

HOUSE No. 2565

The Commonwealth of Massachusetts

PRESENTED BY:

Patrick Joseph Kearney and Patrick M. O'Connor

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 in the town of Scituate.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Patrick Joseph Kearney</i>	<i>4th Plymouth</i>	<i>1/19/2023</i>
<i>Patrick M. O'Connor</i>	<i>First Plymouth and Norfolk</i>	<i>1/20/2023</i>

HOUSE No. 2565

By Representative Kearney of Scituate and Senator O'Connor, a joint petition (accompanied by bill, House, No. 2565) of Patrick Joseph Kearney and Patrick M. O'Connor (by vote of the town) that the town of Scituate be authorized to appoint retired Scituate police officers as special police officers in said town. Public Service. [Local Approval Received.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

An Act relative to the appointment of retired police officers in the town of Scituate.

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 Town Administrator of the Town of Scituate may appoint, as he/she
2 deems necessary, retired Scituate Police Officers as Special Police Officers for the purpose of
3 performing police details or any police duties arising therefrom or during the course of police
4 detail work, regardless of whether or not related to the detail work. The Special Police Officers
5 appointed pursuant to this act shall not be subject to the maximum age restriction applied to
6 regular police officers pursuant to chapter 32 of the General Laws or section 2 of chapter 415 of
7 the acts of 1987, but shall be subject to a maximum age restriction of 70 years of age. A Special
8 Police Officer must pass a medical examination, by a physician or other certified professional
9 chosen by the town, to determine that he/she is capable of performing the essential duties of a
10 Special Police Officer, the cost of which shall be borne by the Special Police Officer, prior to
11 performing police details.

12 SECTION 2. Special Police Officers appointed under this act shall not be subject to
13 chapter 31 of the General Laws or to section 99A of chapter 41 of the General Laws.

14 SECTION 3. Special Police Officers shall, when performing the duties under section 1,
15 have the same power to make arrests and perform other police functions as do regular police
16 officers of the Town of Scituate.

17 SECTION 4. Special Police Officers shall be appointed for an indefinite term, subject to
18 removal by the Town Administrator at any time within 14 days written notice. Upon request, the
19 Town Administrator shall provide the reasons for removal in writing.

20 SECTION 5. Special Police Officers shall also be subject to the rules and regulations,
21 policies, and procedures and requirements of the Town Administrator and the Chief of Police of
22 the Town of Scituate, including restrictions on the type of detail assignments, requirements
23 regarding medical examinations to determine continuing capability to perform the duties of a
24 special police officer, requirements for training, requirements for firearms, licensing and
25 qualifications and requirements regarding uniforms and equipment. Special Police Officers shall
26 not be subject to section 96B of chapter 41 of the General Laws.

27 SECTION 6. Special Police Officers shall be sworn before the Town Clerk of the Town
28 of Scituate who shall keep a record of all such appointments.

29 SECTION 7. Special Police Officers appointed under this act shall be subject to section
30 100 and 111F of chapter 41 of the General Laws. The amount payable under said section 111F of
31 said chapter 41 shall be calculated by averaging the amount earned over the prior 52 weeks as a
32 Special Police Officer working police details, or averaged over such lesser period of time for any
33 officer designated as Special Police Officers less than 52 weeks prior to the incapacity. In no

34 event shall payment under said section 111F of said chapter 41 exceed, in any calendar year, the
35 limitation on earning contained in paragraph (b) of section 91 of chapter 32 of the General Laws.
36 Payment under said section 111F of said chapter 41 shall terminate when a Special Police
37 Officer reaches the age of 65. Special Police Officers appointed under this act shall not be
38 subject to section 85H of said chapter 32, nor eligible for any benefits pursuant thereto.

39 SECTION 8. Appointment as a Special Police Officer shall entitle any individual
40 appointed as such to assignment to any detail.

41 SECTION 9. Retired Scituate police officers, serving as Special Police Officers under
42 this act shall be subject to the limitations on hours worked and on payments to retired town
43 employees under paragraph (b) of section 91 of chapter 32 of the General Laws.

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