

HOUSE No. 3824

The Commonwealth of Massachusetts

PRESENTED BY:

David M. Nangle

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 city of Lowell to appoint retired police officers as special police officers within said city for paid detail assignments.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>David M. Nangle</i>	<i>17th Middlesex</i>	<i>5/20/2019</i>
<i>Edward J. Kennedy</i>	<i>First Middlesex</i>	<i>5/24/2019</i>
<i>Thomas A. Golden, Jr.</i>	<i>16th Middlesex</i>	<i>5/28/2019</i>
<i>Rady Mom</i>	<i>18th Middlesex</i>	<i>5/28/2019</i>

HOUSE No. 3824

By Mr. Nangle of Lowell, a petition (accompanied by bill, House, No. 3824) of David M. Nangle and others (with the approval of the city council) that the city of Lowell be authorized to appoint retired police officers as special police officers within said city for paid detail assignments. Public Service. [Local Approval Received.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act authorizing the city of Lowell to appoint retired police officers as special police officers within said city for paid detail assignments.

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 City Manager of the City of Lowell may appoint, as the City Manager
2 deems necessary, retired Lowell police officers as special police officers to perform police
3 details or any duties arising from police details or during the course of police detail work,
4 whether or not related to the detail work. The City Manager shall have discretion to appoint only
5 retired Lowell police officers as special police officers and shall establish department rules,
6 procedures and policies concerning these appointments. The City Manager shall appoint retired
7 Lowell police officers who served as regular Lowell police officers and are retired based on
8 superannuation. No retired police officer shall be appointed under this act as a special police
9 officer if that officer has been retired more than 5 years. Special police officers shall not be
10 subject to the same maximum age restrictions as applied to regular Lowell police officers under
11 Chapter 32 of the General Laws. Prior to appointment under this act, a retired Lowell police

12 officer shall pass a medical examination by a physician or other certified professional chosen or
13 agreed to by the department to determine whether the retired Lowell police officer is capable of
14 performing the essential duties of a special police officer under this act. The cost of the medical
15 examination shall be borne by the retired Lowell police officer.

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

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

21 SECTION 4. A special police officer shall be appointed for a 1-year term, subject to
22 renewal at the discretion of the City Manager; provided, however, that a special police officer
23 shall be an at-will appointment subject to removal by the City Manager at his or her discretion at
24 any time. All benefits afforded to special police officers appointed under this act shall terminate
25 upon the conclusion of the employment term. A special police officer's appointment shall
26 automatically terminate upon the officer's 70th birthday.

27 SECTION 5. Special police officers appointed under this act shall be subject to the rules
28 and regulations, policies and procedures and requirements as the Superintendent of Police may
29 impose from time to time including, but not limited to, restrictions on the type and number of
30 detail assignments, requirements regarding medical examinations to determine continuing fitness
31 and capability to perform the duties of a special police officer, requirements for training,
32 requirements for firearms licensing and qualifications, requirements for maintaining of a medical
33 or liability insurance policy, and requirements regarding uniforms and equipment. The

34 Superintendent of Police shall, at his/her discretion, set a schedule of fees associated with the
35 costs of training, medical examinations, equipment, uniforms and any other requirements
36 considered necessary by the Superintendent of Police that shall be paid by the special police
37 officer appointed under this act. Special police officers appointed under this act shall not be
38 subject to section 96B of Chapter 41 of the General Laws.

39 SECTION 6. Special police officers appointed under this act shall be sworn in by the
40 Superintendent of Police for the City of Lowell.

41 SECTION 7. Sections 100 and 111F of Chapter 41 of the General Laws shall not apply
42 to special police officers appointed under this act. Sections 85H and 85H ½ of Chapter 32 of the
43 General Laws shall not apply to special police officers appointed under this act.

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

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

49 SECTION 10. The City Manager as the appointing authority for the city will have final
50 say in all appointments and removals of special police officers under this act.

51 SECTION 11. This act shall take effect upon final approval by the City Council.