

2026 -- H 7156

LC003351

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE -- COURTS -- SUPERIOR COURT

Introduced By: Representative Joseph J. Solomon

Date Introduced: January 16, 2026

Referred To: House Finance

It is enacted by the General Assembly as follows:

SECTION 1. Sections 8-2-11.1, 8-2-39, 8-2-39.1 and 8-2-39.2 of the General Laws in Chapter 8-2 entitled "Superior Court" are hereby amended to read as follows:

8-2-11.1. Administrator/magistrate.

(a) Any person holding the position of administrative clerk in the superior court who is a member of the bar of Rhode Island may be appointed administrator/magistrate for a term of ten (10) years and until a successor is appointed and qualified, by the presiding justice, with the advice and consent of the senate, in his or her capacity as administrative judge. Nothing herein shall be construed to prohibit the assignment of an administrator/magistrate to more than one such term, subject to the advice and consent of the senate. Any magistrate in service as of January 1, 2008 who serves at the pleasure of the presiding justice of the superior court may be appointed for a term of ten (10) years with the advice and consent of the senate and until a successor is appointed and qualified.

(b)(1) The administrator/magistrate shall have the power to hear and determine such matters as may be assigned to the administrator/magistrate by the presiding justice all to the same effect as if done by a justice of the superior court.

(2) Without limiting the generality of the foregoing powers and authority, the administrator/magistrate is authorized and empowered to hear and determine motions in civil and criminal proceedings, formal and special causes, to conduct arraignments, to grant or deny bail, to accept pleas of not guilty, guilty, or nolo contendere, and to impose sentence on a plea of guilty or

1 nolo contendere, all to the same effect as if done by a justice of the superior court.

2 (c) The administrator/magistrate may be authorized:

3 (1) To regulate all proceedings before him or her;

4 (2) To do all acts and take all measures necessary or proper for the efficient performance

5 of his or her duties;

6 (3) To require the production before him or her of books, papers, vouchers, documents,

7 and writings;

8 (4) To rule upon the admissibility of evidence;

9 (5) To issue subpoenas for the appearance of witnesses, to put witnesses on oath, to

10 examine them, and to call parties to the proceeding and examine them upon oath;

11 (6) To adjudicate a person in contempt and to order him or her imprisoned for not more

12 than seventy-two (72) hours, pending review by a justice of the court, for failure to appear in

13 response to a summons or for refusal to answer questions or produce evidence or for behavior

14 disrupting a proceeding;

15 (7) To adjudicate a party in contempt and to order him or her imprisoned for not more than

16 seventy-two (72) hours, pending review by a justice of the court, for failure to comply with a

17 pending order to provide payment or to perform any other act; and

18 (8) To issue a capias and/or body attachment upon the failure of a party or witness to appear

19 after having been properly served and, should the court not be in session, the person apprehended

20 may be detained at the adult correctional institution, if an adult, or at the Rhode Island training

21 school for youth, if a child, until the next session of the court.

22 (d) A party aggrieved by an order entered by the administrator/magistrate shall be entitled

23 to a review of the order by a justice of the superior court. Unless otherwise provided in the rules of

24 procedure of the court, the review shall be on the record and appellate in nature. The court shall,

25 by rules of procedure, establish procedures for review of orders entered by the

26 administrator/magistrate, and for enforcement of contempt adjudications of the

27 administrator/magistrate.

28 (e) Final orders of the superior court entered in a proceeding to review an order of the

29 administrator/magistrate may be appealed to the supreme court.

30 (f) The administrator/magistrate shall be:

31 (1) Governed by the commission on judicial tenure and discipline, chapter 16, of this title,

32 in the same manner as justices and judges;

33 (2) Subject to all provisions of the canons of judicial ethics;

34 (3) Subject to all criminal laws relative to judges by virtue of §§ 11-7-1 and 11-7-2.

1 (g) Any superior court magistrate, upon retirement, may at the retired magistrate's own
2 request and at the direction of the chief justice of the supreme court, subject to the retiree's physical
3 and mental competence, be assigned to perform such services as a magistrate of the superior court,
4 as the presiding justice of the superior court shall prescribe. When so assigned and performing such
5 service, the magistrate shall have all the powers and authority of a magistrate of the superior court,
6 as prescribed by the presiding justice, but otherwise shall have no powers nor be authorized to
7 perform any judicial duties. Such a retired magistrate shall not be counted in the number of judicial
8 officers provided by law for the superior court.

