

2025 -- S 0428

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- STATE POLICE

Introduced By: Senators McKenney, Burke, LaMountain, Raptakis, Lawson, Vargas,
Appollonio, Felag, and Bissaillon

Date Introduced: February 26, 2025

Referred To: Senate Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 42-28-22 of the General Laws in Chapter 42-28 entitled "State
2 Police" is hereby amended to read as follows:

3 **42-28-22. Retirement of members.**

4 (a) Whenever any member of the state police hired prior to July 1, 2007, has served for
5 twenty (20) years, the member may retire therefrom or they may be retired by the superintendent
6 with the approval of the governor, and in either event a sum equal to one-half (½) of the whole
7 salary for the position from which the member retired determined on the date the member receives
8 their first retirement payment shall be paid the member during life.

9 (b) For purposes of this section, the term "*whole salary*" means:

10 (1) For each member who retired prior to July 1, 1966, "*whole salary*" means the base
11 salary for the position from which the member retired as the base salary for that position was
12 determined on July 31, 1972;

13 (2) For each member who retired between July 1, 1966, and June 30, 1973, "*whole salary*"
14 means the base salary for the position from which the member retired as the base salary,
15 implemented by the longevity increment, for that position was determined on July 31, 1972, or on
16 the date of the member's retirement, whichever is greater;

17 (3) For each member who retired or who retires after July 1, 1973, "*whole salary*" means
18 the base salary, implemented by the longevity increment, holiday pay, and clothing allowance, for
19 the position from which the member retired or retires.

1 (c)(1) Any member who retired prior to July 1, 1977, shall receive a benefits payment
2 adjustment equal to three percent (3%) of the member's original retirement, as determined in
3 subsection (b) of this section, in addition to the member's original retirement allowance. In each
4 succeeding year thereafter during the month of January, the retirement allowance shall be increased
5 an additional three percent (3%) of the original retirement allowance, not compounded, to be
6 continued until January 1, 1991. For the purposes of the computation, credit shall be given for a
7 full calendar year regardless of the effective date of the service retirement allowance. For purposes
8 of this subsection, the benefits payment adjustment shall be computed from January 1, 1971, or the
9 date of retirement, whichever is later in time.

10 (2) Any member of the state police who retires pursuant to the provisions of this chapter
11 on or after January 1, 1977, shall on the first day of January, next following the third anniversary
12 date of the retirement receive a benefits payment adjustment, in addition to their retirement
13 allowance, in an amount equal to three percent (3%) of the original retirement allowance. In each
14 succeeding year thereafter during the month of January, the retirement allowance shall be increased
15 an additional three percent (3%) of the original retirement allowance, not compounded, to be
16 continued until January 1, 1991. For the purposes of the computation, credit shall be given for a
17 full calendar year regardless of the effective date of the service retirement allowance.

18 (3) Any retired member of the state police who is receiving a benefit payment adjustment
19 pursuant to subdivisions (1) and (2) of this section shall beginning January 1, 1991, ~~and ending~~
20 ~~June 30, 2012~~, receive a benefits payment adjustment equal to fifteen hundred dollars (\$1,500). In
21 each succeeding year thereafter, during the month of January, the retirement allowance shall be
22 increased by one thousand five hundred dollars (\$1,500), to be contributed during the lifetime of
23 the member.

24 (d) The benefits payment adjustment as provided in this section shall apply to and be in
25 addition to the retirement benefits under the provisions of § 42-28-5, and to the injury and death
26 benefits under the provisions of § 42-28-21.

27 (e)(1) Any member who retires after July 1, 1972, ~~and is eligible to retire prior to July 1,~~
28 ~~2012~~, and who has served beyond twenty (20) years shall be allowed an additional amount equal
29 to three percent (3%) for each completed year served after twenty (20) years, but in no event shall
30 the original retirement allowance exceed sixty-five percent (65%) of the member's whole salary as
31 defined in subsection (b) hereof ~~or sixty-five percent (65%) of the member's salary as defined in~~
32 ~~subsection (b) hereof in the member's twenty-fifth (25th) year whichever is less.~~

33 (2) Each member who retired prior to July 1, 1975, shall be entitled to all retirement
34 benefits as set forth above or shall be paid benefits as set forth in subdivision (b)(1) with "whole

1 salary” meaning the base salary for the position from which the member retired as the base salary
2 for the position was determined on July 1, 1975, whichever is greater.

