

SENATE No. 2240

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

SENATE, June 6, 2019

The committee on Public Service, to whom was referred the petition (accompanied by bill, Senate, No. 2200) of Walter F. Timilty (by vote of the town) for legislation to authorize the appointment of retired police officers as special police officers in the town of Milton,- reports the accompanying bill (Senate, No. 2240).

For the committee,
Michael D. Brady

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

An Act authorizing the appointment of retired police officers as special police officers in the town of Milton.

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. Subject to the approval of the town administrator of the town of Milton, the
2 chief of police of the town of Milton may appoint retired Milton police officers as special police
3 officers for the purpose of performing police details or any police duties arising from police
4 details or during the course of police detail work, whether or not related to the detail work. The
5 retired police officers shall have been regular Milton police officers and retired based upon
6 superannuation. A retired police officer shall not be appointed under this act as a special police
7 officer if the officer has been retired for more than 5 years. A special police officer appointed
8 under this act shall not be subject to the same maximum age restrictions applied to regular
9 Milton police officers under chapter 32 of the General Laws; provided, however, that a special
10 police officer shall not be able to serve if the special police officer has reached the age of 70.
11 Prior to performing police details, a special police officer appointed under this act shall pass a
12 medical examination by a physician or other certified professional chosen or agreed to by the
13 department to determine that the retired police officer is capable of performing the essential
14 duties of a special police officer, the cost of which shall be borne by the special police officer.

15 SECTION 2. A special police officer appointed under this act shall not be subject to
16 chapter 31, section 99A of chapter 41 or chapter 150E of the General Laws.

17 SECTION 3. A special police officer appointed under this act shall, when performing the
18 duties under section 1, have the same power to make arrests and perform other police functions
19 as regular police officers of the town of Milton.

20 SECTION 4. A special police officer appointed under this act shall be appointed for an
21 indefinite term, subject to suspension or removal by the chief of police with approval of the town
22 administrator at any time. A special police officer shall be provided 14 calendar days written
23 notice prior to a permanent removal.

24 SECTION 5. A special police officer appointed under this act shall be subject to the
25 rules, regulations, policies, procedures and requirements of the chief of police including, but not
26 limited to: (i) restrictions on the type of detail assignments; (ii) requirements regarding medical
27 examinations to determine continuing capability to perform the duties of a special police officer;
28 (iii) requirements for training; (iv) requirements for firearms licensing and qualifications; (v)
29 requirements for maintaining a medical or liability insurance policy; and (vi) requirements
30 regarding uniforms and equipment. A special police officer shall not be subject to section 96B of
31 chapter 41 of the General Laws. The cost of all training, uniforms and equipment shall be borne
32 by the special police officer.

33 SECTION 6. Special police officers appointed under this act shall be sworn before the
34 town clerk of the town of Milton who shall keep a record of all such appointments.

35 SECTION 7. Sections 85H and 85H1/2 of chapter 32 and sections 100 and 111F of
36 chapter 41 of the General Laws shall not apply to a special police officer appointed under this
37 act.

38 SECTION 8. Appointment as a special police officer under this act shall not entitle the
39 appointee to assignment to any detail.

40 SECTION 9. A retired Milton police officer serving as a special police officer under this
41 act shall be subject to the limitations on hours worked and on payments to retired town
42 employees under paragraph (b) of section 91 of chapter 32 of the General Laws.

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