

SENATE No. 2200

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

PETITION OF:

NAME:

Walter F. Timilty

DISTRICT/ADDRESS:

Norfolk, Bristol and Plymouth

SENATE No. 2200

By Mr. Timilty, a 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. Public Service. [Local Approval Received.]

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 of the General Laws, section 99A of chapter 41 of the General Laws, chapter 150E of
17 the General Laws or chapter 151A of the General Laws.

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

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

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

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

36 SECTION 7. Sections 100 and 111F of chapter 41 of the General Laws shall not apply to
37 a special police officer appointed under this act. A special police officer appointed under this act
38 shall not be subject to section 85H or 85H½ of chapter 32 of the General Laws nor eligible for
39 any benefits pursuant thereto.

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

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

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