SENATE DOCKET, NO. 3158 FILED ON: 5/12/2022

SENATE . . . . . No. 2876

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce E. Tarr

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 town of Rowley.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Bruce E. Tarr	*First Essex and Middlesex*
Jamie Zahlaway Belsito	*4th Essex*

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SENATE . . . . . No. 2876

By Mr. Tarr, a petition (accompanied by bill, Senate, No. 2876) of Bruce E. Tarr and Jamie Zahlaway Belsito (by vote of the town) for legislation to authorize the appointment of retired police officers as special police officers in the town of Rowley. Public Service. [Local approval received]

The Commonwealth of Massachusetts

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

An Act authorizing the appointment of retired police officers as special police officers in the town of Rowley.

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 Board of Selectmen of the town of Rowley may appoint, as they deem necessary, retired police officers as special police officers for the purpose of performing police details or any other police duties whether or not related to detail work; provided however that such retired police officers shall have been regular police officers who retired based upon superannuation. These special police officers shall be subject to the same maximum age restriction as applied to regular police officers under chapter 32 of the General Laws. Prior to appointment, retired police officers shall pass a medical examination conducted by a physician or other certified professional chosen by the town, to determine whether such officers are capable of performing the essential duties of a special police officer and the cost thereof shall be borne by the retired officers.

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

SECTION 3. Special police officers appointed under this act shall, when performing the duties under section 1, have the same power to make arrests and to perform other police functions as do regular police officers of the town of Rowley.

SECTION 4. Special police officers appointed under this act shall not be deemed members of any collective bargaining unit. Special police officers appointed under this act shall be appointed for an indefinite term, subject to removal by the police chief, with the approval of the Board of Selectmen, at any time, upon 14 days written notice. Upon request, the police chief shall provide the reasons for such removal in writing.

SECTION 5. Special police officers appointed under this act shall be subject to the rules and regulations, policies and procedures and requirements of the chief of police and the Board of Selectmen of the town of Rowley, including restrictions on the type of assignments, requirements regarding medical examinations to determine continuing capability to perform the duties of a special police officer, requirements for training, requirements for firearms qualifications and licensing and requirements regarding uniforms and equipment. Costs associated with meeting these requirements are to be paid by the special police officers. 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 before the town clerk, who shall keep a record of all such appointments.

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 said 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 prior to the incapacity. The payment under said section 111F of said chapter 41 shall not exceed, in any calendar year, the limitation on earnings 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 when special police officers reach the age of 65. In the event the age limitation applicable to regular police officers serving a town is increased from 65 years of age, the termination of benefits under said section 111F of said chapter 41, as provided herein to special police officers, shall terminate at such a higher age limit but shall not extend beyond the age of 70 for any special police officer. Special police officers appointed under this act shall not be subject to section 85H of said chapter 32 nor shall they be eligible for any benefits pursuant thereto.

SECTION 8. An appointment as a special police officer under this act shall not entitle any individual appointed as such to assignment to any detail.

SECTION 9. Special police officers appointed under this act shall be subject to the limitations on hours worked and on payments to retired town employees under paragraph (b) of section 91 of chapter 32 of the General Laws.

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