

HOUSE No. 4242

The Commonwealth of Massachusetts

PRESENTED BY:

Mathew J. Muratore

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 Plymouth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>
<i>Kathleen R. LaNatra</i>	<i>12th Plymouth</i>

HOUSE No. 4242

By Mr. Muratore of Plymouth, a petition (accompanied by bill, House, No. 4242) of Mathew J. Muratore and Kathleen R. LaNatra (by vote of the town) relative to the appointment of retired police officers as special police officers in the town of Plymouth. Public Service. [Local Approval Received.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

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

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. Notwithstanding any general or special law to the contrary, the Town
2 Manager, after consultation with the Chief of Police, may appoint retired Town of Plymouth
3 police officers as special police officers for the purpose of performing police details or any
4 police duties arising therefrom or during the course of police detail work, whether or not related
5 to the detail work. Such retired police officers shall have been regular full time Town of
6 Plymouth police officers who voluntarily retired from the town and not elsewhere based upon
7 superannuation. The special police officers shall be subject to the same maximum age restriction
8 as applied to regular police officers under chapter 32 of General Laws. Such special police
9 officers shall prior to appointment pass a medical examination by a physician chosen by the
10 Town, to determine that they are capable of performing the essential duties of a special police

11 officer, the cost of which shall be borne by the special police officers and shall provide
12 certification to the town that they are covered by personal health insurance.

13 SECTION 2. Special police officers appointed under this act shall not be subject to
14 chapters 31 or 150E of the General Laws or section 99A of chapter 41 of the General Laws, but
15 shall be subject to chapter 151A of the General Laws.

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

19 SECTION 4. Special police officers shall be appointed for an indefinite term to serve at
20 the pleasure of the Town Manager, subject to removal by the Town Manager at any time with a
21 14 day written notice except in cases where the Town Manager determines that immediate action
22 is necessary to protect the public safety.

23 SECTION 5. Special police officers appointed under this act shall be subject to the rules
24 and regulations, policies and procedures of the Police Department and the Chief of Police of the
25 Town of Plymouth, including firearms qualifications, licensing, uniforms and equipment, and
26 medical examinations to determine continuing capability to perform the duties of a special police
27 office, as well as restrictions on the type of detail assignments. Compliance with all requirements
28 shall be at no cost to the Town. Special police officers appointed under this act shall not be
29 subject to section 96B of chapter 41 of the General Laws.

30 SECTION 6. Special police officers appointed under this act shall be sworn before the
31 town clerk 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. In no
37 event shall payment under said section 111F of said chapter 41 exceed, in any calendar year, the
38 limitation on earning contained in paragraph (b) of section 91 of chapter 32 of the General Laws.
39 Payment under said section 111F of said chapter 41 shall terminate either when a physician
40 designated by the Town determines that the disability no longer exists or when a special police
41 officer reaches the age of 65. In the event the age limitation applicable to regular police officers
42 serving a town is increased from 65 years of age, the termination of benefits under said section
43 111F of said chapter 41, as provided here in to special police officers, shall terminate at such a
44 higher age limit, but in no event shall the benefits extend beyond the age of 70 for any special
45 police officer. Special police officers appointed under this act shall not be subject to section 85H
46 or 85H1/2 of said chapter 32, nor eligible for any benefits pursuant thereto. Notwithstanding the
47 provisions of any general or special law to the contrary, if a special police officer appointed
48 pursuant to this act is killed or sustains injuries that result in their death while working an
49 assigned detail, the Town shall be required to compensate the surviving spouse, if any, in an
50 amount equal to the benefit provided pursuant to section 100 of chapter 32, less any benefit
51 payable to the surviving spouse pursuant to section 12(2)(c) of chapter 32. Whoever
52 intentionally or negligently injures a special police officer for which injury their spouse is
53 entitled to compensation pursuant to the act shall be liable in tort to the Town for such
54 compensation incurred by Town as a result of said injury.

55 SECTION 8. Special police officers shall be paid the detail rate applicable to regular
56 full time officers but shall not be entitled to any other town benefits.

57 SECTION 9. Retired Town of Plymouth police officers, serving as special police
58 officers under this act, shall be subject to the limitations on hours worked and on payments to
59 retired town employees under paragraph (b) of section 91 of chapter 32 of the General Laws, and
60 said police officers who accept such employment in the Town of Plymouth or any other
61 municipality or public entity in the Commonwealth shall, on or before January 31st of each
62 calendar year, file a sworn statement with the Plymouth Retirement Board on a proscribed form
63 identifying the compensated number of hours and earning therefrom for each municipality for
64 which the police officer worked in the preceding calendar year.

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