9 **8-2-39. General magistrate — Appointment, duties and powers.**

10 (a) There is hereby created within the superior court the position of general magistrate who
11 shall be appointed by the presiding justice of the superior court, with the advice and consent of the
12 senate, for a term of ten (10) years and until a successor is appointed and qualified. Nothing herein
13 shall be construed to prohibit the assignment of the general magistrate to more than one such term,
14 subject to the advice and consent of the senate. The person appointed to serve as general magistrate
15 shall be a member of the bar of Rhode Island. The powers and duties of the general magistrate shall
16 be prescribed in the order appointing him or her.

17 (b)(1) The general magistrate shall assist the court in:

18 (i) The determination of, monitoring, collection, and payment of restitution and court
19 ordered fines, fees, and costs or the ordering of community service in lieu of or in addition to the
20 payment of restitution, fines, fees, and costs, consistent with other provisions of the general laws;

21 (ii) The determination and payment of claims under the violent crimes indemnity fund for
22 the Criminal Injuries Compensation Act of 1972, chapter 25 of title 12;

23 (iii) The determination and payment of claims from the Criminal Royalties Distribution
24 Act of 1983, chapter 25.1 of title 12; and

25 (iv) Such other matters as the presiding justice of the superior court determines are
26 necessary.

27 (2) The chief justice of the supreme court, with the consent of the presiding justice and, if
28 applicable, the chief judge of a particular court, may assign the general magistrate to serve as a
29 magistrate in any court of the unified system. When the general magistrate is so assigned he or she
30 shall be vested, authorized, and empowered with all the powers belonging to the magistrate position
31 to which he or she is specially assigned.

32 (c) The general magistrate will be empowered to hear all motions, pretrial conferences,
33 arraignments, probable cause hearings, bail hearings, bail and probation revocation hearings, and
34 to review all such matters including, but not limited to the above, and to modify the terms and

1 conditions of probation and other court-ordered monetary payments including, but not limited to,
2 the extension of time for probation and court-ordered monetary payments as provided by law. The
3 general magistrate shall have the power to take testimony in connection with all matters set forth
4 herein.

5 (d) The general magistrate may be authorized:

6 (1) To regulate all proceedings before him or her;

7 (2) To do all acts and take all measures necessary or proper for the efficient performance
8 of his or her duties;

9 (3) To require the production before him or her of books, papers, vouchers, documents,
10 and writings;

11 (4) To rule upon the admissibility of evidence;

12 (5) To issue subpoenas for the appearance of witnesses, to put witnesses on oath, to
13 examine them, and to call parties to the proceeding and examine them upon oath;

14 (6) To adjudicate a person in contempt and to order him or her imprisoned for not more
15 than seventy-two (72) hours, pending review by a justice of the relevant court, for failure to appear
16 in response to a summons or for refusal to answer questions or produce evidence or for behavior
17 disrupting a proceeding;

18 (7) To adjudicate a party in contempt and to order him or her imprisoned for not more than
19 seventy-two (72) hours, pending review by a justice of the relevant court, for failure to comply with
20 a pending order to provide payment or to perform any other act; and

21 (8) To issue a capias and/or body attachment upon the failure of a party or witness to appear
22 after having been properly served and, should the court not be in session, the person apprehended
23 may be detained at the adult correctional institutions, if an adult, or at the Rhode Island training
24 school for youth, if a child, until the next session of the court.

25 (e) A party aggrieved by an order entered by the general magistrate shall be entitled to a
26 review of the order by a justice of the relevant court. Unless otherwise provided in the rules of
27 procedure of the court, such review shall be on the record and appellate in nature. The court shall,
28 by rules of procedure, establish procedures for review of orders entered by a general magistrate,
29 and for enforcement of contempt adjudications of a general magistrate.

30 (f) Final orders of the superior or family court entered in a proceeding to review an order
31 of a general magistrate may be appealed to the supreme court. Final orders of the district court
32 entered in a proceeding to review an order of the general magistrate may be appealed to the superior
33 court.

