

HOUSE No. 4022

Substituted, on motion of Mr. Speliotis of Danvers, for a bill with the same title (House, No. 3824). July 31, 2019.

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. (a) The city manager of the city of Lowell may appoint, as the city
2 manager deems necessary, retired Lowell police officers as special police officers to perform
3 police 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 pursuant to this act as a special
9 police officer if that officer has been retired more than 5 years. Special police officers shall not
10 be subject to the same maximum age restrictions as applied to regular Lowell police officers
11 pursuant to chapter 32 of the General Laws. Prior to appointment pursuant to this act, a retired
12 Lowell police officer shall pass a medical examination by a physician or other certified
13 professional chosen or agreed to by the department to determine whether the retired Lowell

14 police officer is capable of performing the essential duties of a special police officer pursuant to
15 this act. The cost of the medical examination shall be borne by the retired Lowell police officer.

16 (b) Special police officers appointed pursuant to this act shall not be subject to chapter
17 31, section 99A of chapter 41 or chapter 150E of the General Laws.

18 (c) When performing the duties set forth in subsection (a), special police officers shall
19 have the same power to make arrests and to perform other police functions as regular police
20 officers of the city of Lowell.

21 (d) A special police officer shall be appointed for a 1-year term, subject to renewal at the
22 discretion of the city manager; provided, however, that a special police officer shall be an at-will
23 appointment subject to removal by the city manager at the city manager's discretion at any time.
24 All benefits afforded to special police officers appointed pursuant to this act shall terminate upon
25 the conclusion of the employment term. A special police officer's appointment shall
26 automatically terminate upon the officer reaching their seventieth birthday.

27 (e) Special police officers appointed pursuant to this act shall be subject to the rules and
28 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 or 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 pursuant to this act. Special police officers appointed pursuant to this act shall
38 not be subject to section 96B of chapter 41 of the General Laws.

39 (f) Special police officers appointed pursuant to this act shall be sworn in by the
40 superintendent of police for the city of Lowell.

41 (g) Sections 100 and 111F of chapter 41 of the General Laws shall not apply to special
42 police officers appointed pursuant to this act. Sections 85H and 85H ½ of chapter 32 of the
43 General Laws shall not apply to special police officers appointed pursuant to this act.

44 (h) Appointment as a special police officer shall not entitle the appointee to assignment
45 to any detail.

46 (i) Retired Lowell police officers serving as special police officers pursuant to this act
47 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 (j) The city manager's authority to appoint and remove a special police officer pursuant
50 to this act shall not be subject to review by another employee or official of the city of Lowell.

51 SECTION 2. Section 1 shall take effect upon its acceptance by a vote of the city council
52 of the city of Lowell, but not otherwise.

53 SECTION 3. This act shall take effect upon its passage.”