

SENATE No. 2293

The Commonwealth of Massachusetts

PRESENTED BY:

Walter F. Timilty

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 special police officers in the town of West Bridgewater.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Walter F. Timilty

Norfolk, Bristol and Plymouth

Michelle M. DuBois

10th Plymouth

SENATE No. 2293

By Mr. Timilty, a petition (accompanied by bill, Senate, No. 2293) of Walter F. Timilty and Michelle M. DuBois (by vote of the town) for legislation relative to special police officers in the town of West Bridgewater. Public Service. [Local Approval Received.]

The Commonwealth of Massachusetts

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

An Act relative to special police officers in the town of West Bridgewater.

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. Notwithstanding the provisions of any general or special law to the
2 contrary, the Board of Selectmen of the Town of West Bridgewater may appoint, at the
3 recommendation of the Police Chief and as said Chief deems necessary, individuals as Special
4 Police Officers to perform police details or any other duties arising therefrom or during the
5 course of police detail work, whether or not related to the detail work. Prior to appointment
6 under this act, a Special Police Officer shall pass a medical examination conducted by a
7 physician or other certified professional chosen by the Town to determine whether the Special
8 Police Officer is capable of performing the essential duties of a Special Police Officer and the
9 cost thereof shall be borne by the Special Police Officer.

10 SECTION 2. Special Police Officers shall not be subject to Chapter 31 of the General
11 Law, Section 99A of Chapter 41 of the General Laws, or Chapter 150E of the General Laws.

12 SECTION 3. A Special Police Officer shall be appointed by the Board of Selectmen upon
13 a recommendation by the Chief of Police for a one-year term, subject to removal or suspension, a
14 Special Police Officer may request in writing from the Chief the reason(s) for such removal or
15 suspension. Upon receiving a written request, the Chief shall provide written notice of the
16 reason(s) for such removal or suspension within (10) days of receipt from the request. The
17 Special Police Officer may appeal to the Board of Selectmen and request a hearing within 10
18 business days. Said hearing shall be held within 30 days of receipt of the appeal. The Board of
19 Selectmen shall render a written decision within 10 business days of the Hearing. Said decision
20 shall be final.

21 SECTION 4. When performing duties authorized under Section 1, Special Police Officers
22 shall have the same power to make arrests as do regular police officers of the Town of West
23 Bridgewater. Special Police Officers shall be subject to the rules and regulations, policies and
24 procedures and requirements of the Board of Selectmen and the Chief of Police of the Town of
25 West Bridgewater including, but not limited to, restrictions on the type of detail assignments,
26 responsibilities, authority, requirements regarding medical examinations to determine continuing
27 capability to perform the duties of a Special Police Officer, requirements for training,
28 requirements for firearms licensing and qualifications and requirements regarding uniform and
29 equipment. Special Police Officers shall not be subject to Section 96B of Chapter 41 of the
30 General Laws. The cost of all training, uniforms and equipment shall be borne by the Special
31 Police Officer.

32 SECTION 5. Special Police Officers shall be sworn before the Town Clerk of the Town
33 of West Bridgewater who shall keep a record of all such appointments.

34 SECTION 6. Special Police Officers appointed under this act shall be subject to Sections
35 100 and 111F of Chapter 41 of the General Laws. The amount payable under said Section 111F
36 shall be calculated by averaging the amount earned over the prior 52 weeks as a Special Police
37 Officer working police details, or averaged over such lesser period of time for any officer
38 designated as a Special Police Officer less than 52 weeks prior to the incapacity. Payments under
39 said Section 111F of said Chapter 41 shall not exceed, in a calendar year, the limitation on
40 earnings in paragraph (b) of Section 91 of Chapter 32 of the General Laws. Payments under said
41 Section 111F of said Chapter 41 shall terminate in accordance with said Section 111F of said
42 Chapter 41 or when a Special Police Officer reaches the age of 65, whichever occurs sooner. In
43 the event the age limitation applicable to regular Police Officers serving a town is increased
44 under said Chapter 32 from the current 65 years of age, the termination benefits under said
45 Section 111F of said Chapter 41, as provided under this act to Special Police Officers, shall
46 terminate at such higher age limit but in no event shall those termination benefits extend beyond
47 the age of 70 for such Special Police Officers. Special Police Officers appointed under this act
48 shall not be subject to Sections 89E, 85H or 85H1/2 of said Chapter 32 nor shall they be eligible
49 for any benefits pursuant thereto.

50 SECTION 7. An appointment as a Special Police Officer shall not entitle that person to
51 assignment to a detail.

52 SECTION 8. Special Police Officers appointed under this act shall be subject to the
53 limitation on hours worked and other restrictions on earnings as provided in paragraph (b) of
54 Section 91 of Chapter 32 of the General Laws.

55 SECTION 9. A Special Police Officer shall not be subject to maximum age restrictions
56 applied to regular officers under Chapter 32 of the General Laws, but shall not be eligible to
57 serve as a Special Police Officer upon reaching the age of 70. The provisions of this section shall
58 apply to any Special Police Officer appointed prior or subsequent to the effective date of this act.

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