

**HOUSE . . . . . No. 3817**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

***William C. Galvin and Walter F. Timilty***

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*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 Canton.

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PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>William C. Galvin</i>	<i>6th Norfolk</i>
<i>Walter F. Timilty</i>	<i>Norfolk, Bristol and Plymouth</i>

**HOUSE . . . . . No. 3817**

By Representative Galvin of Canton and Senator Timilty, a joint petition (accompanied by bill, House, No. 3817) of William C. Galvin and Walter F. Timilty (by vote of the town) that the town of Canton be authorized to use retired Canton police officers as special police officers for the purpose of performing certain police duties. Public Service. [Local Approval Received.]

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninetieth General Court  
(2017-2018)**

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

*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 Police Chief of Canton may appoint, as he deems necessary, retired  
2 Canton police officers as special police officers for the purpose of performing police details or  
3 any police duties arising therefrom or during the course of police detail work, regardless of  
4 whether or not related to the detail work. The retired police officers must have been regular  
5 Canton police officers and retired based upon superannuation. The special police officers shall be  
6 subject to the same maximum age restriction as applied to regular police officers under chapter  
7 32 of the General Laws. A special police officer must pass a medical examination, by a physician  
8 or other certified professional chosen by the Town, to determine that the retired police officer is  
9 capable of performing the essential duties of a special police officer, the cost of which medical  
10 examination shall be borne by the special police officer, prior to performing police details.

11           Section 2. Special police officers appointed under this Act shall not be subject to chapter  
12 31 of the General Laws or to section 99A of chapter 41 of the General Laws.

13           Section 3. Special police officers shall, when performing the duties under section 1, have  
14 the same power to make arrests and perform other police functions as do regular police officers  
15 of the Town of Canton.

16           Section 4. Special police officers shall be appointed for an indefinite term, subject to  
17 removal by the Police Chief with approval of the Board of Selectmen at any time with 14 days  
18 written notice. Upon request, the Police Chief shall provide the reasons for removal in writing.

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

26           Section 6. Special police officers shall be sworn before the Town Clerk of the Town of  
27 Canton who shall keep a record of all such appointments.

28           Section 7. Special police officers appointed under this Act shall be subject to section 100  
29 and section 111F of chapter 41 of the General Laws. The amount payable under said section  
30 111F of said chapter 41 shall be calculated by averaging the amount earned over the prior 52  
31 weeks as a special police officer working police details, or averaged over such lesser period of  
32 time for any officer designated as a special police officer less than 52 weeks prior to the  
33 incapacity. In no event shall payment under said section 111F of said chapter 41 exceed, in any  
34 calendar year, the limitation on earning contained in paragraph (b) of section 91 of chapter 32 of

35 the General Laws. Payment under said section 111F of said chapter 41 shall terminate when a  
36 special police officer reaches the age of 70. In the event the age limitation applicable to regular  
37 police officers serving the Town is increased from the current 65 years of age, the termination of  
38 benefits under said section 111E of said chapter 41, as provided herein to special police officers,  
39 shall terminate at such a higher age limit, but in no event shall the benefits extend beyond the age  
40 of 70 for any special police officer. Special police officers appointed under this act shall not be  
41 subject to section 85H of said chapter 32, n or eligible for any benefits pursuant thereto.

42           Section 8. Appointment as a special police officer shall entitle any individual appointed  
43 as such to assignment to any detail.

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

47           Section 10. This Act shall take effect upon its passage; or to take any other action related  
48 thereto.