34 (g) The general magistrate shall:

1 (1) Receive all credits and retirement allowances as afforded justices under chapter 3 of
2 this title and any other applicable law, including without limitation, § 8-3-16;

3 (2) Receive a salary equivalent to that of a district court judge;

4 (3) Be governed by the commission on judicial tenure and discipline, chapter 16, of this
5 title, in the same manner as justices and judges;

6 (4) Be subject to all provisions of the canons of judicial ethics or code of judicial conduct;

7 (5) Be subject to all criminal laws relative to judges by virtue of §§ 11-7-1 and 11-7-2.

8 (h) Any superior court magistrate, upon retirement, may at the retired magistrate's own
9 request and at the direction of the chief justice of the supreme court, subject to the retiree's physical
10 and mental competence, be assigned to perform such services as a magistrate of the superior court,
11 as the presiding justice of the superior court shall prescribe. When so assigned and performing such
12 service, the magistrate shall have all the powers and authority of a magistrate of the superior court,
13 as prescribed by the presiding justice, but otherwise shall have no powers nor be authorized to
14 perform any judicial duties. Such a retired magistrate shall not be counted in the number of judicial
15 officers provided by law for the superior court.

16 ~~(i)~~(i) The provisions of this section shall be afforded liberal construction.

17 ~~(j)~~(j) The presiding justice of the superior court shall initially appoint such support staff as
18 may be necessary, relating to preparation, investigation, and implementation of the general
19 magistrate's functions. Effective November 15, 1993, the support staff shall be placed under the
20 supervision and management of the superior court, and new appointments or personnel changes in
21 the support staff shall be subject to the directions and approval of the superior court, consistent with
22 any applicable collective bargaining agreements. The general magistrate shall have the power and
23 authority to issue subpoenas and to compel the attendance of witnesses at any place within the state,
24 to administer oaths and to require testimony under oath. The general magistrate, or his or her
25 designee, may serve his or her process or notices in a manner provided for the service of process
26 and notice in civil or criminal actions in accordance with the rules of court.

27 **8-2-39.1. Special magistrate.**

28 (a) There is hereby created within the superior court the position of special magistrate, who
29 shall be appointed by the presiding justice of the superior court, with the advice and consent of the
30 senate, for a period of ten (10) years, and until a successor is appointed and qualified. Nothing
31 contained herein shall be construed to prohibit the reappointment of a special magistrate for one or
32 more additional ten (10) year terms, subject to the advice and consent of the senate. The person
33 appointed to serve as special magistrate shall be a member of the bar of the state of Rhode Island.
34 The special magistrate shall have the duties, responsibilities, powers and benefits as authorized in

1 § 8-2-39.

2 (b) Any superior court magistrate, upon retirement, may at the retired magistrate's own
3 request and at the direction of the chief justice of the supreme court, subject to the retiree's physical
4 and mental competence, be assigned to perform such services as a magistrate of the superior court,
5 as the presiding justice of the superior court shall prescribe. When so assigned and performing such
6 service, the magistrate shall have all the powers and authority of a magistrate of the superior court,
7 as prescribed by the presiding justice, but otherwise shall have no powers nor be authorized to
8 perform any judicial duties. Such a retired magistrate shall not be counted in the number of judicial
9 officers provided by law for the superior court.

10 (c) The special magistrate shall be:

11 (1) Governed by the commission on judicial tenure and discipline, in accordance with
12 chapter 16 of title 8, in the same manner as justices and judges

13 (2) Subject to all provisions of the canons of judicial ethics and/or the code of judicial
14 conduct;

15 (3) Subject to all criminal laws relative to judges by virtue of §§ 11-7-1 and 11-7-2.

16 (d) The provisions of this section shall be afforded liberal construction.

17 **8-2-39.2. Drug court magistrate — Appointment, duties and powers.**

18 (a) For the purposes of this chapter:

19 (1) "Non-violent" means and includes all charges that are not crimes of violence, the
20 following being a list of all charges considered to be crimes of violence for the purposes of this
21 section: murder, manslaughter, first-degree arson, kidnapping with intent to extort, robbery, first-
22 degree sexual assault, second-degree sexual assault, first- and second-degree child molestation,
23 assault, assault with intent to murder, assault with intent to rob, assault with intent to commit first-
24 degree sexual assault, entering a dwelling house with intent to commit murder, robbery, or sexual
25 assault.

