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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 COURTS AND CIVIL PROCEDURE -- COURTS -- SUPERIOR COURT

Introduced By: Senator Matthew L. LaMountain

Date Introduced: March 06, 2026

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

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

3           **8-2-11.1. Administrator/magistrate.**

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

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

16           (2) Without limiting the generality of the foregoing powers and authority, the  
17 administrator/magistrate is authorized and empowered to hear and determine motions in civil and  
18 criminal proceedings, formal and special causes, to conduct arraignments, to grant or deny bail, to  
19 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) ~~Be governed~~ Be governed by the commission on judicial tenure and discipline, chapter 16,  
32 of this title, in the same manner as justices and judges;

33 (2) ~~Be subject~~ Be subject to all provisions of the canons of judicial ethics;

34 (3) ~~Be subject~~ Be subject to all criminal laws relative to judges by virtue of §§ 11-7-1 and 11-

1 7-2; and

2 (4) Have the duties, responsibilities, powers and benefits as authorized pursuant to § 8-2-  
3 39.

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

13 (h) The provisions of this section shall be construed liberally to effect its purpose.

14 **8-2-39. General magistrate — Appointment, duties and powers.**

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

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

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

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

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

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

32 (2) The chief justice of the supreme court, with the consent of the presiding justice and, if  
33 applicable, the chief judge of a particular court, may assign the general magistrate to serve as a  
34 magistrate in any court of the unified system. When the general magistrate is so assigned he or she

1 shall be vested, authorized, and empowered with all the powers belonging to the magistrate position  
2 to which he or she is specially assigned.

3 (c) The general magistrate will be empowered to hear all motions, pretrial conferences,  
4 arraignments, probable cause hearings, bail hearings, bail and probation revocation hearings, and  
5 to review all such matters including, but not limited to the above, and to modify the terms and  
6 conditions of probation and other court-ordered monetary payments including, but not limited to,  
7 the extension of time for probation and court-ordered monetary payments as provided by law. The  
8 general magistrate shall have the power to take testimony in connection with all matters set forth  
9 herein.

10 (d) The general magistrate may be authorized:

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

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

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

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

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

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

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

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

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

1 (f) Final orders of the superior or family court entered in a proceeding to review an order  
2 of a general magistrate may be appealed to the supreme court. Final orders of the district court  
3 entered in a proceeding to review an order of the general magistrate may be appealed to the superior  
4 court.

5 (g) The general magistrate shall:

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

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

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

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

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

13 (h) Any superior court magistrate, upon retirement, may at the retired magistrate's own  
14 request and at the direction of the chief justice of the supreme court, subject to the retiree's physical  
15 and mental competence, be assigned to perform such services as a magistrate of the superior court,  
16 as the presiding justice of the superior court shall prescribe, for a period of time, not to exceed  
17 ninety (90) days per calendar year. When so assigned and performing such service, the magistrate  
18 shall have all the powers and authority of a magistrate of the superior court, as prescribed by the  
19 presiding justice, but otherwise shall have no powers nor be authorized to perform any judicial  
20 duties. Such a retired magistrate shall not be counted in the number of judicial officers provided by  
21 law for the superior court.

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

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

33 **8-2-39.1. Special magistrate.**

34 (a) There is hereby created within the superior court the position of special magistrate, who

1 shall be appointed by the presiding justice of the superior court, with the advice and consent of the  
2 senate, for a period of ten (10) years, and until a successor is appointed and qualified. Nothing  
3 contained herein shall be construed to prohibit the reappointment of a special magistrate for one or  
4 more additional ten (10) year terms, subject to the advice and consent of the senate. The person  
5 appointed to serve as special magistrate shall be a member of the bar of the state of Rhode Island.  
6 The special magistrate shall have the duties, responsibilities, powers and benefits as authorized in  
7 § 8-2-39.

8 (b) 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 for a period of time, not to exceed ninety  
12 (90) days per calendar year. When so assigned and performing such service, the magistrate shall  
13 have all the powers and authority of a magistrate of the superior court, as prescribed by the presiding  
14 justice, but otherwise shall have no powers nor be authorized to perform any judicial duties. Such  
15 a retired magistrate shall not be counted in the number of judicial officers provided by law for the  
16 superior court.

17 (c) The special magistrate shall:

18 (1) Be governed by the commission on judicial tenure and discipline, in accordance with  
19 chapter 16 of title 8, in the same manner as justices and judges;

20 (2) Have duties, responsibilities, powers and benefits as authorized pursuant to § 8-2-39;  
21 and

22 (3) Be subject to all criminal laws relative to judges by virtue pursuant to §§ 11-7-1 and  
23 11-7-2.

