

2012 -- H 7817

=====
LC01795
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

—————
A N A C T

RELATING TO TOWNS AND CITIES - RELIEF OF INJURED AND DECEASED FIRE
FIGHTERS AND POLICE OFFICERS

Introduced By: Representatives Guthrie, DaSilva, Menard, Jacquard, and Johnston

Date Introduced: February 28, 2012

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 45-19-4, 45-19-4.1, 45-19-4.2, 45-19-4.3, 45-19-12, 45-19-12.1,
2 45-19-12.3 and 45-19-16 of the General Laws in Chapter 45-19 entitled "Relief of Injured and
3 Deceased Fire Fighters and Police Officers" are hereby amended to read as follows:

4 **45-19-4. Annuities to dependents of deceased police officers and appropriations to**
5 **nondependent parents of police officers.** -- (a) If an active or retired member of the police force
6 of a city or town, or state of Rhode Island, or quasi-public corporation is killed or dies from
7 injuries received while in the performance of his or her duty as a member, or dies of a heart
8 condition or any condition derived from hypertension while still a member, there shall be paid out
9 of the police officer's relief fund of Rhode Island to the following dependents of the deceased
10 person, the following sums of money:

11 (1) To the widow or widower or domestic partner an annuity not exceeding three
12 thousand six hundred dollars (\$3,600) a year, payable in the number of regular installments
13 determined by the board and continuing as long as he or she remains unmarried or not in a
14 domestic partnership and commencing with the date of death but not more than six (6) months
15 prior to the date of filing of the petition by the widow or widower or domestic partner; provided,
16 that if the member died more than six (6) months prior to the filing of the petition then the
17 payments are to commence no sooner than six (6) months prior to the date of petition;

18 (2) An additional annuity of twelve hundred dollars (\$1,200) a year, payable in the

1 number of regular installments determined by the board, for each child of the deceased person
2 during the time that the child is under the age of eighteen (18) years, or over the age and
3 physically or mentally incapacitated from earning. If there is any child and no widow or widower
4 or domestic partner or the widow or widower or domestic partner dies later, the sum and the
5 annuity that would have been payable to the widow or widower or domestic partner had there
6 been one or had he or she lived, to or for the benefit of the child or of the children, in equal
7 shares, during the time previously stated;

8 (3) If there is any child and the widow or widower or domestic partner remarries or
9 enters in a domestic partnership, in lieu of the previously stated annuity to him or her, an annuity
10 not exceeding twelve hundred dollars (\$1,200) to or for the benefit of each child during the time
11 previously stated;

12 (4) If there is no widow or widower or domestic partner and no child the total sum of ten
13 thousand dollars (\$10,000) payable in a lump sum for the benefit of the father and/or mother of
14 the deceased, if not dependent upon him or her for support at the time of his or her death; and

15 (5) If there is no widow or widower or domestic partner and no child, the sum of three
16 thousand six hundred dollars (\$3,600) payable in regular installments by the board of police
17 officer's relief to or for the benefit of the father or mother of the deceased, if dependent upon him
18 or her for support at the time of his or her death, and commencing with the date of death but not
19 more than six (6) months prior to the date of filing the petition; provided, that if the member died
20 more than six (6) months prior to the filing of the petition then the payments are to commence no
21 sooner than six (6) months prior to the date of the petition and continuing so long as the
22 beneficiary is unable to support himself or herself and does not remarry or enter into a domestic
23 partnership, an annuity not exceeding three thousand six hundred dollars (\$3,600) a year, payable
24 in regular installments determined by the board. The amount of the annuity shall, from time to
25 time, be determined within the limits previously stated by the board.

26 (b) For the purpose of this section the words "police officer" shall mean and include any
27 active or retired member of the state police or the police of any city or town regularly employed
28 at a fixed salary or wage or any executive high sheriff, sheriff, deputy sheriff, member of the
29 fugitive task force, or capitol police officer, permanent environmental police officer or criminal
30 investigator of the department of environmental management, or airport police officer.

31 (c) The provisions of this section apply in the case of any dependent receiving benefits in
32 accordance with the provisions of this section as it was in effect prior to April 25, 1960.

33 (d) The provisions of this section apply in the case of any active or retired police officer
34 who from and after January 1, 1935, was killed or died from injuries received while in the

1 performance of duty, or dies of a heart condition or any condition derived from hypertension.

2 (e) The amount of the annuity shall not be reduced by reason of receipt of an annuity
3 and/or other payments to any beneficiaries from any other source.

