

HOUSE No. 04212

[LOCAL APPROVAL RECEIVED.]

The Commonwealth of Massachusetts

PRESENTED BY:

Angelo J. Puppolo, Jr.

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 passage of the accompanying bill:

An Act relative to the Town of Wilbraham Police Department.

PETITION OF:

NAME:

Angelo J. Puppolo, Jr.

DISTRICT/ADDRESS:

12th Hampden

HOUSE No. 04212

By Mr. Puppolo of Springfield, a petition (accompanied by bill, House, No. 4212) of Angelo J. Puppolo, Jr. (by vote of the town) for legislation to authorize the appointment of special police officers in the town of Wilbraham. Public Service. [Local Approval Received.]

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

An Act relative to the Town of Wilbraham Police Department.

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 chief of police, with the approval of the board of selectmen of the town of
2 Wilbraham, may appoint, as he deems necessary, retired police officers of the town as special
3 police officers for the purpose of performing police details or any police duties arising there from
4 or during the course of police detail work, whether or not related to the detail work. The retired
5 police officers shall have been regular Wilbraham police officers who retired based upon
6 superannuation. Each appointment shall be made conditional upon the satisfactory completion of
7 the medical examination.

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

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

13 SECTION 4. Special police officers shall be appointed under this act shall be appointed for an
14 indefinite term, subject to removal by the police chief, with the approval of the board of
15 selectmen, at any time, upon 14 days written notice. Upon request, the police chief shall provide
16 the reasons for such removal in writing.

17 SECTION 5. Special police officers appointed under this act shall be subject to the rules and
18 regulations, policies and procedures and requirements of the board of selectmen and the chief of
19 police in the town of Wilbraham, including restrictions on the type of detail assignments,
20 requirements regarding medical examinations to determine continuing capability to perform the
21 duties of a special police officer, requirements for training, requirements for firearms
22 qualifications and licensing and requirements regarding uniforms and equipment, with all costs
23 of compliance to be incurred by the special police officers. Special police officers appointed
24 under this act shall not be subject to section 96B of chapter 41 of the General Laws.

25 SECTION 6. Special police officers appointed under this act shall be sworn before the town
26 clerk who shall keep a record of all such appointments.

27 SECTION 7. Special police officers appointed under this act shall be subject to sections 100 and
28 111F of chapter 41 of the General Laws. The amount payable under said section 111F of said
29 chapter 41 to an incapacitated special police officer shall be calculated by averaging the amount
30 earned over the prior 52 weeks as a special police officer working details, or averaged over such
31 lesser period of time for any officer designated as special police officers less than 52 weeks prior

32 to the incapacity. In no event shall payment under said section 111F of said chapter 41 exceed, in
33 any calendar year, the limitation on earning contained in paragraph (b) of section 91 of chapter
34 32 of the General Laws. Payment under said section 111F of said chapter 41 shall terminate
35 when a special police officer reaches the age of 65. In the event the age limitation applicable to
36 regular police officers serving a town is increased from 65 years of age, the termination of
37 benefits under said section 111F of said chapter 41, as provided herein to special police officers,
38 shall terminate at such higher age limit, but in no event shall the benefits extend beyond the age
39 of 70 for any special police officer. Special police officers appointed under this act shall not be
40 subject to section 85H of said chapter 32, nor eligible for any benefits pursuant thereto.

41 SECTION 8. An appointment as a special police officer under this act shall allow, but not entitle,
42 any individual appointed as such to assignment to any detail, as authorized by the police chief.

43 SECTION 9. Retired police officers of the town of Wilbraham, serving as special police officers
44 under this act, shall be subject to the limitations on hours worked and on payments to retired
45 town employees under paragraph (b) of section 91 of chapter 32 of the General Laws.

46 SECTION 10. Retired police officers of the town of Wilbraham, serving as special police
47 officers under this act shall not be eligible for unemployment benefits relative to their service as
48 special police officers under this act.

49 SECTION 11. Retired police officers of the town of Wilbraham, serving as special police
50 officers under this act shall be subject to General Laws Chapter 32, Section 91.