

2016 -- S 3097

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO TOWNS AND CITIES -- RELIEF OF INJURIES AND DECEASED  
FIREFIGHTERS AND POLICE

Introduced By: Senator Hanna M. Gallo

Date Introduced: June 17, 2016

Referred To: Senate Finance

It is enacted by the General Assembly as follows:

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

4 **45-19-12. Annuities to dependents of deceased fire fighters and appropriations to**  
5 **nondependent parents of deceased fire fighters.** -- (a) If an active or retired member of the fire  
6 force of a city or town or fire fighter for the town of North Smithfield 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, respiratory ailments, or any condition derived from hypertension while still a member,  
9 or dies as a victim of homicide while still a member while not in the performance of his or her  
10 duty as a member, there shall be paid out of the fire fighter's relief fund of Rhode Island to the  
11 following dependents of the deceased person, the following sums of money:

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

17 (2) An additional annuity of one thousand two hundred dollars (\$1,200) a year, payable  
18 in the number of regular installments determined by the board, for each child of the deceased

1 person during the time that the child is under the age of eighteen (18) years, or over the age and  
2 physically or mentally incapacitated from earning;

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

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

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

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

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

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

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

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

1           (f) In the instance of a member who dies as a victim of homicide while still a member  
2 while not in the performance of his or her duty as a member, each and every benefit of this  
3 section shall be available to the widow, dependent children and/or family members, as  
4 mentioned, commencing from the date of the homicide.

5           **45-19-12.1. Tuition to children of deceased or disabled fire fighters.** -- (a) If an active  
6 member of the fire force of a city or town or crash rescue crew persons of the state of Rhode  
7 Island is killed or dies or becomes totally and permanently disabled from injuries received while  
8 in the performance of his or her duty as a member, or dies of a performance related heart  
9 condition, or dies of performance related respiratory ailments, or dies of any conditions derived  
10 from performance related hypertension or dies as a victim of homicide while still a member while  
11 not in the performance of his or her duty as a member, there shall be paid, out of the general fund  
12 of the state of Rhode Island, the charges for the tuition of children of the deceased or totally and  
13 permanently disabled fire fighters. The benefits shall be extended to the children who are  
14 attending or may attend the University of Rhode Island, Rhode Island College, or any other  
15 college or university operated by the state; provided, that the child has entered the institution  
16 while between the ages of sixteen (16) and twenty-one (21); and provided, further, that the aid  
17 granted in this section is available to the child for a period of time that equals the normal time for  
18 completing the courses regularly offered by the institution, but in no case more than four (4)  
19 years.

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

24           (c) In the instance of a member who dies as a victim of homicide while still a member  
25 while not in the performance of his or her duty as a member, each and every benefit of this  
26 section shall be available to the children commencing from the date of the homicide.

27           SECTION 2. This act shall be effective as of May 1, 2008.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO TOWNS AND CITIES -- RELIEF OF INJURIES AND DECEASED  
FIREFIGHTERS AND POLICE

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1           This act would provide that firefighters who die as victims of homicide while still  
2 members, although not in the performance of active duty, be eligible for the same benefits as  
3 those killed on duty.

4           This act would be effective as of May 1, 2008.

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