

HOUSE No. 4216

The Commonwealth of Massachusetts

PRESENTED BY:

Marcus S. Vaughn

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 authorizing the appointment of retired police officers to perform police details.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Marcus S. Vaughn</i>	<i>9th Norfolk</i>	<i>12/4/2023</i>

HOUSE No. 4216

By Representative Vaughn of Wrentham, a petition (accompanied by bill, House, No. 4216) of Marcus S. Vaughn (by vote of the town) that the town of Plainville be authorized to appoint retired 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 authorizing the appointment of retired police officers to perform police details.

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 Plainville may appoint retired police
2 officers of the Town of Plainville as special police officers to perform police details or other
3 police duties arising from police details or during the course of police detail work, whether or not
4 related to the detail work. The retired police officer shall have been regular, full-time police
5 officers who retired in good standing and based on superannuation. A special police officer
6 appointed pursuant to this act shall not be subject to the maximum age restrictions for police
7 officers set forth in chapter 32 of the General Laws, but shall not be eligible to serve as a special
8 police officer once the special police officer has reached the age of 70.

9 Section 2. Prior to appointment as a special police officer pursuant to this act, a retired
10 police officer shall be required to: (i) pass a medical examination conducted by a physician
11 selected by the chief of police of the Town of Plainville to determine whether the retired police
12 officer is capable of performing the essential duties of a special police officer; and (ii) provide

13 proof of that passage to the chief of police. Additional post-appointment fitness for duty
14 examinations may be required of a special police officer by the chief of police if, in the chief of
15 police's sole discretion, a question as to that special police officer's fitness for duty has arisen. the
16 cost of all medical examinations pursuant to this section shall be borne by the retired or special
17 police officer.

18 Section 3. A special police officer appointed pursuant to this act shall not be subject to
19 chapter 31, sections 98A and 111F of chapter 41 or chapter 150E of the General Laws. A special
20 police officer may be required by the chief of police, as a condition of employment, to purchase
21 an insurance policy that indemnifies the Town of Plainville against workers' compensation costs
22 in the event that the special police officer is injured while performing duties of a special police
23 officer.

24 Section 4. A special police officer appointed pursuant to this act shall be subject to the
25 town policies, procedures, rules and regulations of the police department of the Town of
26 Plainville including, but not limited to, those policies, procedures, rules and regulations
27 governing training, equipment, uniforms, certifications or any other restrictions or requirements
28 related to employment as a special police officer.

29 Section 5. A special police officer of the Town of Plainville, while performing the duties
30 described in this act, shall have the same power of arrest and authority to perform other police
31 functions as a full-time, regular police officer of the Town of Plainville.

32 Section 6. A special police officer shall be appointed annually for a term of 1 year
33 commencing on July 1, but shall serve at the pleasure of the Town of Plainville and may be
34 suspended or removed from the appointment by the town administrator at any time. In the case

35 of removal, the special police officer shall be provided with 14 days written notice before
36 removal.

37 Section 7. The chief of police of the Town of Plainville may restrict the type of detail
38 assignments that special police officers may work. Special police officers appointed pursuant to
39 this act shall not be subject to section 96B of chapter 41 of the General Laws. The cost of all
40 training equipment, and uniforms shall be borne by the special police officer except as otherwise
41 determined by the chief of police.

42 Section 8. Special police officers of the Town of Plainville shall be sworn before the
43 clerk of the Town of Plainville, who shall keep record of all appointments and expirations of
44 appointments.

45 Section 9. Special police officers appointed pursuant to this act shall be eligible for
46 indemnification pursuant to section 100 of chapter 41 of the General Laws. Special police
47 officers shall not be subject to section 85H or 85H1/2 of chapter 32 of the General Laws and
48 shall not be eligible for any benefits pursuant to said section 85H or 85H1/2 of said chapter 32.

49 Section 10. The assignment of a special police officer pursuant to this act to a police
50 detail or other duties shall be at the discretion of the chief of police of the Town of Plainville.

51 Section 11. A special police officer appointed pursuant to this act shall be subject to the
52 limitations on hours worked and earnings restrictions in section 91 of chapter 32 of the General
53 Laws.

54 Section 12. This act shall take effect upon its passage.