3 (f)(1) Any member who retires, has served as a member for twenty (20) years or more, and
4 who served for a period of six (6) months or more of active duty in the armed service of the United
5 States or in the merchant marine service of the United States as defined in § 2 of chapter 1721 of
6 the Public Laws, 1946, may purchase credit for such service up to a maximum of two (2) years;
7 provided that any member who has served at least six (6) months or more in any one year shall be
8 allowed to purchase one year for such service and any member who has served a fraction of less
9 than six (6) months in the member’s total service shall be allowed to purchase six (6) months’ credit
10 for such service.

11 (2) The cost to purchase these credits shall be ten percent (10%) of the member’s first year
12 salary as a state policeman multiplied by the number of years and/or fraction thereof of such armed
13 service up to a maximum of two (2) years. The purchase price shall be paid into the general fund.
14 For members hired on or after July 1, 1989, the purchase price shall be paid into a restricted revenue
15 account entitled “state police retirement benefits” and shall be held in trust.

16 (3) There will be no interest charge provided the member makes such purchase during their
17 twentieth (20th) year or within five (5) years from May 18, 1981, whichever is later, but will be
18 charged regular rate of interest as defined in § 36-8-1 as amended to date of purchase from the date
19 of the member’s twentieth (20th) year of state service or five (5) years from May 18, 1981,
20 whichever is later.

21 (4) Any member who is granted a leave of absence without pay for illness, injury, or any
22 other reason may receive credit therefor by making the full actuarial cost as defined in § 36-8-
23 1(10); provided the employee returns to state service for at least one year upon completion of the
24 leave.

25 (5) In no event shall the original retirement allowance exceed sixty-five percent (65%) of
26 the member’s whole salary as defined in subsection (b) hereof ~~or sixty five percent (65%) of the~~
27 ~~member’s salary as defined in subsection (b) hereof in the member’s twenty fifth (25th) year,~~
28 ~~whichever is less.~~

29 (6) Notwithstanding any other provision of law, no more than five (5) years of service
30 credit may be purchased by a member of the system. The five (5) year limit shall not apply to any
31 purchases made prior to January 1, 1995. A member who has purchased more than five (5) years
32 of service credits before January 1, 1995, shall be permitted to apply those purchases towards the
33 member’s service retirement. However, no further purchase will be permitted. Repayment in
34 accordance with applicable law and regulation of any contribution previously withdrawn from the

1 system shall not be deemed a purchase of service credit.

2 (g) The provisions of this section shall not apply to civilian employees in the Rhode Island
3 state police; and, further, from and after April 28, 1937, chapters 8 — 10, inclusive, of title 36 shall
4 not be construed to apply to the members of the Rhode Island state police, except as provided by
5 §§ 36-8-3, 36-10-1.1, 42-28-22.1, and 42-28-22.2, ~~and § 36-8-1(5) and (8)(a) effective July 1, 2012.~~

6 (h) Any member of the state police other than the superintendent of state police, who is
7 hired prior to July 1, 2007, and who has served for twenty-five (25) years or who has attained the
8 age of sixty-two (62) years, whichever shall first occur, shall retire therefrom.

9 (i)(1) Any member of the state police, other than the superintendent, who is hired on or
10 after July 1, 2007, and who has served for twenty-five (25) years, may retire therefrom or the
11 member may be retired by the superintendent with the approval of the governor, and shall be
12 entitled to a retirement allowance of fifty percent (50%) of the member's "whole salary" as defined
13 in subsection (b) hereof.

14 (2) Any member of the state police who is hired on or after July 1, 2007, may serve up to
15 a maximum of thirty (30) years, and shall be allowed an additional amount equal to three percent
16 (3.0%) for each completed year served after twenty-five (25) years, but in no event shall the original
17 retirement allowance exceed sixty-five percent (65%) of his or her "whole salary" as defined in
18 subsection (b) hereof.