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

25 **8-2-39.2. Drug court magistrate — Appointment, duties and powers.**

26 (a) For the purposes of this chapter:

27 (1) “Non-violent” means and includes all charges that are not crimes of violence, the  
28 following being a list of all charges considered to be crimes of violence for the purposes of this  
29 section: murder, manslaughter, first-degree arson, kidnapping with intent to extort, robbery, first-  
30 degree sexual assault, second-degree sexual assault, first- and second-degree child molestation,  
31 assault, assault with intent to murder, assault with intent to rob, assault with intent to commit first-  
32 degree sexual assault, entering a dwelling house with intent to commit murder, robbery, or sexual  
33 assault.

34 (2) “Drug-addicted person” means a person who exhibits a maladaptive pattern of behavior

1 resulting from drug use, including one or more of the following: impaired control over drug use;  
2 compulsive use; and/or continued use despite harm, and craving.

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

8 The drug court magistrate's term shall be ten (10) years and until a successor is appointed  
9 and qualified. Nothing in this section shall prohibit a drug court magistrate from being reappointed  
10 for additional ten-year (10) terms by the presiding justice of the superior court with the advice and  
11 consent of the senate. He or she shall receive a salary equivalent to that received by the special  
12 magistrate assigned to the superior court. The drug court magistrate shall preside over the adult  
13 drug court. The adult drug court program shall combine the coercive powers of the court with a  
14 therapeutic regimen in order to rehabilitate drug addicted defendants.

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

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

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

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

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

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

32 (e) All individuals accepted into drug court will be bound by a drug court contract, as  
33 defined by the adult drug court, that sets forth the court's expectations; the role and responsibilities  
34 of the drug court; the conditions imposed upon and the responsibilities of the defendant; and the

1 treatment plan goals and strategies. If a defendant fails to abide by the drug court conditions and  
2 orders, he or she may be terminated from the program by the drug court judge and sentenced as he  
3 or she deems appropriate.

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

7 (g) The drug court magistrate and/or the presiding justice of the superior court may fix the  
8 venue of any person who is before the superior court as a participant in the adult drug court or who  
9 is alleged to be a sexual predator, and who has filed an objection to community notification.

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

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

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

22 (k) Any superior court magistrate, upon retirement, may at the retired magistrate's own  
23 request and at the direction of the chief justice of the supreme court, subject to the retiree's physical  
24 and mental competence, be assigned to perform such services as a magistrate of the superior court,  
25 as the presiding justice of the superior court shall prescribe for a period of time, not to exceed ninety  
26 (90) days per calendar year. When so assigned and performing such service, the magistrate shall  
27 have all the powers and authority of a magistrate of the superior court, as prescribed by the presiding  
28 justice, but otherwise shall have no powers nor be authorized to perform any judicial duties. Such  
29 a retired magistrate shall not be counted in the number of judicial officers provided by law for the  
30 superior court.

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

33 **36-10-36. Post-retirement employment.**

34 (a) On and after July 7, 1994, no member who has retired under the provisions of title 16,

1 36, or 45 may be employed or reemployed by any state agency or department unless any and all  
2 retirement benefits to which the member may be entitled by virtue of the provisions of title 16, 36,  
3 or 45 are suspended for the duration of any employment or reemployment. No additional service  
4 credits shall be granted for any post-retirement employment or reemployment and no deductions  
5 shall be taken from an individual's salary for retirement contribution. Notice of any such post-  
6 retirement employment or reemployment shall be sent monthly to the retirement board by the  
7 employing agency or department and by the retired member.

8 (b) Any member who has retired under the provisions of title 16, 36, or 45 may be  
9 employed or reemployed by any municipality within the state that has accepted the provisions of  
10 chapter 21 of title 45 and participates in the municipal employees' retirement system for a period  
11 of not more than seventy-five (75) working days or one hundred fifty (150) half days with half-day  
12 pay in any one calendar year without any forfeiture or reduction of any retirement benefits and  
13 allowances the member is receiving, or may receive, as a retired member. Pension payments shall  
14 be suspended whenever this period is exceeded. No additional contributions shall be taken, and no  
15 additional service credits shall be granted, for this service. Notice of this employment or  
16 reemployment shall be sent monthly to the retirement board by the employer and by the retired  
17 member.

18 (c) Any member who has retired under the provisions of title 16, 36, or 45 may be employed  
19 or reemployed by any municipality within the state that has not accepted the provisions of chapter  
20 21 of title 45 and that does not participate in the municipal employees' retirement system.

