HOUSE DOCKET, NO. 4684 FILED ON: 3/20/2018

**HOUSE . . . . . . . . . . . . . . . No.**

|  |
| --- |
|  |

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: |
| *James Arciero* | *2nd Middlesex* |
| *Jennifer E. Benson* | *37th Middlesex* |
| *Angelo L. D'Emilia* | *8th Plymouth* |
| *James J. Dwyer* | *30th Middlesex* |
| *Michael J. Finn* | *6th Hampden* |
| *Colleen M. Garry* | *36th Middlesex* |
| *Stephan Hay* | *3rd Worcester* |
| *Kate Hogan* | *3rd Middlesex* |
| *Steven S. Howitt* | *4th Bristol* |
| *Marc T. Lombardo* | *22nd Middlesex* |
| *Joseph D. McKenna* | *18th Worcester* |
| *Paul McMurtry* | *11th Norfolk* |
| *Rady Mom* | *18th Middlesex* |
| *Frank A. Moran* | *17th Essex* |
| *David K. Muradian, Jr.* | *9th Worcester* |
| *Brian Murray* | *10th Worcester* |
| *David M. Nangle* | *17th Middlesex* |
| *Richard J. Ross* | *Norfolk, Bristol and Middlesex* |
| *Alan Silvia* | *7th Bristol* |
| *Thomas M. Stanley* | *9th Middlesex* |
| *Dean A. Tran* | *Worcester and Middlesex* |
| *John C. Velis* | *4th Hampden* |
| *Thomas P. Walsh* | *12th Essex* |
| *Timothy R. Whelan* | *1st Barnstable* |
| *Donald H. Wong* | *9th Essex* |
| *Jonathan D. Zlotnik* | *2nd Worcester* |

HOUSE DOCKET, NO. 4684 FILED ON: 3/20/2018

**HOUSE . . . . . . . . . . . . . . . No.**

|  |
| --- |
| [Pin Slip] |

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., 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:*

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

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

 (2) A retired police officer appointed as a school resource officer pursuant to this section (i) shall have previously served as a police officer for a police department of a municipality located within the commonwealth or the state police, (ii) shall be retired based on superannuation and (iii) shall be subject to the same maximum age restrictions as applied to regular police officers serving the municipality where the retired officer is appointed. Before being appointed as a school resource officer, the retired officer shall pass a medical examination conducted by a physician or other certified professional chosen by the chief of police to determine whether the retired officer is capable of performing the essential duties of a school resource officer, the cost of which shall be borne by the retired officer.

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

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

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

 (6) A retired police officer appointed as a school resource officer pursuant to this section shall be subject to sections 100 and 111F of chapter 41. The amount payable pursuant to said section 111F of said chapter 41 shall be calculated by averaging the amount earned during the preceding 52 weeks as a school resource officer or by averaging that amount over a lesser period of time for an officer appointed as a school resource officer fewer than 52 weeks before the incapacity. Payment pursuant to said section 111F of said chapter 41 shall terminate in accordance with said section 111F of said chapter 41 or when the retired officer reaches the maximum age restriction as applied to regular police officers serving the municipality where the retired officer is appointed, whichever occurs first. A retired police officer appointed pursuant to this subsection shall not be subject to section 85H or 85H½ of said chapter 32 or eligible for benefits pursuant to those sections.