19 (j) Effective July 1, 2012, any other provision of this section notwithstanding:

20 ~~(1) Any member of the state police, other than the superintendent of state police, who is
21 not eligible to retire on or prior to June 30, 2012, may retire at any time subsequent to the date the
22 member's retirement allowance equals or exceeds fifty percent (50%) of average compensation as
23 defined in § 36-8-1(5)(a), provided that a member shall retire upon the first to occur of:~~

24 ~~(i) The date the member's retirement allowance equals sixty-five percent (65%); or~~

25 ~~(ii) The later of the attainment of age sixty-two (62) or completion of five (5) years of
26 service; provided however, any current member as of June 30, 2012, who has not accrued fifty
27 percent (50%) upon attaining the age of sixty-two (62) shall retire upon accruing fifty percent
28 (50%); and upon retirement a member shall receive a retirement allowance which shall equal:~~

29 ~~(A) For members hired prior to July 1, 2007, the sum of (i), (ii), and (iii) where:~~

30 ~~(i) is calculated as the member's years of total service before July 1, 2012, multiplied by
31 two and one-half percent (2.5%) of average compensation for a member's first twenty (20) total
32 years;~~

33 ~~(ii) is calculated as the member's years of total service before July 1, 2012, in excess of
34 twenty (20) years not to exceed twenty-five (25) years multiplied by three percent (3%) of average~~

1 ~~compensation, and~~

2 ~~(iii) is the member's years of total service on or after July 1, 2012, multiplied by two~~

3 ~~percent (2%) of average compensation as defined in § 36-8-1(5)(a).~~

4 ~~(B) For members hired on or after July 1, 2007, the member's retirement allowance shall~~

5 ~~be calculated as the member's years of total contributory service multiplied by two percent (2%)~~

6 ~~of average compensation.~~

7 ~~(C)~~(1) Any member of the state police who is eligible to retire on or prior to June 30, 2012,

8 shall retire with a retirement allowance calculated in accordance with paragraph (a) and (e) above

9 except that whole salary shall be defined as final compensation where compensation for purposes

10 of this section and § 42-28-22.1 includes base salary, longevity, and holiday pay.

11 ~~(D)~~(2) Notwithstanding the preceding provisions, in no event shall a member's final

12 compensation be lower than their final compensation determined as of June 30, 2012.

13 (3) Any member of the state police who was not eligible to retire as of June 30, 2012, but

14 who was hired prior to July 1, 2007, shall retire with retirement allowance calculated in accordance

15 with paragraphs (a) and (e)(1) above, except that whole salary shall be defined as the average of

16 the member's final year of base salary, implemented by the longevity increment, holiday pay, and

17 clothing allowance.

18 (4) Any member of the state police who was hired on or after July 1, 2007, shall retire with

19 a retirement allowance calculated in accordance with paragraph (i)(1) and (i)(2) above except that

20 the whole salary shall be defined as the average of the member's final year of base salary,

21 implemented by the longevity increment, holiday pay, and clothing allowance.

22 ~~(E)~~(5) In no event shall a member's original retirement allowance under any provisions of

23 this section exceed sixty-five percent (65%) of their ~~average compensation~~ whole salary.

24 (6) For each member who retires, whole salary shall include overtime pay to the extent

25 provided in the collective bargaining agreement in place at the time of the member's retirement.

26 ~~(3) For each member who retires on or after July 1, 2012, except as provided in paragraph~~

27 ~~(j)(1)(C) above, compensation and average compensation shall be defined in accordance with § 36-~~

28 ~~8-1(5)(a) and (8), provided that for a member whose regular work period exceeds one hundred~~

29 ~~forty-seven (147) hours over a twenty-four day (24) period at any time during the four-year (4)~~

30 ~~period immediately prior to the member's retirement, that member shall have up to four hundred~~

31 ~~(400) hours of their pay for regularly scheduled work earned during this period shall be included~~

32 ~~as "compensation" and/or "average compensation" for purposes of this section and § 42-28-22.1.~~

33 ~~(4)~~(7) This subsection ~~(4)~~(7) shall be effective for the period July 1, 2012, through June

34 30, 2015.