26 (2) "Drug-addicted person" means a person who exhibits a maladaptive pattern of behavior
27 resulting from drug use, including one or more of the following: impaired control over drug use;
28 compulsive use; and/or continued use despite harm, and craving.

29 (b) There is hereby created within the superior court the position of drug court magistrate
30 who shall be appointed by the presiding justice of the superior court with the advice and consent of
31 the senate. The persons appointed to serve as drug court magistrates shall be members of the bar of
32 Rhode Island. The powers and duties of the drug court magistrate shall be prescribed in the order
33 appointing him or her in addition to those described herein.

34 The drug court magistrate's term shall be ten (10) years and until a successor is appointed

1 and qualified. Nothing in this section shall prohibit a drug court magistrate from being reappointed
2 for additional ten-year (10) terms by the presiding justice of the superior court with the advice and
3 consent of the senate. He or she shall receive a salary equivalent to that received by the special
4 magistrate assigned to the superior court. The drug court magistrate shall preside over the adult
5 drug court. The adult drug court program shall combine the coercive powers of the court with a
6 therapeutic regimen in order to rehabilitate drug addicted defendants.

7 (c) The drug court magistrate shall be empowered to hear and decide as a superior court
8 justice all matters relating to those adult offenders who come before the jurisdiction of the superior
9 court on any offense relating to the offender's participation in the adult drug court. In addition, the
10 drug court magistrate shall have the power to impose a period of incarceration upon a plea of guilty
11 or nolo contendere, and also have the power to confine any person who has been found to be in
12 violation of any conditions previously imposed by the superior court.

13 (d) The drug court magistrate shall make the final determination as to whether a defendant
14 is admitted into the program. Individuals meeting the following criteria shall be screened by staff
15 working at the office of the attorney general upon the department's own referral; upon a request by
16 counsel entered on behalf of a defendant; upon request by a judge of the superior or district court,
17 or, in the case of a person waivable by the family court, by a judge of that court; or the department
18 of corrections for admittance into the adult drug court:

19 (1) The individual is charged with or convicted of an alcohol- or drug-related offense or
20 with an appropriate non-violent offense.

21 (2) The individual has no pending charges for felony crimes of violence.

22 (3) The individual has no pending charges for delivery of a controlled substance.

23 (4) The defendant is a drug-addicted person.

24 (e) All individuals accepted into drug court will be bound by a drug court contract, as
25 defined by the adult drug court, that sets forth the court's expectations; the role and responsibilities
26 of the drug court; the conditions imposed upon and the responsibilities of the defendant; and the
27 treatment plan goals and strategies. If a defendant fails to abide by the drug court conditions and
28 orders, he or she may be terminated from the program by the drug court judge and sentenced as he
29 or she deems appropriate.

30 (f) The drug court magistrate shall be empowered to hear and decide as a superior court
31 justice all matters that may come before the superior court pursuant to chapter 37.1 of title 11
32 "sexual offender registration and community notification."

33 (g) The drug court magistrate and/or the presiding justice of the superior court may fix the
34 venue of any person who is before the superior court as a participant in the adult drug court or who

1 is alleged to be a sexual predator, and who has filed an objection to community notification.

2 (h) In addition, at the discretion of the presiding justice of the superior court, the drug court
3 magistrate shall have the duties, responsibilities, and powers authorized in subsections 8-2-39(b),
4 (c) and (d).

5 (i) The drug court magistrate shall be governed by the commission on judicial tenure and
6 discipline, chapter 16 of title 8, in the same manner as justices and judges; shall be subject to all
7 provisions of the canons of judicial ethics or code of judicial conduct; and shall be subject to all
8 criminal laws relative to judges by virtue of §§ 11-7-1 and 11-7-2.

9 (j) A party aggrieved by an order entered by the drug court magistrate shall be entitled to a
10 review of the order by a justice of the superior court. Unless otherwise provided in the rules of
11 procedure of the court, such review shall be on the record and appellate in nature. The superior
12 court shall, by rules of procedure, establish procedures for reviews of orders entered by a drug court
13 magistrate, and for enforcement of contempt adjudications of a drug court magistrate.

