

HOUSE No. 5127

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, November 27, 2024.

The committee on Public Service, to whom was referred the joint petition (accompanied by bill, House, No. 4987) of Alice Hanlon Peisch and Michael J. Barrett (by vote of the town) relative to increasing the age limit for retired police officers serving as special police officers in the town of Weston, reports recommending that the accompanying bill (House, No. 5127) ought to pass [Local Approval Received].

For the committee,

KENNETH I. GORDON.

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

An Act increasing the age limit for retired police officers serving as special police officers in the town of Weston.

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. Chapter 74 of the Acts of 2020 is hereby repealed.

2 SECTION 2. Notwithstanding any general or special law, rule, or regulation to the
3 contrary, the town manager of the town of Weston may appoint, at the recommendation of the
4 chief of police and as the chief of police deems necessary, retired police officers as special police
5 officers to perform police detail or any police duties arising from police details or during the
6 course of police detail work, whether or not related to the detail work. Such retired police
7 officers shall have been regular full-time police officers in the town of Weston who voluntarily
8 retired based upon superannuation. No further deductions shall be made from the regular
9 compensation of such retired police officers under chapter 32 of the General Laws for any
10 service subsequent to reaching 65 years of age and, upon retirement, such retired police officers
11 shall receive a superannuation retirement allowance equal to that which they would have been
12 entitled had they retired at 65 years of age. The special police officers shall not be subject to the
13 maximum age restrictions applied to regular police officers under chapter 32 of the General

14 Laws but shall not be eligible to serve as special police officers if they have reached the age of
15 70. Prior to their appointment, the special police officers shall provide certification to the town
16 that they are covered by personal health insurance and shall pass a medical examination by a
17 physician chosen by the town to determine that they are capable of performing the essential
18 duties of a special police officer, the cost of which shall be borne by the special police officers.

19 SECTION 3. Special police officers appointed under this act shall not be subject to
20 chapter 31 of the General Laws, section 99A of chapter 41 of the General Laws or chapter 150E
21 of the General Laws; provided, however, that they shall be subject to chapter 151A of the
22 General Laws.

23 SECTION 4. When performing the duties under section 1, special police officers
24 appointed under this act shall have the same power to make arrests and to perform other police
25 functions as do regular police officers of the town of Weston.

26 SECTION 5. Special police officers shall be appointed for an indefinite term to serve at
27 the pleasure of the town manager of the town of Weston, pursuant to the age limitations provided
28 in Section 1, and they shall be subject to removal by the town manager at any time with a 14-day
29 written notice.

30 SECTION 6. Special police officers appointed under this act shall be subject to the rules
31 and regulations, policies, procedures and requirements of the police department and the chief of
32 police of the town of Weston, including: (i) restrictions on the type of detail assignments; (ii)
33 requirements regarding medical examinations to determine continuing capability to perform the
34 duties of a special police officer; (iii) requirements for training; (iv) requirements for firearms
35 qualifications and licensing; and (v) requirements regarding uniforms and equipment; provided,

36 however, that the cost of compliance with all requirements shall be at no cost to the town of
37 Weston. Special police officers appointed under this act shall not be subject to section 96B of
38 chapter 41 of the General Laws.

39 SECTION 7. Special police officers appointed under this act shall be sworn before the
40 town clerk of the town of Weston, who shall keep a record of all such appointments.

41 SECTION 8. Special police officers appointed under this act shall be subject to sections
42 100 and 111F of chapter 41 of the General Laws. The amount payable under said section 111F of
43 said chapter 41 shall be calculated by averaging the amount earned over the prior 52 weeks as a
44 special police officer working police details or averaged over such lesser period of time for any
45 officer designated as a special police officer less than 52 weeks before the incapacity. In no event
46 shall payment under said section 111F of said chapter 41 exceed, in any calendar year, the
47 limitation on earning contained in paragraph (b) of section 91 of chapter 32 of the General Laws.
48 Payment under said section 111F of said chapter 41 shall terminate either when a physician
49 designated by the town determines that the disability no longer exists or when a special police
50 officer reaches the age of 70. Special police officers appointed under this act shall not be subject
51 to or eligible for any benefits under section 85H or 85H1/2 of said chapter 32.

52 SECTION 9. Appointment as a special police officer under this act shall not entitle any
53 individual appointed as such to assignment to any detail. Special police officers shall be paid the
54 detail rate applicable to regular full-time officers but shall not be entitled to any other town
55 benefits.

56 SECTION 10. Retired police officers, serving as special police officers under this act,
57 shall be subject to the limitations on hours worked and on payments to retired town employees
58 under paragraph (b) of section 91 of chapter 32 of the General Laws.

59 SECTION 11. This act shall take effect upon its passage