1 (i) Notwithstanding the prior paragraphs of this section, and subject to paragraph ~~(4)~~(7)(ii)
2 below, for all present and former members, active and retired members, and beneficiaries receiving
3 any retirement, disability or death allowance or benefit of any kind, whether for or on behalf of a
4 non-contributory member or contributory member, the annual benefit adjustment provided in any
5 calendar year under this section shall be equal to (A) multiplied by (B) where (A) is equal to the
6 percentage determined by subtracting five and one-half percent (5.5%) (the “subtrahend”) from the
7 Five-Year Average Investment Return of the retirement system determined as of the last day of the
8 plan year preceding the calendar year in which the adjustment is granted, said percentage not to
9 exceed four percent (4%) and not to be less than zero percent (0%), and (B) is equal to the lesser
10 of the member’s retirement allowance or the first twenty-five thousand dollars (\$25,000) of
11 retirement allowance, such twenty-five thousand dollars (\$25,000) amount to be indexed annually
12 in the same percentage as determined under ~~(4)~~(7)(i)(A) above. The “Five-Year Average
13 Investment Return” shall mean the average of the investment returns for the most recent five (5)
14 plan years as determined by the retirement board. Subject to paragraph ~~(4)~~(7)(ii) below, the benefit
15 adjustment provided by this paragraph shall commence upon the third (3rd) anniversary of the date
16 of retirement or the date on which the retiree reaches age fifty-five (55), whichever is later. In the
17 event the retirement board adjusts the actuarially assumed rate of return for the system, either
18 upward or downward, the subtrahend shall be adjusted either upward or downward in the same
19 amount.

20 (ii) Except as provided in paragraph ~~(4)~~(7)(iii), the benefit adjustments under this section
21 for any plan year shall be suspended in their entirety unless the funded ratio of the employees’
22 retirement system of Rhode Island, the judicial retirement benefits trust, and the state police
23 retirement benefits trust, calculated by the system’s actuary on an aggregate basis, exceeds eighty
24 percent (80%) in which event the benefit adjustment will be reinstated for all members for such
25 plan year.

26 In determining whether a funding level under this paragraph ~~(4)~~(7)(ii) has been achieved,
27 the actuary shall calculate the funding percentage after taking into account the reinstatement of any
28 current or future benefit adjustment provided under this section.

29 (iii) Notwithstanding paragraph ~~(4)~~(7)(ii), in each fifth plan year commencing after June
30 30, 2012, commencing with the plan year ending June 30, 2017, and subsequently at intervals of
31 five (5) plan years, a benefit adjustment shall be calculated and made in accordance with paragraph
32 ~~(4)~~(7)(i) above until the funded ratio of the employees’ retirement system of Rhode Island, the
33 judicial retirement benefits trust, and the state police retirement benefits trust, calculated by the
34 system’s actuary on an aggregate basis, exceeds eighty percent (80%).

1 (iv) The provisions of this paragraph (j)~~(4)~~(7) shall become effective July 1, 2012, and shall
2 apply to any benefit adjustment not granted on or prior to June 30, 2012.

3 (v) The cost-of-living adjustment as provided in this paragraph (j)~~(4)~~(7) shall apply to and
4 be in addition to the retirement benefits under the provisions of § 42-28-5 and to the injury and
5 death benefits under the provisions of § 42-28-21.

6 ~~(5)~~(8) This subsection ~~(5)~~(8) shall become effective for the period July 1, 2015 through
7 June 30, 2025.

8 (i)(A) As soon as administratively reasonable following the enactment into law of this
9 paragraph ~~(5)~~(8)(i)(A), a one-time benefit adjustment shall be provided to members and/or
10 beneficiaries of members who retired on or before June 30, 2012, in the amount of two percent
11 (2%) of the lesser of either the member's retirement allowance or the first twenty-five thousand
12 dollars (\$25,000) of the member's retirement allowance. This one-time benefit adjustment shall be
13 provided without regard to the retiree's age or number of years since retirement.