21 (d) Notwithstanding the provisions of this section:

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

31 (2) Any retired member, who retired from service at any state college, university, state  
32 school, or who retired from service as a teacher under the provisions of title 16, or who retired from  
33 service under title 36 or title 45, may be employed or reemployed, on a part-time basis, by any state  
34 college, university, or state school for the purpose of providing classroom instruction, academic

1 advising of students, and/or coaching. Compensation shall be provided at a level not to exceed the  
2 salary provided to other faculty members employed under a collective bargaining agreement at the  
3 institution. In no event shall “part-time” mean gross pay of more than twenty-five thousand dollars  
4 (\$25,000) in any one calendar year. Any retired member who provides such instruction or service  
5 shall do so without forfeiture or reduction of any retirement benefit or allowance; provided,  
6 however, that no additional service credits shall be granted for any service under this subsection;

7 (3) Any retired member who retired from service as a teacher under the provisions of title  
8 16, or as a state employee who, while an active state employee, was certified to teach driver  
9 education by the department of elementary and secondary education or by the board of governors  
10 for higher education, may be employed or reemployed, on a part-time basis, by the department of  
11 elementary and secondary education or by the board of governors of higher education for the  
12 purpose of providing classroom instruction in driver education courses in accordance with § 31-  
13 10-19 and/or motorcycle driver education courses in accordance with § 31-10.1-1.1. In no event  
14 shall “part-time” mean gross pay of more than fifteen thousand dollars (\$15,000) in any one  
15 calendar year. Any retired teacher who provides that instruction shall do so without forfeiture or  
16 reduction of any retirement benefit or allowance the retired teacher is receiving as a retired teacher;  
17 provided, however, that no additional service credits shall be granted for any service under this  
18 subsection;

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

31 (5) Any retired member who, at the time of passage of this section, serves as a general  
32 magistrate within the family court and thereafter retires from judicial service, may be employed or  
33 reemployed by the family court to perform such services as a general magistrate of the family court  
34 as the chief judge of the family court shall prescribe without any forfeiture or reduction of any

1 retirement benefits and allowances that the member is receiving or may receive. For any such  
2 services or assignments performed after retirement, the general magistrate shall receive no  
3 compensation whatsoever, either monetary or in kind. No additional contributions shall be taken  
4 and no additional service credits shall be granted for this service;

5 (6) Any retired district court clerk/magistrate or magistrate of the district court who shall  
6 subsequently be assigned to perform service in accordance with § 8-8-8.1 or § 8-8-16.2(e), may be  
7 employed or reemployed by the district court to perform such services as a magistrate as the chief  
8 judge of the district court shall prescribe without any forfeiture or reduction of any retirement  
9 benefits and allowance that they are receiving or may receive. For any such services or assignment  
10 performed after retirement, the district court clerk/magistrate or magistrate shall receive, in addition  
11 to their retirement pension, the difference in pay and fringe benefits between their retirement  
12 pension, and that of a sitting magistrate of the district court with comparable state service time. No  
13 additional contributions shall be taken and no additional service credits shall be granted for this  
14 service; ~~and~~

15 (7) Any retired superior court magistrate of the superior court who shall subsequently be  
16 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  
17 employed or reemployed by the superior court to perform such services as a magistrate as the  
18 presiding justice of the superior court shall prescribe without any forfeiture or reduction of any  
19 retirement benefits and allowance that they are receiving or may receive. For any such services or  
20 assignment performed after retirement, the superior court magistrate shall receive, in addition to  
21 their retirement pension, the difference in pay and fringe benefits between their retirement pension,  
22 and that of a sitting magistrate of the superior court with comparable state service time. No  
23 additional contributions shall be taken and no additional service credits shall be granted for this  
24 service; and

25 ~~(7)~~(8) Any retired member of the system shall be permitted to serve as a municipal  
26 employee without any forfeiture or reduction of any retirement benefits and allowances that the  
27 member is receiving or may receive; provided, that said member shall be appointed by and serves  
28 at the pleasure of the highest elected chief executive officer, as defined in § 45-9-2, in any city or  
29 town subject to the provisions of chapter 9 of title 45 entitled "Budget Commissions" relating to  
30 the appointment of a fiscal overseer, budget commission, receiver, and/or financial advisor.  
31 Provided further, that no additional service credits shall be granted for any service under this  
32 subsection.

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

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

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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 for a period of time not to  
4 exceed ninety (90) days per year, without any forfeiture or reduction of any retirement benefits.

5           This act would take effect upon passage.

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