14 (k) Any superior court magistrate, upon retirement, may at the retired magistrate's own
15 request and at the direction of the chief justice of the supreme court, subject to the retiree's physical
16 and mental competence, be assigned to perform such services as a magistrate of the superior court,
17 as the presiding justice of the superior court shall prescribe. When so assigned and performing such
18 service, the magistrate shall have all the powers and authority of a magistrate of the superior court,
19 as prescribed by the presiding justice, but otherwise shall have no powers nor be authorized to
20 perform any judicial duties. Such a retired magistrate shall not be counted in the number of judicial
21 officers provided by law for the superior court.

22 SECTION 2. Section 36-10-36 of the General Laws in Chapter 36-10 entitled "Retirement
23 System — Contributions and Benefits" is hereby amended to read as follows:

24 **36-10-36. Post-retirement employment.**

25 (a) On and after July 7, 1994, no member who has retired under the provisions of title 16,
26 36, or 45 may be employed or reemployed by any state agency or department unless any and all
27 retirement benefits to which the member may be entitled by virtue of the provisions of title 16, 36,
28 or 45 are suspended for the duration of any employment or reemployment. No additional service
29 credits shall be granted for any post-retirement employment or reemployment and no deductions
30 shall be taken from an individual's salary for retirement contribution. Notice of any such post-
31 retirement employment or reemployment shall be sent monthly to the retirement board by the
32 employing agency or department and by the retired member.

33 (b) Any member who has retired under the provisions of title 16, 36, or 45 may be
34 employed or reemployed by any municipality within the state that has accepted the provisions of

chapter 21 of title 45 and participates in the municipal employees' retirement system for a period of not more than seventy-five (75) working days or one hundred fifty (150) half days with half-day pay in any one calendar year without any forfeiture or reduction of any retirement benefits and allowances the member is receiving, or may receive, as a retired member. Pension payments shall be suspended whenever this period is exceeded. No additional contributions shall be taken, and no additional service credits shall be granted, for this service. Notice of this employment or reemployment shall be sent monthly to the retirement board by the employer and by the retired member.

(c) Any member who has retired under the provisions of title 16, 36, or 45 may be employed or reemployed by any municipality within the state that has not accepted the provisions of chapter 21 of title 45 and that does not participate in the municipal employees' retirement system.

(d) Notwithstanding the provisions of this section:

(1) Any retired member of the system shall be permitted to serve as an elected mayor, the town administrator, the city administrator, the town manager, the city manager, the chief administrative officer, or the chief executive officer of any city or town, city or town council member, school committee member, or unpaid member of any part-time state board or commission or member of any part-time municipal board or commission, and shall continue to be eligible for, and receive, the retirement allowance for service other than that as a mayor, administrator, council member, school committee member, or member of any state board or commission or member of any part-time municipal board or commission; provided, however, that no additional service credits shall be granted for any service under this subsection;

(2) Any retired member, who retired from service at any state college, university, state school, or who retired from service as a teacher under the provisions of title 16, or who retired from service under title 36 or title 45, may be employed or reemployed, on a part-time basis, by any state college, university, or state school for the purpose of providing classroom instruction, academic advising of students, and/or coaching. Compensation shall be provided at a level not to exceed the salary provided to other faculty members employed under a collective bargaining agreement at the institution. In no event shall "part-time" mean gross pay of more than twenty-five thousand dollars (\$25,000) in any one calendar year. Any retired member who provides such instruction or service shall do so without forfeiture or reduction of any retirement benefit or allowance; provided, however, that no additional service credits shall be granted for any service under this subsection;

(3) Any retired member who retired from service as a teacher under the provisions of title 16, or as a state employee who, while an active state employee, was certified to teach driver education by the department of elementary and secondary education or by the board of governors

1 for higher education, may be employed or reemployed, on a part-time basis, by the department of
2 elementary and secondary education or by the board of governors of higher education for the
3 purpose of providing classroom instruction in driver education courses in accordance with § 31-
4 10-19 and/or motorcycle driver education courses in accordance with § 31-10.1-1.1. In no event
5 shall “part-time” mean gross pay of more than fifteen thousand dollars (\$15,000) in any one
6 calendar year. Any retired teacher who provides that instruction shall do so without forfeiture or
7 reduction of any retirement benefit or allowance the retired teacher is receiving as a retired teacher;
8 provided, however, that no additional service credits shall be granted for any service under this
9 subsection;

