

HOUSE No. 4861

The Commonwealth of Massachusetts

PRESENTED BY:

Jessica Ann Giannino and Donald H. Wong

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 to appoint retired police officers of the Town of Saugus as special police officers.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Jessica Ann Giannino</i>	<i>16th Suffolk</i>	<i>5/31/2022</i>
<i>Donald H. Wong</i>	<i>9th Essex</i>	<i>5/31/2022</i>
<i>Brendan P. Crighton</i>	<i>Third Essex</i>	<i>6/9/2022</i>

HOUSE No. 4861

By Representatives Giannino of Revere and Wong of Saugus, a petition (accompanied by bill, House, No. 4861) of Jessica Ann Giannino and Donald H. Wong (by vote of the town) that the town of Saugus be authorized to appoint retired police officers of said town as special police officers. Public Service. [Local Approval Received.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act to appoint retired police officers of the Town of Saugus 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. The Town Manager of the Town of Saugus has sole discretion to appoint

2 Retired police officers of the Town of Saugus as special police officers to perform police

3 details

4 or other police duties arising from police details or during the course of police details

5 work,

6 whether or not related to the detail work. The retired police officers shall have been

7 regular,

8 full-time police officers of the Town of Saugus who retired in good standing and based

9 on superannuation. A special police officer appointed pursuant to this act shall not be subject to

10 the maximum age restrictions for police officers set forth in Chapter 32 of the General Laws, but

11 shall not be eligible to serve as a special police officer once the special police officer has reached
12 the age of 70.

13 SECTION 2. Prior to appointment as a special police officer pursuant to this act, a retired
14 police officer shall be required to (i) pass a medical examination conducted by a
15 physician or other certified professional chosen by the Town, or agreed upon by the parties, to
16 determine whether the retired police officer is capable of performing the essential duties of a
17 special police officer; and (ii) provide proof of that page to the chief of police. Additional post-
18 appointment fitness for duty examinations may be required of a special officer by the chief of
19 police, if the Chief has a question of fitness for duty, as to that special police officer. The cost of
20 all medical examinations pursuant to this section shall be borne by the retired or special police
21 officer.

22 SECTION 3. A special police officer appointed pursuant to this act shall not be subject to
23 Chapter 31, Sections 99, 99A, 100 and 111F of Chapter 41, or Chapter 150E of the General
24 Laws. A special police officer shall not be subject to Section 85H or 85H ½ of Chapter 32 of the
25 General Laws nor eligible for any benefits pursuant thereto.

26 SECTION 4. A special police officer appointed pursuant to this act shall be subject to the
27 policies, procedures, rules and regulations of the police department of the Town of Saugus
28 including, but not limited to, those policies, procedures, rules and regulations governing training,
29 equipment, uniforms, firearms, certifications or any other restrictions or requirements related to
30 employment as a special officer.

31 SECTION 5. A special police officer of the Town of Saugus, while performing the duties

32 described in this act, shall have the same power of arrest and authority to perform other
33 police functions as a full-time, regular police officer of the Town of Saugus.

34 SECTION 6. A special police officer shall be appointed for an indefinite term, but shall
35 serve at

36 the pleasure of the Town of Saugus and may be suspended or removed from the
37 appointment by the Town Manager or Chief of Police at any time, with or without cause.

38 SECTION 7. The Chief of Police of the Town of Saugus may restrict the type of detail
39 assignments that special police officers may work. Special police officer's appointment
40 pursuant to this act shall not be subject to Section 96B of Chapter 41 of the General Laws. The
41 cost of all training, equipment, and uniforms shall be borne by the special police officer except as
42 otherwise determined by the Chief of Police.

43 SECTION 8. Special police Officers of the Town of Saugus shall be sworn before the
44 Clerk of

45 the Town of Saugus, who shall keep a record of all appointments and expirations of
46 appointments.

47 SECTION 9. The assignment of a special officer pursuant to this act to a police detail or
48 other

49 duties shall be the discretion of the Chief of Police of the Town of Saugus.

50 SECTION 10. A special police office appointed pursuant to this act shall be subject to the

51 limitations on hours worked and earnings restrictions in Section 91 of the Chapter 32 of
52 the General Laws.

53 SECTION 11. Special police officer appointed under this act shall not be entitled to any
54 other town benefits, nor will they be eligible to collect unemployment benefits, nor will the town
55 be liable for unemployment benefits, under Chapter 151 A of the Massachusetts General laws,
56 for any reason, including involuntary removal of an individual as special police officer.

57 SECTION 12. This act shall take effect upon its passage.

58 Article 38 passes by unanimous voice vote Yes at 8:24pm