

2026 -- H 8185

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LC005378  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- STATE POLICE

Introduced By: Representatives Baginski, Casimiro, Solomon, Read, Casey, DeSimone,  
O'Brien, and J. Brien

Date Introduced: February 27, 2026

Referred To: House 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, and prior to July 1,  
18 2026, "whole salary" means the base salary, implemented by the longevity increment, holiday pay,  
19 and clothing allowance, for the position from which the member retired or retires.

1           (4) For each member who retires on or after July 1, 2026, “whole salary” means the highest  
2 compensation earned by the member during any consecutive twelve (12) month period preceding  
3 retirement, including base salary, longevity increment, holiday pay, clothing allowance, and  
4 overtime pay to the extent provided in the collective bargaining agreement in place at the time of  
5 the member’s retirement.

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

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

23           (3) Any retired member of the state police who is receiving a benefit payment adjustment  
24 pursuant to subsections (c)(1) and (c)(2) of this section shall beginning January 1, 1991, and ending  
25 June 30, 2012, receive a benefits payment adjustment equal to fifteen hundred dollars (\$1,500).

26           (4) On July 1, 2026, and each successive January 1 thereafter, all members of the state  
27 police that retired under the provisions of title 42, or their beneficiaries, shall receive an annual  
28 benefit adjustment of one thousand five hundred dollars (\$1,500), which shall be added to the  
29 retirement allowance being received, and shall be provided in lieu of any benefit adjustment set  
30 forth in this chapter. This benefit adjustment shall be provided, without exception, to all eligible  
31 retired members of the state police, or their beneficiaries, receiving a retirement benefit of any kind.

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

1 (e)(1) Any member who retires after July 1, 1972, and is eligible to retire prior to July 1,  
2 2012, and who has served beyond twenty (20) years shall be allowed an additional amount equal  
3 to three percent (3%) for each completed year served after twenty (20) years, but in no event shall  
4 the original retirement allowance exceed sixty-five percent (65%) of the member's whole salary as  
5 defined in subsection (b) hereof or sixty-five percent (65%) of the member's salary as defined in  
6 subsection (b) hereof in the member's twenty-fifth (25th) year whichever is less.

7 (2) Each member who retired prior to July 1, 1975, shall be entitled to all retirement  
8 benefits as set forth above or shall be paid benefits as set forth in subsection (b)(1) with "whole  
9 salary" meaning the base salary for the position from which the member retired as the base salary  
10 for the position was determined on July 1, 1975, whichever is greater.

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

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

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

29 (4) Any member who is granted a leave of absence without pay for illness, injury, or any  
30 other reason may receive credit therefor by making the full actuarial cost as defined in § 36-8-  
31 1(10); provided the employee returns to state service for at least one year upon completion of the  
32 leave.

33 (5) In no event shall the original retirement allowance exceed sixty-five percent (65%) of  
34 the member's whole salary as defined in subsection (b) hereof or sixty-five percent (65%) of the

1 member's salary as defined in subsection (b) hereof in the member's twenty-fifth (25th) year,  
2 whichever is less.

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

10 (g) The provisions of this section shall not apply to civilian employees in the Rhode Island  
11 state police; and, further, from and after April 28, 1937, chapters 8 — 10, inclusive, of title 36 shall  
12 not be construed to apply to the members of the Rhode Island state police, except as provided by  
13 §§ 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.~~

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

17 (i)(1) Any member of the state police, other than the superintendent, who is hired on or  
18 after July 1, 2007, and retires prior to July 1, 2026, and who has served for twenty-five (25) years,  
19 may retire therefrom or the member may be retired by the superintendent with the approval of the  
20 governor, and shall be entitled to a retirement allowance of fifty percent (50%) of the member's  
21 "whole salary" as defined in subsection (b) hereof.

22 (2) Any member of the state police who is hired on or after July 1, 2007, and retires prior  
23 to July 1, 2026, may serve up to a maximum of thirty (30) years, and shall be allowed an additional  
24 amount equal to three percent (3.0%) for each completed year served after twenty-five (25) years,  
25 but in no event shall the original retirement allowance exceed sixty-five percent (65%) of his or her  
26 "whole salary" as defined in subsection (b) hereof.