4 (f) Upon the death of a member, the police chief shall immediately notify the widow or
5 widower or domestic partner of the member by registered or certified mail, return receipt
6 requested, of the widow or widower's or domestic partner's possible eligibility for benefits under
7 this chapter and the time restriction for filing a claim for these benefits.

8 (g) For purposes of this chapter, "domestic partner" shall be defined as a person who,
9 prior to the decedent's death, was in an exclusive, intimate and committed relationship with the
10 decedent, and who certifies by affidavit that their relationship met the following qualifications:

11 (1) Both partners were at least eighteen (18) years of age and were mentally competent
12 to contract;

13 (2) Neither partner was married to anyone else;

14 (3) Partners were not related by blood to a degree which would prohibit marriage in the
15 state of Rhode Island;

16 (4) Partners resided together and had resided together for at least one year at the time of
17 death; and

18 (5) Partners were financially interdependent as evidenced by at least two (2) of the
19 following:

20 (i) Domestic partnership agreement or relationship contract;

21 (ii) Joint mortgage or joint ownership of primary residence;

22 (iii) Two (2) of: (A) joint ownership of motor vehicle; (B) joint checking account; (C)
23 joint credit account; (D) joint lease; and/or

24 (iv) The domestic partner had been designated as a beneficiary for the decedent's will,
25 retirement contract or life insurance.

26 **45-19-4.1. Tuition to children of police officers dying or disabled as a result of**

27 **service.** -- (a) If an active member of the police force of a city or town, or state of Rhode Island,
28 or of a quasi-public corporation is killed, dies, or becomes totally and permanently disabled from
29 injuries received while in the performance of his or her duty as a member, or dies of a heart
30 condition or any condition derived from hypertension while still a member, there shall be paid out
31 of the general fund of the state of Rhode Island the charges for the tuition of children of the
32 deceased or totally and permanently disabled police officer and/or the spouse of a police officer
33 killed in the line of duty. The benefits are extended to the children and/or spouse who are
34 attending or may attend the University of Rhode Island, Rhode Island College, or any other

1 college or university operated by the state; provided, that the child has entered the institution
2 while between the ages of sixteen (16) and twenty-one (21); and provided, further, that the aid
3 granted is available to the child and/or spouse for the period of time that may equal the normal
4 time for completing the courses regularly offered by the institution, but in no case more than four
5 (4) years.

6 (b) For the purpose of this section, the words "police officer" shall mean and include any
7 member of the state police, any correctional officer within the department of corrections, or the
8 police of any city or town regularly employed at a fixed salary or wage. Furthermore, this
9 excludes auxiliary and volunteer police officers of city, town, or state police or any executive
10 high sheriff, sheriff, deputy sheriff, member of the fugitive task force, or capitol police officer,
11 permanent environmental police officer or criminal investigator of the department of
12 environmental management, or airport police officer. For the purpose of this section, the words
13 "totally and permanently disabled" mean any impairment of mind or body making it impossible
14 for one to follow continuously a gainful occupation.

15 **45-19-4.2. Tuition to police officers disabled as a result of service.** -- (a) If an active
16 member of the police force of a city or town becomes totally and permanently disabled from
17 injuries received while in the performance of his or her duty as a member, or if any member of
18 the police force of a city or town becomes totally and permanently disabled from injuries received
19 while in the performance of his or her duty, there shall be paid out of the general fund of the state
20 of Rhode Island the charges for the tuition of the totally and permanently disabled police officer.
21 The benefits are extended to members who are attending or may attend the university of Rhode
22 Island, Rhode Island college, or any other college or university operated by the state; provided,
23 that the aid granted in this section is available for the period of time that may equal the normal
24 time for completing the courses regularly offered by the institution, but in no case more than four
25 (4) years.

26 (b) For the purpose of this section the words "police officer" shall mean and include any
27 member of the state police or the police of any city or town regularly employed at a fixed salary
28 or wage or any executive high sheriff, sheriff, deputy sheriff, member of the fugitive task force,
29 or capitol police officer, permanent environmental police officer or criminal investigator of the
30 department of environmental management, or airport police officer. Furthermore, this excludes
31 auxiliary and volunteer police officers of city, town, or state police.

