

HOUSE No. 4458
[LOCAL APPROVAL RECEIVED.]

The Commonwealth of Massachusetts

PRESENTED BY:

Christopher M. Markey

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 Dartmouth.

PETITION OF:

NAME:

Christopher M. Markey

DISTRICT/ADDRESS:

9th Bristol

HOUSE No. 4458

By Mr. Markey of Dartmouth, a petition (accompanied by bill, House, No. 4458) of Christopher M. Markey (by vote of the town) relative to the appointment of retired police officers as special police officers in the town of Dartmouth. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

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

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 select board of the town of Dartmouth may appoint, upon the
2 recommendation of the chief of police of the town of Dartmouth, retired Dartmouth special
3 police officers for the purpose of performing police details or any other police duties arising
4 therefrom or during the course of police detail work, whether or not related to the detail;
5 provided, however, that a retired police officer so appointed shall have been a regular Dartmouth
6 police officer who retired based on superannuation. A special police officer appointed pursuant
7 to this act shall not be subject to maximum age restrictions applied to regular police officers
8 pursuant to chapter 32 of the General Laws; provided, however, that a special police officer shall
9 not be eligible to serve as such upon reaching the age of 70. Prior to appointment, a retired
10 police officer shall pass a medical examination conducted by a physician or other certified
11 professional chosen by the town to determine whether the officer is capable of performing the
12 essential functions and duties of a special police officer, the cost of which shall be borne by the
13 retired officer.

14 SECTION 2. A special police officer appointed pursuant to this act shall not be subject
15 to chapter 31, section 99A or 111F of chapter 41, or chapter 150E of the General Laws.

16 SECTION 3. A special police officer, while performing the duties authorized by section
17 1, shall have the same powers to make arrests and perform other functions as a regular police
18 officer in the town of Dartmouth.

19 SECTION 4. A special police officer shall be appointed for a term of 1 year, subject to
20 removal or suspension by the chief of police of the town of Dartmouth, with the approval of the
21 select board at any time. In the case of removal, a special police officer shall be provided with
22 written notice 14 days prior to removal. Upon request, the chief of police shall provide the
23 reasons for removal or suspension in writing.

24 SECTION 5. A special police officer appointed pursuant to this act shall be subject to
25 the rules, regulations, policies, procedures and requirements of the chief of police of the town of
26 Dartmouth, including, but not limited to, restrictions on the type of detail assignments,
27 requirements regarding medical examinations to determine continuing capability to perform the
28 duties of a special police officer, requirements for training, requirements for firearms licensing
29 and qualifications and requirements regarding uniforms and equipment. A special police officer
30 shall not be subject to Section 96B of chapter 41 of the General Laws. The cost of all training
31 equipment and uniforms shall be borne by the special police officer.

32 SECTION 6. A special police officer appointed pursuant to this act shall be sworn before
33 the town clerk, who shall keep a record of all appointments.

34 SECTION 7. A special police officer appointed pursuant to this act shall be subject to
35 section 100 of chapter 41 of the General Laws; provided, that eligibility pursuant to said section
36 100 of said chapter 41 shall not terminate when the special police officer reaches age 65. A
37 special police officer appointed pursuant to this act shall not be subject to section 85H of chapter
38 32 of the General Laws or eligible for any benefits pursuant to that section.

39 SECTION 8. An individual appointed as a special police officer pursuant to this act shall
40 be eligible for assignment to any detail, as authorized by the chief of police of the town of
41 Dartmouth.

42 SECTION 9. A retired police officer serving as special police officer pursuant to this act
43 shall be subject to the limitations on hours worked and payments to retired town employees in
44 paragraph (b) of section 91 of chapter 32 of the General Laws.

45 SECTION 10. A special police officer appointed pursuant to this act shall not be eligible
46 to collect unemployment compensation pursuant to chapter 151A of the General Laws.