27 (j) Effective July 1, 2012, and ending June 30, 2026, any other provision of this section  
28 notwithstanding:

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

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

34 (ii) The later of the attainment of age sixty-two (62) or completion of five (5) years of

1 service; provided however, any current member as of June 30, 2012, who has not accrued fifty  
2 percent (50%) upon attaining the age of sixty-two (62) shall retire upon accruing fifty percent  
3 (50%); and upon retirement a member shall receive a retirement allowance which shall equal:

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

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

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

11 (iii) is the member's years of total service on or after July 1, 2012, multiplied by two  
12 percent (2%) of average compensation as defined in § 36-8-1(5)(b).

13 (B) For members hired on or after July 1, 2007, the member's retirement allowance shall  
14 be calculated as the member's years of total contributory service multiplied by two percent (2%)  
15 of average compensation.

16 (C) Any member of the state police who is eligible to retire on or prior to June 30, 2012,  
17 shall retire with a retirement allowance calculated in accordance with subsections (a) and (e) above  
18 except that whole salary shall be defined as final compensation where compensation for purposes  
19 of this section and § 42-28-22.1 includes base salary, longevity, and holiday pay.

20 (D) Notwithstanding the preceding provisions, in no event shall a member's final  
21 compensation be lower than their final compensation determined as of June 30, 2012.

22 (2) In no event shall a member's original retirement allowance under any provisions of this  
23 section exceed sixty-five percent (65%) of their average compensation.

24 (3) For each member who retires on or after July 1, 2012, except as provided in subsection  
25 (j)(1)(ii)(C) above, compensation and average compensation shall be defined in accordance with §  
26 36-8-1(5)(a) and (8), provided that for a member whose regular work period exceeds one hundred  
27 forty-seven (147) hours over a twenty-four-day (24) period at any time during the four-year (4)  
28 period immediately prior to the member's retirement, that member shall have up to four hundred  
29 (400) hours of their pay for regularly scheduled work earned during this period shall be included  
30 as "compensation" and/or "average compensation" for purposes of this section and § 42-28-22.1.

31 (4) This subsection (j)(4) shall be effective for the period July 1, 2012, through June 30,  
32 2015.

33 (i) Notwithstanding the prior subsections of this section, and subject to subsection (j)(4)(ii)  
34 below, for all present and former members, active and retired members, and beneficiaries receiving

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

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

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

27 (iii) Notwithstanding subsection (j)(4)(ii), in each fifth plan year commencing after June  
28 30, 2012, commencing with the plan year ending June 30, 2017, and subsequently at intervals of  
29 five (5) plan years, a benefit adjustment shall be calculated and made in accordance with subsection  
30 (j)(4)(i) above until the funded ratio of the employees’ retirement system of Rhode Island, the  
31 judicial retirement benefits trust, and the state police retirement benefits trust, calculated by the  
32 system’s actuary on an aggregate basis, exceeds eighty percent (80%).

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

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

4 (5) This subsection (j)(5) shall become effective July 1, 2015.

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

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

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

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

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

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

30 (II) is equal to the lesser of either the member's retirement allowance or the first twenty-  
31 five thousand eight hundred fifty-five dollars (\$25,855) of retirement allowance, such amount to  
32 be indexed annually in the same percentage as determined under (j)(5)(i)(B)(I) above. The benefit  
33 adjustments provided by this subsection (j)(5)(i)(B) shall be provided to all retirees entitled to  
34 receive a benefit adjustment as of June 30, 2012, under the law then in effect, and for all other

1 retirees the benefit adjustments shall commence upon the third anniversary of the date of retirement  
2 or the date on which the retiree reaches their Social Security retirement age, whichever is later.

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

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

16 (iii) Notwithstanding subsection (j)(5)(ii), in each fourth plan year commencing after June  
17 30, 2012, commencing with the plan year ending June 30, 2016, and subsequently at intervals of  
18 four plan years: (A) A benefit adjustment shall be calculated and made in accordance with  
19 subsection (j)(5)(i)(B) above; and (B) Effective for members and/or beneficiaries of members who  
20 retired on or before June 30, 2015, the dollar amount in (j)(5)(i)(B)(II) of twenty-five thousand  
21 eight hundred fifty-five dollars (\$25,855) shall be replaced with thirty-one thousand twenty-six  
22 dollars (\$31,026) until the funded ratio of the employees' retirement system of Rhode Island, the  
23 judicial retirement benefits trust, and the state police retirement benefits trust, calculated by the  
24 system's actuary on an aggregate basis, exceeds eighty percent (80%). Effective July 1, 2024, the  
25 funded ratio of the employees' retirement system of Rhode Island, the judicial retirement benefits  
26 trust, and the state police retirement benefits trust, calculated by the system's actuary on an  
27 aggregate basis, of exceeding eighty percent (80%) shall be replaced with seventy-five percent  
28 (75%).