32 **45-19-4.3. One time death benefit -- Death benefits to family of deceased police**
33 **officers, correctional officers, and firefighters.** -- (a) If an active or retired police officer,
34 capitol police officer, correctional officer, airport police officer, permanent environmental police

1 [officer or criminal investigator of the department of environmental management](#), firefighter, crash
2 rescue crew person, [airport firefighter](#), fire marshal, or deputy fire marshal of any city, town, fire
3 district, or the state of Rhode Island or state sheriff or state deputy sheriff or a correctional officer
4 or member of a volunteer auxiliary fire force or volunteer crash rescue or ambulance corps is
5 killed or dies from injuries received while in the performance of his or her duties, there shall be
6 paid a killed-in-line-of-duty benefit to be administered by the board of police officer's and
7 firefighter's relief. The benefit shall be in the sum of forty percent (40%) of the federal death
8 benefits for law enforcement officers and firefighters killed in the line of duty. The benefit shall
9 be paid as follows:

10 (1) If there is no surviving child of such officer, to the surviving spouse or domestic
11 partner of such officer;

12 (2) If there is a surviving child or children and a surviving spouse or domestic partner,
13 one-half (1/2) to the surviving child or children of such officer in equal shares and one-half (1/2)
14 to the surviving spouse or domestic partner;

15 (3) If there is no surviving spouse or domestic partner, to the child or children of said
16 officer in equal shares;

17 (4) If there is no surviving spouse, domestic partner, or surviving child, to the individual
18 designated by such officer as beneficiary under such officer's most recently executed life
19 insurance policy; provided, that such individual survived such officer; or

20 (5) If none of the above, to the parent or parents of such officer in equal shares.

21 (b) Domestic partners shall certify by affidavit to the board of police officer's and
22 firefighter's relief that the: (1) partners are at least eighteen (18) years of age and mentally
23 competent to contract; (2) partners are not married to anyone; (3) partners are not related by blood
24 to a degree which would prohibit marriage in the state of Rhode Island; (4) partners reside
25 together and have resided together for at least one year; (5) partners are financially interdependent
26 as evidenced by at least two (2) of the following: (i) domestic partnership agreement or
27 relationship contract; (ii) joint mortgage or joint ownership of primary residence; (iii) two (2) of:
28 (A) joint ownership of motor vehicle; (B) joint checking account; (C) joint credit account; (D)
29 joint lease; and/or (iv) the domestic partner has been designated as a beneficiary for the
30 deceased's will, retirement contract or life insurance.

31 **45-19-12. Annuities to dependents of deceased fire fighters and appropriations to**
32 **nondependent parents of deceased fire fighters.** -- (a) If an active or retired member of the fire
33 force of a city or town [or state of Rhode Island, or quasi-public corporation](#) or fire fighter for the
34 town of North Smithfield is killed or dies from injuries received while in the performance of his

1 or her duty as a member or dies of a heart condition, respiratory ailments, or any condition
2 derived from hypertension while still a member, there shall be paid out of the fire fighter's relief
3 fund of Rhode Island to the following dependents of the deceased person, the following sums of
4 money:

5 (1) To the widow or widower or domestic partner an annuity not exceeding three
6 thousand six hundred dollars (\$3,600) a year, payable in the number of regular installments
7 determined by the board and continuing as long as he or she remains unmarried or not in a
8 domestic partnership and commencing with the date of death but not more than six (6) months
9 prior to the date of filing of the petition by the widow or widower or domestic partner;

10 (2) An additional annuity of one thousand two hundred dollars (\$1,200) a year, payable
11 in the number of regular installments determined by the board, for each child of the deceased
12 person during the time that the child is under the age of eighteen (18) years, or over the age and
13 physically or mentally incapacitated from earning;

14 (3) If there is no widow or widower or domestic partner and no child, the total sum of ten
15 thousand dollars (\$10,000), payable in a lump sum for the benefit of the father and/or mother of
16 the deceased, if not dependent upon him or her for support at the time of his or her death;

17 (4) If there is any child and no widow or widower or domestic partner or the widow or
18 widower or domestic partner dies later, the sum and the annuity that should have been payable to
19 the widow or widower or domestic partner had there been one or had he or she lived, to or for the
20 benefit of the child or of the children, in equal shares during the previously stated time;

21 (5) If there is any child, and the widow or widower or domestic partner remarries or
22 enters into a domestic partnership, in lieu of the previously stated annuity to him or her, an
23 annuity not exceeding one thousand two hundred dollars (\$1,200) to or for the benefit of each
24 child during the time previously stated; and

25 (6) If there is no widow or widower or domestic partner and no child, the sum of three
26 thousand six hundred dollars (\$3,600) payable in regular installments by the board of fire fighter's
27 relief, to or for the benefit of the father or mother of the deceased, if dependent upon him or her
28 for support at the time of his or her death, and commencing with the date of death but not more
29 than six (6) months prior to the date of filing of the petition and continuing so long as the
30 beneficiary is unable to support himself or herself and does not remarry or enter into a domestic
31 partnership, an annuity not exceeding three thousand six hundred dollars (\$3,600) a year, payable
32 in the number of regular installments determined by the board.

