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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE -- COURTS -- JUSTICES OF THE  
SUPREME, SUPERIOR, AND FAMILY COURTS

Introduced By: Senators LaMountain, and Bissaillon

Date Introduced: June 13, 2025

Referred To: Senate Finance

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 8-3-11 of the General Laws in Chapter 8-3 entitled "Justices of the  
2 Supreme, Superior, and Family Courts" is hereby amended to read as follows:

3           **8-3-11. Allowances to surviving spouses, domestic partners or minor children of**  
4 **deceased justices.**

5           (a) Whenever any justice of the supreme court, the superior court, the family court, or the  
6 district court who was engaged as a judge prior to January 1, 2009, dies after retirement or during  
7 active service while eligible for retirement, or during active service after having served fifteen (15)  
8 years or more in office, his or her surviving spouse or domestic partner shall receive annually  
9 thereafter, during his or her lifetime and so long as he or she remains unmarried or not in a domestic  
10 partnership, an amount equal to one-half (½) of the annual payment that the justice was receiving  
11 by way of salary or retirement pay at the time of his or her death. Whenever a justice of any of the  
12 courts shall die without having become eligible to retire either under § 8-3-7 or 8-3-8 and has  
13 served seven (7) years or more in office, his or her surviving spouse or domestic partner shall  
14 receive annually thereafter, during his or her lifetime and so long as he or she remains unmarried  
15 or not in a domestic partnership, one-third (⅓) of the annual salary that the justice was receiving  
16 at the time of his or her death. Whenever a justice of the courts shall die without having become  
17 eligible to retire either under § 8-3-7 or 8-3-8 and has not served seven (7) years in office, his or  
18 her surviving spouse or domestic partner shall receive annually thereafter, during his or her lifetime

1 and so long as he or she remains unmarried or not in a domestic partnership, one-fourth ( $\frac{1}{4}$ ) of the  
2 annual salary that the justice was receiving at the time of his or her death.

3 (b) Any justice of the courts who is engaged as a judge on or after January 1, 2009, and  
4 prior to July 1, 2009 may elect to receive retirement pay that is reduced by an additional ten percent  
5 (10%) of the average of the highest three (3) consecutive years annual compensation (i.e., ninety  
6 percent (90%) reduced to eighty percent (80%) or seventy percent (70) reduced to sixty percent  
7 (60%)), and where such option is exercised by giving the general treasurer notice in writing thereof  
8 within ninety (90) days after the date of his or her retirement his or her surviving spouse or domestic  
9 partner or minor children shall receive annually one-half ( $\frac{1}{2}$ ) of his or her retirement pay during his  
10 or her lifetime so long as he or she remains unmarried or not in a domestic partnership, or the  
11 children are under twenty-one (21) years of age provided, however, for any justice engaged on or  
12 after July 1, 2009 but prior to July 1, 2012, the reduction shall be based on the average of the highest  
13 five (5) consecutive years annual compensation.

14 (c)(1) Any justice of the courts who is engaged as a judge on or after July 1, 2012 and who  
15 elects to receive a retirement pay that is reduced, shall receive a lesser retirement allowance as  
16 determined by actuarial calculation, which shall be payable throughout life with the provision that:

17 (i) Option 1. Upon the justice's death, the justice's lesser retirement allowance shall be  
18 continued throughout the life of and paid to such person having an insurable interest in the justice's  
19 life, as the justice shall nominate by written designation duly acknowledged and filed with the  
20 retirement board at the time of his or her retirement.

21 (ii) Option 2. Upon the justice's death, one-half ( $\frac{1}{2}$ ) of the justice's lesser retirement  
22 allowance shall be continued throughout the life of and paid to such person, having an insurable  
23 interest in the justice's life, as the justice shall nominate by written designation duly acknowledged  
24 and filed with the retirement board at the time of the beneficiary's retirement.

25 (2) For purposes of any election under this section the justice may designate more than one  
26 person to receive benefits after his or her death, provided that the designation shall specify the  
27 portion of the actuarial equivalent of the justice's retirement allowance to be paid to each person,  
28 and provided further that the aggregate actuarial value of the portions shall not exceed the actuarial  
29 equivalent of the justice's retirement benefit determined in the case of an election under this section  
30 as of the date of the justice's retirement.

31 (3) A justice selecting more than one person to receive benefits under this section may only  
32 select beneficiaries from among his or her children, adopted children, step-children, and/or spouse  
33 or domestic partner.

34 (d) Whenever any justice of the supreme court, the superior court, the family court, or the

1 district court who was engaged as a judge on or after January 1, 2009, dies during active service  
2 while eligible for retirement, or during active service after having served fifteen (15) years or more  
3 in office, his or her surviving spouse or domestic partner shall receive annually thereafter, during  
4 his or her lifetime and so long as he or she remains unmarried or not in a domestic partnership, an  
5 amount equal to one-half (½) of the annual payment that the justice was receiving by way of salary.

6 (e) Whenever a justice of any of the courts who was engaged as a judge on or after January  
7 1, 2009, shall die without having become eligible to retire either under § 8-3-7 or 8-3-8 and has  
8 served seven (7) years or more in office, his or her surviving spouse or domestic partner shall  
9 receive annually thereafter, during his or her lifetime and so long as he or she remains unmarried  
10 or not in a domestic partnership, one-third (⅓) of the annual salary that the justice was receiving at  
11 the time of his or her death.

12 (f) Whenever a justice of the courts who was engaged as a judge on or after January 1,  
13 2009, shall die without having become eligible to retire either under § 8-3-7 or 8-3-8 and has not  
14 served seven (7) years or more in office, his or her surviving spouse or domestic partner shall  
15 receive annually thereafter, during his or her lifetime and so long as he or she remains unmarried  
16 or not in a domestic partnership, one-fourth (¼) of the annual salary that the justice was receiving  
17 at the time of his or her death.

18 (g) In the event the deceased justice shall have no surviving spouse or domestic partner, or  
19 the surviving spouse or domestic partner should predecease their minor children, then the benefits  
20 conferred by this section shall be received in equal shares by the minor children, if any, until each  
21 shall attain the age of twenty-one (21) years.

22 (h) Whenever any magistrate of the superior court, the family court, the district court or  
23 traffic tribunal, who is engaged as a magistrate, dies during active service while eligible for  
24 retirement under the Employees' Retirement System of Rhode Island (ERSRI), their surviving  
25 spouse or domestic partner shall receive thereafter, during the survivor's lifetime and so long as  
26 they remain unmarried or not in a domestic partnership, an amount equal to "ERSRI option #1 –  
27 100% survivor option." The date of ERSRI retirement shall be calculated as the date of the  
28 magistrate's death. Said survivor benefit shall be paid by and through ERSRI as the magistrate  
29 would have been entitled to if retired before the magistrate's date of death.

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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RELATING TO COURTS AND CIVIL PROCEDURE -- COURTS -- JUSTICES OF THE  
SUPREME, SUPERIOR, AND FAMILY COURTS

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1           This act would amend the current law so that if a magistrate dies during active service in  
2   the superior, family or district court or traffic tribunal, while eligible for retirement under ERSRI,  
3   their surviving spouse or domestic partner would receive "ERSRI option #1 – 100% survivor  
4   option", for the lifetime of the survivor provided the survivor has not remarried. The act would also  
5   provide that the date of ERSRI retirement be calculated as of the date of death and the survivor  
6   benefit would be paid through ERSRI.

7           This act would take effect upon passage.

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