipment and uniforms and any other requirements considered necessary by the chief that shall be paid by the special police officer. Nothing in this act shall establish the right or entitlement of any officer appointed under this act to a specific assignment and all such assignments shall be made by the chief and in the chief's sole discretion.

(f) Special police officers appointed under this act shall be sworn in by the police chief of the city of New Bedford.

(g) Special police officers appointed under this act shall be subject to sections 100 and 111F of chapter 41 of the General Laws. The weekly amount payable to a qualified officer under said section 111F of said chapter 41 shall be determined by calculating the weekly average of the total amount earned by the officer as a special police officer working police details during the 52 weeks preceding the date of a qualifying incapacity. If a special police officer's appointment under this act occurred less than 52 weeks before the date of qualifying incapacity, the weekly amount payable under said section 111F of said chapter 41shall be determined by calculating the weekly average of the total amount earned by the officer during the number of weeks served before the date of incapacity. No payments made under said section 111F of said chapter 41 shall exceed, in a calendar year, the limitation on earnings set forth in paragraph (b) of section 91 of chapter 32 of the General Laws. Payments made under said section 111F of said chapter 41 shall terminate in accordance with said section 111F of said chapter 41 or at the conclusion of the term of appointment, whichever first occurs. Special police officers appointed under this act shall not be subject to section 85H or 85H½ of said chapter 32 and shall not be eligible for any benefits pursuant to said sections 85 or 85H½ of said chapter 32.

(h) Appointment as a special police officer under this act shall not entitle the appointee to assignment to any detail.

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

(j) Annually, in January, officers appointed under this act shall pay an administration fee to the New Bedford Police Union. Annually, in January, the executive board shall determine the fee and the fee shall be reported to the office of the chief of police. An officer appointed under this act shall be responsible for the timely payment of the administration fee applicable to that calendar year regardless of what month during that year that the officer was appointed.

SECTION 2. This act shall take effect upon its passage.