

2026 -- S 2368

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S T A T E O F R H O D E I S L A N D

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

A N A C T

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

Introduced By: Senators Patalano, Dimitri, Burke, Famiglietti, Ciccone, LaMountain,
Tikoian, Appollonio, Thompson, and Raptakis

Date Introduced: January 30, 2026

Referred To: Senate Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 45-19-1 of the General Laws in Chapter 45-19 entitled "Relief of

2 Injured and Deceased Fire Fighters and Police Officers" is hereby amended to read as follows:

3 **45-19-1. Salary payment during line of duty illness or injury.**

4 (a)(1) Whenever any police officer of the Rhode Island airport corporation or whenever
5 any police officer, firefighter, crash rescue crewperson, fire marshal, chief deputy fire marshal, or
6 deputy fire marshal of any city, town, fire district, or the state of Rhode Island is wholly or partially
7 incapacitated by reason of injuries received or sickness contracted in the performance of their duties
8 or due to their rendering of emergency assistance within the physical boundaries of the state of
9 Rhode Island at any occurrence involving the protection or rescue of human life which necessitates
10 that they respond in a professional capacity when they would normally be considered by their
11 employer to be officially off-duty, the respective city, town, fire district, state of Rhode Island, or
12 Rhode Island airport corporation by which the police officer, firefighter, crash rescue crewperson,
13 fire marshal, chief deputy fire marshal, or deputy fire marshal, is employed, shall, during the period
14 of the incapacity, pay the police officer, firefighter, crash rescue crewperson, fire marshal, chief
15 deputy fire marshal, or deputy fire marshal, the salary or wage and benefits to which the police
16 officer, firefighter, crash rescue crewperson, fire marshal, chief deputy fire marshal, or deputy fire
17 marshal, would be entitled had he or she not been incapacitated, and shall pay the medical, surgical,
18 dental, optical, or other attendance, or treatment, nurses, and hospital services, medicines, crutches,

1 and apparatus for the necessary period, except that if any city, town, fire district, the state of Rhode
2 Island, or Rhode Island airport corporation provides the police officer, firefighter, crash rescue
3 crewperson, fire marshal, chief deputy fire marshal, or deputy fire marshal, with insurance coverage
4 for the related treatment, services, or equipment, then the city, town, fire district, the state of Rhode
5 Island, or Rhode Island airport corporation is only obligated to pay the difference between the
6 maximum amount allowable under the insurance coverage and the actual cost of the treatment,
7 service, or equipment. In addition, the cities, towns, fire districts, the state of Rhode Island, or
8 Rhode Island airport corporation shall pay all similar expenses incurred by a member who has been
9 placed on a disability pension and suffers a recurrence of the injury or illness that dictated his or
10 her disability retirement, subject to the provisions of subsection (j) herein.

11 (2) A police officer or firefighter diagnosed with post-traumatic stress disorder (as
12 described in the Diagnostic and Statistical Manual of Mental Disorders, current edition, published
13 by the American Psychiatric Association) by an individual who holds the title of an independent
14 licensed mental health professional with a master's degree, related to the exposure of potentially
15 traumatic events, resulting from their acting within the course of their employment or from the
16 rendering of emergency assistance in the state of Rhode Island, at any occurrence involving the
17 protection or the rescue of human life while off-duty, as set forth in subsection (h) of this section,
18 shall be presumed to have sustained an injury in the line of duty, as that term is used in subsection
19 (a)(1) of this section, unless the contrary is proven by a fair preponderance of the evidence that the
20 post-traumatic stress injury/PTSD is not related to their job as a police officer or firefighter. The
21 benefits provided for under this section shall not be extended to a police officer or firefighter, if
22 their post-traumatic stress injury/PTSD diagnosis arises out of any disciplinary action, work
23 evaluation, job transfer, layoff, demotion, termination, or similar adverse job actions.

24 (b) As used in this section, "police officer" means and includes any chief or other member
25 of the police department of any city or town regularly employed at a fixed salary or wage and any
26 deputy sheriff, member of the fugitive task force, or capitol police officer, permanent
27 environmental police officer or criminal investigator of the department of environmental
28 management, ~~or~~ airport police officer, probation officer or parole officer.

29 (c) As used in this section, "firefighter" means and includes any chief or other member of
30 the fire department or rescue personnel of any city, town, or fire district, and any person employed
31 as a member of the fire department of the town of North Smithfield, or fire department or district
32 in any city or town.

33 (d) As used in this section, "crash rescue crewperson" means and includes any chief or
34 other member of the emergency crash rescue section, division of airports, or department of

1 transportation of the state of Rhode Island regularly employed at a fixed salary or wage.