33 (b) The amount of the annuity shall, from time to time, be determined within the limits
34 previously stated by the board.

1 (c) The provisions of this section shall in the case of any active or retired member of the
2 fire force of any city or town or fire fighter for the town of North Smithfield who, from and after
3 January 1, 1935, is killed or dies from injuries received while in the performance of his or her
4 duty, or dies of a heart condition, respiratory ailments, or any condition derived from
5 hypertension. The provisions of this section shall only be construed to apply prospectively.

6 (d) The amount of the annuity shall not be reduced by reason of receipt of any annuity
7 and/or other payments to any beneficiary from any other source.

8 (e) Upon the death of a member, the fire chief shall immediately notify the widow or
9 widower or domestic partner of the member, in writing, by registered or certified mail, return
10 receipt requested, of the widow or widower's or domestic partner's possible eligibility for benefits
11 under this chapter and the time restriction for filing a claim for the benefits.

12 **45-19-12.1. Tuition to children of deceased or disabled fire fighters.** -- (a) If an active
13 member of the fire force of a city or town or crash rescue crew persons [or airport firefighters](#) of
14 the state of Rhode Island is killed or dies or becomes totally and permanently disabled from
15 injuries received while in the performance of his or her duty as a member, or dies of a
16 performance related heart condition, or dies of performance related respiratory ailments, or dies
17 of any conditions derived from performance related hypertension, there shall be paid, out of the
18 general fund of the state of Rhode Island, the charges for the tuition of children of the deceased or
19 totally and permanently disabled fire fighters. The benefits shall be extended to the children who
20 are attending or may attend the University of Rhode Island, Rhode Island College, or any other
21 college or university operated by the state; provided, that the child has entered the institution
22 while between the ages of sixteen (16) and twenty-one (21); and provided, further, that the aid
23 granted in this section is available to the child for a period of time that equals the normal time for
24 completing the courses regularly offered by the institution, but in no case more than four (4)
25 years.

26 (b) For the purposes of this section, the words "members of fire force" mean and include
27 any member of a fire force or crash rescue crew persons of any city or town regularly employed
28 at a fixed salary or wage; this includes auxiliary and volunteer fire fighters and crash rescue crew
29 persons of any city, town, or state fire fighting department.

30 **45-19-12.3. Tuition to disabled fire fighters.** -- (a) If an active member of the fire force
31 of a city or town or crash rescue crew persons [or airport firefighters](#) of the state of Rhode Island
32 becomes totally and permanently disabled from injuries received while in the performance of his
33 or her duty as a member, or if any member of the fire force of a city or town or crash rescue crew
34 persons of the state of Rhode Island becomes totally and permanently disabled from injuries

1 received while in the performance of his or her duty, there shall be paid, out of the general fund
2 of the state of Rhode Island, the charges for the tuition of totally and permanently disabled fire
3 fighters. The benefits are extended to members who are attending or may attend the University of
4 Rhode Island, Rhode Island College, or any other college or university operated by the state;
5 provided, that the aid granted in this section is available for a period of time that equals the
6 normal time for completing the courses regularly offered by the institution, but in no case more
7 than four (4) years.

8 (b) For the purposes of this section, the words "members of fire force" mean and include
9 any member of a fire force or crash rescue crew persons of any city or town regularly employed
10 at a fixed salary or wage; this includes auxiliary and volunteer fire fighters and crash rescue crew
11 persons [and airport firefighters](#) of any city, town or state fire fighting department.

12 **45-19-16. Presumption of disability in the line of fire fighting duty. --**

13 Notwithstanding the provisions of any general or special law or to any state or municipal
14 retirement system, any city or town, [or quasi-public corporation](#), may, by ordinance, provide that
15 every condition of impairment of health caused by smoke inhalation of the lungs or respiratory
16 tract, resulting in total disability or death to a uniformed member of a paid fire department, is
17 presumed to have been suffered in the line of duty as a result of the inhalation of noxious fumes
18 or poisonous gases, unless the contrary is shown by competent evidence; provided, that the
19 person benefiting by the presumption passes a physical examination upon entry into service or
20 subsequent to entry an examination failed to reveal any evidence of the condition.

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

=====
LC01795
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO TOWNS AND CITIES - RELIEF OF INJURED AND DECEASED FIRE
FIGHTERS AND POLICE OFFICERS

1 This act would change the definition of "Police Officer" for the purposes of relief of
2 injured and deceased fire fighters and police officers, and also would include members of the
3 police forces of the State of Rhode Island or quasi-public corporations, and airport fire fighters in
4 benefits and relief provided under current law.

5 This act would take effect upon passage.

=====
LC01795
=====