HOUSE DOCKET, NO. 4824 FILED ON: 6/13/2025

HOUSE . . . . . No. 4234

The Commonwealth of Massachusetts

PRESENTED BY:

Mark D. Sylvia and 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 relative to the appointment of retired police officers as special police officers in the town of Fairhaven.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Mark D. Sylvia	*10th Bristol*	*6/13/2025*
Mark C. Montigny	*Second Bristol and Plymouth*	*6/13/2025*

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By Representative Sylvia of Fairhaven and Senator Montigny, a joint petition (accompanied by bill, House, No. 4234) of Mark D. Sylvia and Mark C. Montigny (by vote of the town) that the town of Fairhaven be authorized to appoint retired police officers as special police officers in said town. Public Service. [Local Approval Received.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act relative to the appointment of retired police officers as special police officers in the town of Fairhaven.

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. Chapter 160 of the acts of 2003 is hereby amended by striking out sections 1 and 2 and inserting in place thereof the following 2 sections:-

Section 1. The chief of police of the town of Fairhaven, with town administrator approval, may appoint, as they deem necessary, retired Fairhaven police officers as special police officers for the purpose of performing police details or any other police duties arising therefrom or during the course of police detail work, regardless of whether or not related to the detail work. The retired police officers must have been regular Fairhaven police officers and retired based on superannuation. No retired police officer shall be appointed as a special police officer pursuant to this act if that officer has been retired for more than 5 years. The special police officers shall not be subject to the same maximum age restrictions as applied to regular town of Fairhaven police officers under chapter 32 of the General Laws, but shall not be eligible, to serve as special police

officers if they have reached the age of 70. A special police officer must pass a medical examination, by a physician or other certified professional chosen by the town, to determine that they are capable of performing the essential duties of a special police officer, the cost of which shall be borne by the special police officer, prior to performing police details.

Section 2. Special police officers appointed under this act shall not be subject to chapter 31 of the General Laws; section 99A of chapter 41 of the General Laws; or chapter 150E of the General Laws.

SECTION 2. Said chapter 160 is hereby further amended by striking out section 4 and inserting in place thereof the following section:-

Section 4. Special police officers shall be appointed for an indefinite term, subject to removal by the chief of police of the town of Fairhaven, with town administrator approval, at anytime with 14 days written notice. Upon request, the chief of police shall provide reasons for removal in writing. A special police officer's appointment shall automatically terminate upon the officer reaching the age of 70.

SECTION 3. Said chapter 160 is hereby further amended by striking out section 7 and inserting in place thereof the following section:-

Section 7. Special police officers appointed under this act shall be subject to section 100 and section 111F of chapter 41 of the General Laws. The amount payable under said section 111F 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 special police officer less than 52 weeks prior to the incapacity. In no event shall payment under said section 111F exceed, in any calendar year, the limitation on earning

contained in subsection (b) of section 91 of chapter 32 of the General Laws. Payment under said section 111F shall terminate in accordance with said section 111F or at the conclusion of the employment term, whichever occurs sooner. Special police officers appointed under this act shall not be subject to section 85H of said chapter 32, nor eligible for any benefits pursuant thereto.

SECTION 4. Section 8 of said chapter 160 is hereby amended by inserting after the word "shall" the following word:- not.

SECTION 5. Said chapter 160 is hereby further amended by inserting after section 8 the following section:-

Section 8A. A special police officer appointed pursuant to this act shall comply with all requirements of chapter 6E of the General Laws, including: (i) maintaining certification and good standing with the Massachusetts peace officer standards and training commission; and (ii) complying with all annual in-service and other training requirements mandated by the municipal police training committee.