2 (e) As used in this section, “fire marshal,” “chief deputy fire marshal,” and “deputy fire
3 marshal” mean and include the fire marshal, chief deputy fire marshal, and deputy fire marshals
4 regularly employed by the state of Rhode Island pursuant to the provisions of chapter 28.2 of title
5 23.

6 (f) Any person employed by the state of Rhode Island, except for sworn employees of the
7 Rhode Island state police, who is otherwise entitled to the benefits of chapter 19 of this title, shall
8 be subject to the provisions of chapters 29 — 38 of title 28 for case management procedures and
9 dispute resolution by the workers’ compensation court, for all petitions filed on or after July 1,
10 2025, for the following benefit and disability determinations:

- 11 (1) The nature and status of disability of the injured employee;
- 12 (2) The nature and location of injury relative to the work incident;
- 13 (3) Maximum medical improvement (MMI), as it is defined under § 28-33-2(9);
- 14 (4) All issues of legal and/or medical causation; and
- 15 (5) The assignment of fees and costs pursuant to the provisions of § 28-35-32.

16 The court may, in its discretion, appoint an impartial medical examiner in accordance with
17 § 28-33-35. The court shall hereby be empowered to enforce all of its orders, decrees, and consent
18 agreements of the parties.

19 (g) In order to receive the benefits provided for under this section, a police officer or
20 firefighter must prove to their employer that they had reasonable grounds to believe that there was
21 an emergency that required an immediate need for their assistance for the protection or rescue of
22 human life.

23 (h) Any claims to the benefits provided for under this section resulting from the rendering
24 of emergency assistance in the state of Rhode Island at any occurrence involving the protection or
25 rescue of human life while off-duty, shall first require those covered by this section to submit a
26 sworn declaration to their employer attesting to the date, time, place, and nature of the event
27 involving the protection or rescue of human life causing the professional assistance to be rendered
28 and the cause and nature of any injuries sustained in the protection or rescue of human life. Sworn
29 declarations shall also be required from any available witness to the alleged emergency involving
30 the protection or rescue of human life.

31 (i) All declarations required under this section shall contain the following language:

32 “Under penalty of perjury, I declare and affirm that I have examined this declaration,
33 including any accompanying schedules and statements, and that all statements contained herein are
34 true and correct.”

16 (1) If a person with injured-on-duty status fails to apply for an accidental disability
17 retirement allowance from the state retirement board within the time frame set forth above, that
18 person's injured-on-duty payment shall terminate. Further, any person suffering a static and
19 incapacitating injury as set forth in subsection (j) above and who fails to apply for an accidental
20 disability benefit allowance as set forth in subsection (j) shall have their injured-on-duty payment
21 terminated.

22 (2) A person who so applies shall continue to receive injured-on-duty payments, and the
23 right to continue to receive IOD payments of a person who so applies shall terminate in the event
24 of a final ruling of the workers' compensation court allowing accidental disability benefits. Nothing
25 herein shall be construed to limit or alter any and all rights of the parties with respect to independent
26 medical examination or otherwise, as set forth in the applicable collective bargaining agreement.

27 (k) Any person employed by the state of Rhode Island who is currently receiving injured-
28 on-duty benefits or any person employed by the state of Rhode Island who in the future is entitled
29 to injured-on-duty benefits pursuant to this chapter, and subject to the jurisdiction of the state
30 retirement board for accidental retirement disability, shall apply for an accidental disability
31 retirement allowance from the state retirement board the later of eighteen (18) months after the date
32 of the person's injury that resulted in the person's injured-on-duty status or sixty (60) days from
33 the date on which the treating physician certifies that the person has reached maximum medical
34 improvement. Nothing herein shall be construed to limit or alter any and all rights of the parties

1 with respect to independent medical examination or otherwise, as set forth in the applicable
2 collective bargaining agreement. Notwithstanding the forgoing, any person receiving injured-on-
3 duty benefits as the result of a static and incapacitating injury whose permanent nature is readily
4 obvious and ascertainable shall be required to apply for an accidental disability retirement
5 allowance within sixty (60) days from the date on which a treating physician or an independent
6 medical examiner certifies that the person's injury is permanent, or sixty (60) days from the date
7 on which such determination of permanency is made in accordance with the independent medical
8 examination procedures as set forth in the applicable collective bargaining agreement.

29 Applications for disability retirement received by the state retirement board by any person
30 employed by the State of Rhode Island receiving injured-on-duty payments that shall be deemed
31 untimely pursuant to § 36-10-14(b) shall have ninety (90) days from July 1, 2019, to apply for an
32 accidental disability retirement benefit allowance. Failure to apply for an accidental disability
33 retirement benefit allowance within the timeframe set forth herein shall result in the termination of
34 injured-on-duty benefits.

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

- 1 This act would add probation officers and parole officers to the definition of "police officer" for purposes of salary payments during line of duty illness or injury.
- 2 This act would take effect upon passage.

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