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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- STATE POLICE

Introduced By: Senators Ciccone, Lombardi, Felag, Archambault, and Lombardo

Date Introduced: April 04, 2017

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 42-6-2 of the General Laws in Chapter 42-6 entitled "Departments
2 of State Government" is hereby amended to read as follows:

3 **42-6-2. Heads of departments.**

4 The governor, secretary of state, attorney general, and general treasurer, hereinafter
5 called general officers, shall each be in charge of a department. There shall also be a director of
6 administration, a director of revenue, a director of public safety, a director of human services, a
7 director of behavioral healthcare, developmental disabilities and hospitals, a director of
8 transportation, a director of business regulation, a director of labor and training, a director of
9 environmental management, a director for children, youth and families, a director of elderly
10 affairs, ~~and~~ a director of corrections, and the superintendent of the state police. Each ~~director~~ shall
11 hold office at the pleasure of the governor and he or she shall serve until his or her successor is
12 duly appointed and qualified unless ~~the director is~~ they are removed from office by special order
13 of the governor.

14 SECTION 2. Sections 42-7.3-1, 42-7.3-3 and 42-7.3-5 of the General Laws in Chapter
15 42-7.3 entitled "Department of Public Safety" are hereby amended to read as follows:

16 **42-7.3-1. Declaration of purpose.**

17 The purpose of this chapter is to establish a public safety department. This department is
18 responsible to consolidate the law enforcement services presently provided by ~~six~~ five (5)
19 divisions and agencies within the executive branch of state government. The consolidation of

1 these divisions and agencies into a department of public safety will assure the provision of
2 professional services; will enable the most efficient and effective use of the state's public safety
3 resources; will allow for the consolidation of such functions as communications, training, and
4 operating procedures; and will protect the lives and promote the safety of the citizens of this state.

5 **42-7.3-3. Powers and duties of the department.**

6 The department of public safety shall be responsible for the management and
7 administration of the following divisions and agencies:

- 8 (a) Office of the capitol police (chapter 2.2 of title 12).
- 9 (b) State fire marshal (chapter 28.2 of title 23).
- 10 (c) E-911 emergency telephone system division (chapter 28.2 of title 39).
- 11 (d) ~~Rhode Island state police (chapter 28 of title 39).~~
- 12 (e) Municipal police training academy (chapter 28.2 of title 42).
- 13 (f) Division of sheriffs (chapter 7.3 of title 42).

14 **42-7.3-5. Director of public safety -- Appointment.**

15 The department of public safety shall be administered by a director, ~~who shall also serve~~
16 ~~as superintendent of the Rhode Island state police.~~ The director shall be appointed by the
17 governor and shall hold office at the pleasure of the governor and until a successor is appointed
18 and qualified.

19 SECTION 3. Sections 42-28-2, 42-28-3 and 42-28-5 of the General Laws in Chapter 42-
20 28 entitled "State Police" are hereby amended to read as follows:

21 **42-28-2. Establishment -- Superintendent -- General duties.**

22 ~~Within the department of public safety there shall be the Rhode Island state police.~~ The
23 head of the state police shall be the superintendent of state police who shall be a qualified police
24 administrator and shall be appointed by the governor, shall serve at his or her pleasure and shall
25 have the rank of full colonel. The state police shall perform the duties required by this chapter;
26 and chapter 47 of title 11; and by all other provisions of the general laws and public laws, insofar
27 as those powers and duties relate to the Rhode Island state police and the superintendent of state
28 police. The superintendent shall appoint and supervise such officers as may be required by law.

29 **42-28-3. Scope of responsibilities.**

30 ~~(a)~~ The Rhode Island state police and the superintendent shall be charged with the
31 responsibility of:

- 32 (1) Providing a uniformed force for law enforcement;
- 33 (2) Preparing rules and regulations for law enforcement;
- 34 (3) Maintaining facilities for crime detection and suppression; and

1 (4) Controlling traffic and maintaining safety on the highways.

2 ~~(b) The superintendent shall be ex officio state fire marshal.~~

3 ~~(c) The superintendent shall also serve as the director of the department of public safety.~~

4 **42-28-5. Superintendent -- Appointment, tenure, duties, and retirement.**

5 (a) The governor shall appoint the superintendent of state police, who shall serve at the
6 pleasure of the governor, shall report directly to the governor, serve as a state department head
7 and shall perform the duties prescribed by this chapter.

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

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

19 SECTION 4. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO STATE AFFAIRS AND GOVERNMENT -- STATE POLICE

- 1 This act would remove the state police from the department of public safety and would
- 2 have the superintendent report directly to the governor.
- 3 This act would take effect upon passage.

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