HOUSE DOCKET, NO. 3712 FILED ON: 5/4/2011

HOUSE . . . . . No. 3434

The Commonwealth of Massachusetts

PRESENTED BY:

Jonathan Hecht

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 special police officers in the Town of Watertown.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Jonathan Hecht	*29th Middlesex*

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HOUSE . . . . . No. 3434

By Mr. Hecht of Watertown, a petition (accompanied by bill, House, No. 3434) of Jonathan Hecht (with the approval of the town council) relative to the appointment of special police officers in the city known as the town of Watertown. Public Service.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act authorizing the appointment of special police officers in the Town of Watertown.

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 Town Manager of the Town of Watertown may appoint, at the recommendation of the police chief and as he deems necessary, retired Watertown police officers as special police officers to perform police details or any other duties arising therefrom or during the course of police detail work, whether or not related to the detail work; provided, however, that the officers shall have been regular Watertown police officers and retired based on superannuation. The 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 under this act, a retired police officer shall pass a medical examination conducted by a physician or other certified professional chosen by the Town to determine whether the retired police officer is capable of performing the essential duties of a special police officer and the cost thereof shall be borne by the retired police officer.

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

15 SECTION 3. When performing duties authorized under section 1, special police officers
16 shall have the same power to make arrests and perform other functions as do regular police
17 officers of the Town of Watertown.

18 SECTION 4. A special police officer shall be appointed for an indefinite term, subject to
19 removal or suspension by the Town Manager at any time. In the case of removal, a special police
20 officer shall be provided with 14 days written notice prior to removal. Upon request, the Town
21 Manager shall provide the reasons for removal or suspension in writing.

22 SECTION 5. Special police officers shall be subject to the rules and regulations, policies
23 and procedures and requirements of the Town Manager and the chief of police of the Town of
24 Watertown, including, but not limited to, restrictions on the type of detail assignments,
25 requirements regarding medical examinations to determine continuing capability to perform the
26 duties of a special police officer, requirements for training, requirements for firearms licensing
27 and qualifications and requirements regarding uniform and equipment. Special police officers
28 shall not be subject to section 96B of chapter 41 of the General Laws. The cost of all training,
29 uniforms and equipment shall be borne by the special police officer.

30 SECTION 6. Special police officers shall be sworn before the town clerk of the Town of
31 Watertown who shall keep a record of all such appointments.

32 SECTION 7. Special police officers appointed under this act shall be subject to sections
33 100 and 111F of chapter 41 of the General Laws. The amount payable under said section 111F of

34 said chapter 41 shall be calculated by averaging the amount earned over the prior 52 weeks as a
35 special police officer working police details, or averaged over such lesser period of time for any
36 officer designated as a special police officer less than 52 weeks prior to the incapacity. Payments
37 under said section 111F of said chapter 41 shall exceed, in a calendar year, the limitation on
38 earnings in subsection (b) of section 91 of chapter 32 of the General Laws. Payments under said
39 section 111F of said chapter 41 shall terminate in accordance with section 111F or when a police
40 officer reaches the age of 65, whichever occurs sooner. In the event the age limitation applicable
41 to regular police officers serving a town is increased under chapter 32 from the current 65 years
42 of age, the termination benefits under said section 111F of said chapter 41, as provided herein to
43 special police officers, shall terminate at such higher age limit but shall not extend beyond the
44 age of 70 for a special police officer. Special police officers appointed under this act shall not be
45 subject to section 85H or 85H1/2 of said chapter 32 nor shall they be eligible for any benefits
46 pursuant thereto.

47 SECTION 8. An appointment as a special police officer shall not entitle that person to
48 assignment to a detail.

49 SECTION 9. Special police officers appointed pursuant to the act shall be subject to the
50 limitation on hours worked and other restrictions on earnings as provided in subsection (b) of
51 section 91 of chapter 32 of the General Laws.

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