

HOUSE No. 4378

The Commonwealth of Massachusetts

PRESENTED BY:

James Arciero

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 school resource officers.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>James Arciero</i>	<i>2nd Middlesex</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>Donald R. Berthiaume, Jr.</i>	<i>5th Worcester</i>
<i>Daniel Cahill</i>	<i>10th Essex</i>
<i>Kate D. Campanale</i>	<i>17th Worcester</i>
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>
<i>David F. DeCoste</i>	<i>5th Plymouth</i>
<i>James J. Dwyer</i>	<i>30th Middlesex</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>
<i>Michael J. Finn</i>	<i>6th Hampden</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>
<i>Stephan Hay</i>	<i>3rd Worcester</i>
<i>Natalie Higgins</i>	<i>4th Worcester</i>
<i>Kate Hogan</i>	<i>3rd Middlesex</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>
<i>Randy Hunt</i>	<i>5th Barnstable</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>

<i>Kevin J. Kuros</i>	<i>8th Worcester</i>
<i>Marc T. Lombardo</i>	<i>22nd Middlesex</i>
<i>Joseph D. McKenna</i>	<i>18th Worcester</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>
<i>Rady Mom</i>	<i>18th Middlesex</i>
<i>Frank A. Moran</i>	<i>17th Essex</i>
<i>David K. Muradian, Jr.</i>	<i>9th Worcester</i>
<i>Brian Murray</i>	<i>10th Worcester</i>
<i>David M. Nangle</i>	<i>17th Middlesex</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>
<i>John H. Rogers</i>	<i>12th Norfolk</i>
<i>Richard J. Ross</i>	<i>Norfolk, Bristol and Middlesex</i>
<i>Jeffrey N. Roy</i>	<i>10th Norfolk</i>
<i>Alan Silvia</i>	<i>7th Bristol</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>
<i>Dean A. Tran</i>	<i>Worcester and Middlesex</i>
<i>John C. Velis</i>	<i>4th Hampden</i>
<i>Thomas P. Walsh</i>	<i>12th Essex</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>
<i>Donald H. Wong</i>	<i>9th Essex</i>
<i>Jonathan D. Zlotnik</i>	<i>2nd Worcester</i>

HOUSE No. 4378

By Mr. Arciero of Westford, a petition (subject to Joint Rule 12) of James Arciero and others for legislation to authorize the appointment of retired police officers as school resource officers. Education.

The Commonwealth of Massachusetts

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

An Act relative to school resource officers.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize appointment of retired police officers to serve as school resource officers, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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 37P of chapter 71 of the General Laws, as appearing in the 2016 Official Edition,
2 is hereby amended by adding the following subsection:-

3 (g) (1) Notwithstanding any general or special law to the contrary, and subject to the
4 conditions and requirements set forth in this subsection, a chief of police may appoint a retired
5 police officer to serve as a school resource officer pursuant to this section.

6 (2) A retired police officer appointed as a school resource officer pursuant to this section
7 (i) shall have previously served as a police officer for a police department of a municipality
8 located within the commonwealth or the state police, (ii) shall be retired based on superannuation
9 and (iii) shall be subject to the same maximum age restrictions as applied to regular police

10 officers serving the municipality where the retired officer is appointed. Before being appointed
11 as a school resource officer, the retired officer shall pass a medical examination conducted by a
12 physician or other certified professional chosen by the chief of police to determine whether the
13 retired officer is capable of performing the essential duties of a school resource officer, the cost
14 of which shall be borne by the retired officer.

15 (3) A retired police officer appointed as a school resource officer pursuant to this section
16 shall not be subject to chapter 31, sections 99A and 96B of chapter 41, chapter 150E or the
17 limitations on hours worked or earnings contained in paragraph (b) of section 91 of chapter 32.

18 (4) When performing duties as a school resource officer, a retired police officer appointed
19 pursuant to this section shall have the same power to make arrests and carry out police functions
20 as a regular police officer serving the municipality where the retired officer is appointed.

21 (5) A retired officer appointed as a school resource officer pursuant to this section shall
22 be subject to the rules, regulations, policies, procedures and requirements imposed by the
23 appointing chief of police including, but not limited to: (i) requirements regarding medical
24 examinations to determine continuing capability to perform the duties of a school resource
25 officer; (ii) requirements for training; (iii) requirements for first aid certification and
26 qualifications; (iv) requirements for firearms licensing and qualification; and (v) requirements
27 regarding uniforms and equipment. The retired officer's compliance with the rules, regulations,
28 policies, procedures and requirements shall be at no cost to the municipality where the officer is
29 appointed.

30 (6) A retired police officer appointed as a school resource officer pursuant to this section
31 shall be subject to sections 100 and 111F of chapter 41. The amount payable pursuant to said

32 section 111F of said chapter 41 shall be calculated by averaging the amount earned during the
33 preceding 52 weeks as a school resource officer or by averaging that amount over a lesser period
34 of time for an officer appointed as a school resource officer fewer than 52 weeks before the
35 incapacity. Payment pursuant to said section 111F of said chapter 41 shall terminate in
36 accordance with said section 111F of said chapter 41 or when the retired officer reaches the
37 maximum age restriction as applied to regular police officers serving the municipality where the
38 retired officer is appointed, whichever occurs first. A retired police officer appointed pursuant to
39 this subsection shall not be subject to section 85H or 85H½ of said chapter 32 or eligible for
40 benefits pursuant to those sections.