14 (B) Notwithstanding the prior subsections of this section, for all present and former
15 members, active and retired members, and beneficiaries receiving any retirement, disability or
16 death allowance or benefit of any kind, the annual benefit adjustment provided in any calendar year
17 under this section for adjustments on and after January 1, 2016, and subject to subsection ~~(5)~~(8)(ii)
18 below, shall be equal to (I) multiplied by (II):

19 (I) shall equal the sum of fifty percent (50%) of (1) plus fifty percent (50%) of (2) where:

20 (1) is equal to the percentage determined by subtracting five and one-half percent (5.5%)
21 (the "subtrahend") from the five-year average investment return of the retirement system
22 determined as of the last day of the plan year preceding the calendar year in which the adjustment
23 is granted, said percentage not to exceed four percent (4%) and not to be less than zero percent
24 (0%). The "five-year average investment return" shall mean the average of the investment returns
25 of the most recent five (5) plan years as determined by the retirement board. In the event the
26 retirement board adjusts the actuarially assumed rate of return for the system, either upward or
27 downward, the subtrahend shall be adjusted either upward or downward in the same amount.

28 (2) is equal to the lesser of three percent (3%) or the percentage increase in the Consumer
29 Price Index for All Urban Consumers (CPI-U) as published by the U.S. Department of Labor
30 Statistics determined as of September 30 of the prior calendar year.

31 In no event shall the sum of (1) plus (2) exceed three and one-half percent (3.5%) or be
32 less than zero percent (0%).

33 (II) is equal to the lesser of either the member's retirement allowance or the first twenty-
34 five thousand eight hundred and fifty-five dollars (\$25,855) of retirement allowance, such amount

1 to be indexed annually in the same percentage as determined under subsection ~~(5)~~(8)(i)(B)(I) above.
2 The benefit adjustments provided by this subsection ~~(5)~~(8)(i)(B) shall be provided to all retirees
3 entitled to receive a benefit adjustment as of June 30, 2012, under the law then in effect, and for all
4 other retirees the benefit adjustments shall commence upon the third anniversary of the date of
5 retirement or the date on which the retiree reaches their Social Security retirement age, whichever
6 is later.

7 (ii) Except as provided in subsection ~~(5)~~(8)(iii), the benefit adjustments under subsection
8 ~~(5)~~(8)(i)(B) for any plan year shall be suspended in their entirety unless the funded ratio of the
9 employees' retirement system of Rhode Island, the judicial retirement benefits trust, and the state
10 police retirement benefits trust, calculated by the system's actuary on an aggregate basis, exceeds
11 eighty percent (80%) in which event the benefit adjustment will be reinstated for all members for
12 such plan year. Effective July 1, 2024, the funded ratio of the employees' retirement system of
13 Rhode Island, the judicial retirement benefits trust, and the state police retirement benefits trust,
14 calculated by the system's actuary on an aggregate basis, of exceeding eighty percent (80%) for the
15 benefit adjustment to be reinstated for all members for such plan year shall be replaced with
16 seventy-five percent (75%).

17 In determining whether a funding level under this subsection ~~(5)~~(8)(ii) has been achieved,
18 the actuary shall calculate the funding percentage after taking into account the reinstatement of any
19 current or future benefit adjustment provided under this section.

20 (iii) Notwithstanding subsection ~~(5)~~(8)(ii), in each fourth plan year commencing after June
21 30, 2012, commencing with the plan year ending June 30, 2016, and subsequently at intervals of
22 four plan years: (i) A benefit adjustment shall be calculated and made in accordance with paragraph
23 ~~(5)~~(8)(i)(B) above; and (ii) Effective for members and/or beneficiaries of members who retired on
24 or before June 30, 2015, the dollar amount in subsection ~~(5)~~(7)(i)(B)(II) of twenty-five thousand
25 eight hundred and fifty-five dollars (\$25,855) shall be replaced with thirty-one thousand and
26 twenty-six dollars (\$31,026) until the funded ratio of the employees' retirement system of Rhode
27 Island, the judicial retirement benefits trust, and the state police retirement benefits trust, calculated
28 by the system's actuary on an aggregate basis, exceeds eighty percent (80%). Effective July 1,
29 2024, the funded ratio of the employees' retirement system of Rhode Island, the judicial retirement
30 benefits trust, and the state police retirement benefits trust, calculated by the system's actuary on
31 an aggregate basis, of exceeding eighty percent (80%) shall be replaced with seventy-five percent
32 (75%).

