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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 Hull, Noret, and Read

Date Introduced: March 25, 2026

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 42-28-5 and 42-28-22 of the General Laws in Chapter 42-28 entitled
2 "State Police" are hereby amended to read as follows:

3 **42-28-5. Superintendent — Appointment, tenure, duties, and retirement.**

4 (a) The governor shall appoint the superintendent of state police, who shall serve at the
5 pleasure of the governor and shall perform the duties prescribed by this chapter.

6 (b) Any superintendent who has served for at least ten (10) years and has reached the age
7 of sixty (60) years, may resign the superintendent's office, and thereafter shall receive annually
8 during his or her life a sum equal to fifty percent (50%) of the salary the superintendent was
9 receiving at the time of the superintendent's resignation, or for any superintendent hired on or after
10 July 1, 2012, a sum equal to fifty percent (50%) of the average compensation as defined in § 36-8-
11 1(5)(a) the superintendent was receiving at the time of the superintendent's resignation.

12 (c) In no event shall the retirement allowance granted to a superintendent in accordance
13 with subsection (b) plus any other retirement allowance received by the superintendent from any
14 state or municipal retirement system exceed seventy-five percent (75%) of the average
15 compensation as defined in § 36-8-1(5)(a) the superintendent was receiving at the time of the
16 superintendent's resignation. This subsection (c) shall only apply to superintendents hired on or
17 after July 1, 2012.

18 **42-28-22. Retirement of members.**

19 (a) Whenever any member of the state police hired prior to July 1, 2007, has served for

1 twenty (20) years, the member may retire therefrom or they may be retired by the superintendent
2 with the approval of the governor, and in either event a sum equal to one-half (½) of the whole
3 salary for the position from which the member retired determined on the date the member receives
4 their first retirement payment shall be paid the member during life.

5 (b) For purposes of this section, the term “*whole salary*” means:

6 (1) For each member who retired prior to July 1, 1966, “*whole salary*” means the base
7 salary for the position from which the member retired as the base salary for that position was
8 determined on July 31, 1972;

9 (2) For each member who retired between July 1, 1966, and June 30, 1973, “*whole salary*”
10 means the base salary for the position from which the member retired as the base salary,
11 implemented by the longevity increment, for that position was determined on July 31, 1972, or on
12 the date of the member’s retirement, whichever is greater;

13 (3) For each member who retired or who retires after July 1, 1973, “*whole salary*” means
14 the base salary, implemented by the longevity increment, holiday pay, and clothing allowance, for
15 the position from which the member retired or retires.

16 (c)(1) Any member who retired prior to July 1, 1977, shall receive a benefits payment
17 adjustment equal to three percent (3%) of the member’s original retirement, as determined in
18 subsection (b) of this section, in addition to the member’s 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. For purposes
23 of this subsection, the benefits payment adjustment shall be computed from January 1, 1971, or the
24 date of retirement, whichever is later in time.

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

33 (3) Any retired member of the state police who is receiving a benefit payment adjustment
34 pursuant to subdivisions (1) and (2) of this section shall beginning January 1, 1991, and ending

1 June 30, 2012, receive a benefits payment adjustment equal to fifteen hundred dollars (\$1,500).

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

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

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

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

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

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

33 (4) Any member who is granted a leave of absence without pay for illness, injury, or any
34 other reason may receive credit therefor by making the full actuarial cost as defined in § 36-8-

1 1(10); provided the employee returns to state service for at least one year upon completion of the
2 leave.

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

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

14 (g) The provisions of this section shall not apply to civilian employees in the Rhode Island
15 state police; and, further, from and after April 28, 1937, chapters 8 — 10, inclusive, of title 36 shall
16 not be construed to apply to the members of the Rhode Island state police, except as provided by
17 §§ 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.

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

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

26 (2) Any member of the state police who is hired on or after July 1, 2007, may serve up to
27 a maximum of thirty (30) years, and shall be allowed an additional amount equal to three percent
28 (3.0%) for each completed year served after twenty-five (25) years, but in no event shall the original
29 retirement allowance exceed sixty-five percent (65%) of his or her "whole salary" as defined in
30 subsection (b) hereof.

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

32 (1) Any member of the state police, other than the superintendent of state police, who is
33 not eligible to retire on or prior to June 30, 2012, may retire at any time subsequent to the date the
34 member's retirement allowance equals or exceeds fifty percent (50%) of average compensation as

1 defined in § 36-8-1(5)~~(a)~~, provided that a member shall retire upon the first to occur of:

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

3 (ii) The later of the attainment of age sixty-two (62) or completion of five (5) years of
4 service; provided however, any current member as of June 30, 2012, who has not accrued fifty
5 percent (50%) upon attaining the age of sixty-two (62) shall retire upon accruing fifty percent
6 (50%); and upon retirement a member shall receive a retirement allowance which shall equal:

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

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

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

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

16 (B) For members hired on or after July 1, 2007, the member's retirement allowance shall
17 be calculated as the member's years of total contributory service multiplied by two percent (2%)
18 of average compensation [as defined in § 36-8-1\(5\)](#).

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

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

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

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

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

1 (i) Notwithstanding the prior paragraphs of this section, and subject to paragraph (4)(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)(i)(A) above. The “Five-Year Average Investment
13 Return” shall mean the average of the investment returns for the most recent five (5) plan years as
14 determined by the retirement board. Subject to paragraph (4)(ii) below, the benefit adjustment
15 provided by this paragraph shall commence upon the third (3rd) anniversary of the date of
16 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)(iii), the benefit adjustments under this section for
21 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)(ii) has been achieved, the
27 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)(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 five
31 (5) plan years, a benefit adjustment shall be calculated and made in accordance with paragraph
32 (4)(i) above until the funded ratio of the employees’ retirement system of Rhode Island, the judicial
33 retirement benefits trust, and the state police retirement benefits trust, calculated by the system’s
34 actuary on an aggregate basis, exceeds eighty percent (80%).

1 (iv) The provisions of this paragraph (j)(4) 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) shall apply to and be
4 in addition to the retirement benefits under the provisions of § 42-28-5 and to the injury and death
5 benefits under the provisions of § 42-28-21.

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

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

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

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

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

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

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

32 (II) is equal to the lesser of either the member's retirement allowance or the first twenty-
33 five thousand eight hundred and fifty-five dollars (\$25,855) of retirement allowance, such amount
34 to be indexed annually in the same percentage as determined under subsection (5)(i)(B)(I) above.

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

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

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

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

32 (iv) Effective for members and/or beneficiaries of members who have retired on or before
33 July 1, 2015, a one-time stipend of five hundred dollars (\$500) shall be payable within sixty (60)
34 days following the enactment of the legislation implementing this provision, and a second one-time

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

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

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

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

18 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 clarify that the three-year final average compensation provision for retiring
2 members of the state police applies to the superintendent and all members eligible and who retire
3 on or after July 1, 2024.

4 This act would take effect upon passage.

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