10 (4) Any retired member who retired from service as a registered nurse may be employed
11 or reemployed, on a per-diem basis, for the purpose of providing professional nursing care and/or
12 services at a state-operated facility in Rhode Island, including employment as a faculty member of
13 a nursing program at a state-operated college or university. In no event shall “part-time” mean gross
14 pay of more than a period of seventy-five (75) working days or one hundred fifty (150) half days
15 with half pay in any one calendar year. Any retired nurse who provides such care and/or services
16 shall do so without forfeiture or reduction of any retirement benefit or allowance the retired nurse
17 is receiving as a retired nurse; provided, however, that no additional service credits shall be granted
18 for any service under this subsection. Pension payments shall be suspended whenever this period
19 is exceeded. No additional contributions shall be taken and no additional service credits shall be
20 granted for this service. Notice of this employment or reemployment shall be sent monthly to the
21 retirement board by the employer and by the retired member;

22 (5) Any retired member who, at the time of passage of this section, serves as a general
23 magistrate within the family court and thereafter retires from judicial service, may be employed or
24 reemployed by the family court to perform such services as a general magistrate of the family court
25 as the chief judge of the family court shall prescribe without any forfeiture or reduction of any
26 retirement benefits and allowances that the member is receiving or may receive. For any such
27 services or assignments performed after retirement, the general magistrate shall receive no
28 compensation whatsoever, either monetary or in kind. No additional contributions shall be taken
29 and no additional service credits shall be granted for this service;

30 (6) Any retired district court clerk/magistrate or magistrate of the district court who shall
31 subsequently be assigned to perform service in accordance with § 8-8-8.1 or § 8-8-16.2(e), may be
32 employed or reemployed by the district court to perform such services as a magistrate as the chief
33 judge of the district court shall prescribe without any forfeiture or reduction of any retirement
34 benefits and allowance that they are receiving or may receive. For any such services or assignment

1 performed after retirement, the district court clerk/magistrate or magistrate shall receive, in addition
2 to their retirement pension, the difference in pay and fringe benefits between their retirement
3 pension, and that of a sitting magistrate of the district court with comparable state service time. No
4 additional contributions shall be taken and no additional service credits shall be granted for this
5 service; ~~and~~

6 (7) Any retired superior court magistrate of the superior court who shall subsequently be
7 assigned to perform services in accordance with §§ 8-2-11.1, 8-2-39, 8-2-39.1 or 8-2-39.2, may be
8 employed or reemployed by the superior court to perform such services as a magistrate as the
9 presiding justice of the superior court shall prescribe without any forfeiture or reduction of any
10 retirement benefits and allowance that they are receiving or may receive. For any such services or
11 assignment performed after retirement, the superior court magistrate shall receive, in addition to
12 their retirement pension, the difference in pay and fringe benefits between their retirement pension,
13 and that of a sitting magistrate of the superior court with comparable state service time. No
14 additional contributions shall be taken and no additional service credits shall be granted for this
15 service; and

16 ~~(7)~~(8) Any retired member of the system shall be permitted to serve as a municipal
17 employee without any forfeiture or reduction of any retirement benefits and allowances that the
18 member is receiving or may receive; provided, that said member shall be appointed by and serves
19 at the pleasure of the highest elected chief executive officer, as defined in § 45-9-2, in any city or
20 town subject to the provisions of chapter 9 of title 45 entitled "Budget Commissions" relating to
21 the appointment of a fiscal overseer, budget commission, receiver, and/or financial advisor.
22 Provided further, that no additional service credits shall be granted for any service under this
23 subsection.

24 SECTION 3. This act shall take effect upon passage.

=====
LC003351
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO COURTS AND CIVIL PROCEDURE -- COURTS -- SUPERIOR COURT

1 This act would permit retired superior court magistrates to request, at the direction of the
2 chief justice of the supreme court, that they be assigned to perform service pursuant to §§ 8-2-11.1,
3 8-2-39, 8-2-39.1 or 8-2-39.2 and be reemployed by the superior court without any forfeiture or
4 reduction of any retirement benefits.

5 This act would take effect upon passage.

=====
LC003351
=====