29 (iv) Effective for members and/or beneficiaries of members who have retired on or before  
30 July 1, 2015, a one-time stipend of five hundred dollars (\$500) shall be payable within sixty (60)  
31 days following the enactment of the legislation implementing this provision, and a second one-time  
32 stipend of five hundred dollars (\$500) in the same month of the following year. These stipends  
33 shall be payable to all retired members or beneficiaries receiving a benefit as of the applicable  
34 payment date and shall not be considered cost of living adjustments under the prior provisions of

1 this section.

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

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

9 (k) In calculating the retirement benefit for any member, the term base salary as used in  
10 subsection (b)(3) or average compensation as used in subsection (j) shall not be affected by a  
11 deferral of salary plan or a reduced salary plan implemented to avoid shutdowns or layoffs or to  
12 effect cost savings. Basic salary shall remain for retirement calculation that which it would have  
13 been but for the salary deferral or salary reduction due to a plan implemented to avoid shutdowns  
14 or layoffs or to effect cost savings.

15 (l) On and after July 1, 2026, notwithstanding any provision to the contrary:

16 (1) Any member of the state police who is hired prior to July 1, 2007, who has served for  
17 twenty (20) years, may retire therefrom, or the member may be retired by the superintendent with  
18 the approval of the governor, and shall be entitled to a retirement allowance of fifty percent (50%)  
19 of whole salary as defined in subsection (b)(4) of this section. Such members may serve up to a  
20 maximum of twenty-five (25) years, and shall be allowed an additional amount equal to three  
21 percent (3.0%) for each completed year served after twenty (20) years, but in no event shall the  
22 original retirement allowance exceed sixty-five percent (65%) of the member's "whole salary" as  
23 defined in subsection (b)(4) of this section.

24 (2) Any member of the state police hired on or after July 1, 2007, who has served for  
25 twenty-five (25) years, may retire therefrom, or the member may be retired by the superintendent  
26 with the approval of the governor, and shall be entitled to a retirement allowance of fifty percent  
27 (50%) of whole salary as defined in subsection (b)(4) of this section. Such members may serve a  
28 maximum of thirty (30) years, and shall be allowed an additional amount equal to three percent  
29 (3.0%) for each completed year served after twenty-five (25) years, but in no event shall the original  
30 retirement allowance exceed sixty-five percent (65%) of the member's "whole salary" as defined  
31 in subsection (b)(4) of this section.

32 (m) Any member of the state police, or their beneficiary, who retired on or after July 1,  
33 2012, and prior to July 1, 2026, shall have their retirement allowance recalculated prospectively to  
34 reflect the benefit provided in subsections (b)(4) and (l) of this section. Nothing in this subsection

1 [shall be construed to afford retired members a retroactive benefit adjustment for any period prior](#)  
2 [to July 1, 2026. This provision shall be implemented as soon as administratively feasible.](#)

3 SECTION 2. This act shall take effect on July 1, 2026.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO STATE AFFAIRS AND GOVERNMENT -- STATE POLICE

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1           This act would amend the pension benefits for both current and former Rhode Island State  
2 Police members by increasing the maximum retirement allowance and permitting additional  
3 percentage accruals for years of service beyond base thresholds, subject to a cap of sixty-five  
4 percent (65%) of whole salary. It would also provide for the prospective recalculation of benefits  
5 for retirees who retired on or after July 1, 2012, and prior to July 1, 2026, without retroactive  
6 adjustments prior to July 1, 2012. Additionally, this act would extend the time period a member  
7 may serve in the Rhode Island State Police. Additionally this act would provide that all retired  
8 members of the state police would receive an annual benefit of one thousand five hundred dollars  
9 (\$1,500) starting July 1, 2026, and each successive January 1 thereafter.

10           This act would take effect on July 1, 2026.

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