33 (iv) Effective for members and/or beneficiaries of members who have retired on or before
34 July 1, 2015, a one-time stipend of five hundred dollars (\$500) shall be payable within sixty (60)

1 days following the enactment of the legislation implementing this provision, and a second one-time
2 stipend of five hundred dollars (\$500) in the same month of the following year. These stipends
3 shall be payable to all retired members or beneficiaries receiving a benefit as of the applicable
4 payment date and shall not be considered cost of living adjustments under the prior provisions of
5 this section.

6 (9) This subsection (9) shall become effective July 1, 2025.

7 (i) Notwithstanding the prior paragraphs of this section, for all present and former
8 members, active and retired members, and beneficiaries receiving any retirement, disability or
9 death allowance or benefit of any kind, whether for or on behalf of a non-contributory member or
10 contributory member, the annual benefit adjustment provided in each calendar year shall be equal
11 to one thousand five hundred dollars (\$1,500). In each succeeding year, during the month of
12 January, the retirement allowance shall be increased by one thousand five hundred dollars (\$1,500),
13 to be continued during the lifetime of the member.

14 ~~(10)~~ Any member with contributory service on or after July 1, 2012, who has completed
15 at least five (5) years of contributory service but who has not retired ~~in accordance with (j)(1) above,~~
16 shall be eligible to retire upon the attainment of member's Social Security retirement age as defined
17 in § 36-8-1(20).

18 ~~(11)~~ In no event shall a member's retirement allowance be less than the member's
19 retirement allowance calculated as of June 30, 2012, based on the member's years of total service
20 and whole salary as of June 30, 2012.

21 (k) In calculating the retirement benefit for any member, the term base salary as used in
22 subdivision (b)(3) ~~and or average compensation as used in paragraph~~ (j) shall not be affected by a
23 deferral of salary plan or a reduced salary plan implemented to avoid shutdowns or layoffs or to
24 effect cost savings. Basic salary shall remain for retirement calculation that which it would have
25 been but for the salary deferral or salary reduction due to a plan implemented to avoid shutdowns
26 or layoffs or to effect cost savings.

27 (l) Notwithstanding the provisions of subsection (h) of this section, any member who was
28 sworn into service with the Rhode Island state police during the year 1997, shall not be required to
29 retire before September 1, 2026. Any member who elects to work beyond their twenty-fifth year,
30 pursuant to the provisions of this subsection, shall continue to make retirement contributions in
31 accordance with § 42-28-22.1.

32 (m) Notwithstanding the provisions of subsection (h) of this section, any member who was
33 sworn into service with the Rhode Island state police during the year 2000, shall not be required to
34 retire before July 1, 2028. Any member who elects to work beyond their twenty-fifth year, pursuant

1 to the provisions of this subsection, shall continue to make retirement contributions in accordance
2 with § 42-28-22.1.

3 (n) Notwithstanding the provisions of subsection (h) of this section, any member who was
4 sworn into service with the Rhode Island state police during the year 2005, shall not be required to
5 retire before December 21, 2030. Any member who elects to work beyond their twenty-fifth year,
6 pursuant to the provisions of this subsection, shall continue to make retirement contributions in
7 accordance with § 42-28-22.1.

8 (o) To extent that any members received retirement benefits that were less than those
9 provided for herein, as a consequence of prior legislative changes, they shall be entitled to receive
10 benefits prospectively as provided herein.

11 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- STATE POLICE

1 This act would amend the pension benefits for both current and former Rhode Island state
2 police members, and would extend the time period a member may serve in the Rhode Island state
3 police.

4 This act would take effect upon passage.

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