

TITLE 42

State Affairs and Government

CHAPTER 42-28

State Police

SECTION 42-28-21

§ 42-28-21 Injury and death benefits. – (a) If any member of the division whose service is terminated on or after January 1, 1960 shall have in the course of performance of his or her duties suffered injury causing disability or causing death, that member or his or her surviving dependent relatives, whose dependence shall be determined from time to time by the superintendent subject to confirmation by the governor, shall be entitled to an annual pension of seventy-five percent (75%) of the annual salary paid to that member at the time of his or her termination of service by reason of injury or death. In the event that the member thus disabled or killed in the performance of his or her official duties is the superintendent, then confirmation and determination provided by this section shall be made by the governor. The provisions of chapters 29 – 38, inclusive, of title 28, shall not apply to members of the division.

(b) Upon the death of a member due to any cause other than that incurred while in the course of performance of his or her duties, occurring while in service or after retirement, if that member shall have rendered at least ten (10) years of service as a member of the Rhode Island state police, his or her surviving widow or domestic partner shall be entitled to a pension equal to two percent (2%) of his or her last annual salary as determined by the provision of § 42-28-22 as amended herein for each year of service as a member of the state police, subject to a minimum pension of twenty-five percent (25%) of salary, and subject to the following conditions:

(1) The widow or widower or domestic partner shall have been married to or a domestic partner of the member at least one year on the date of death of the member or on the date of retirement, whichever first occurs, and in any event while the member was in active service;

(2) The widow or widower or domestic partner shall be at least forty (40) years of age, otherwise payment of the annuity shall be deferred until she attains such age;

(3) The annuity shall terminate in any event when he or she remarries or enters into a domestic partnership or dies.

(c) If a widow or widower or domestic partner shall have minor children in his or her care, payment of the annuity shall commence immediately regardless of whether the widow or widower or domestic partner shall have attained age forty (40) years or not. In such a case, the payment to the widow or widower or domestic partner shall be increased one-third (1/3) on account of each minor child, provided that the maximum payment shall be fifty percent (50%) of annual salary.

(d) Allowances on account of minor children shall terminate upon their attainment of age eighteen (18) and if unemancipated and a full-time student to age twenty-two (22) years, death, or marriage, whichever first occurs. In the event a widow or widower or domestic partner remarries or enters into a domestic partnership or dies, payment on account of minor children shall be increased to twice the amounts previously payable on account of the children, subject to a combined payment to all children equal to fifty percent (50%) of the final salary of the member.

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

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

(2) Neither partner was married to anyone else;

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

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

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

(i) Domestic partnership agreement or relationship contract;

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

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

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

(f) Effective July 1, 2012, any reference in this section to "salary" or "annual salary" shall be changed to "average compensation" as defined in 36-8-1(5)(a).

History of Section.

(P.L. 1925, ch. 588, § 12; G.L. 1938, ch. 8, § 12; P.L. 1950, ch. 2435, § 2; G.L. 1956, § 42-28-21; P.L. 1959, ch. 51, § 1; P.L. 1964, ch. 206, § 1; P.L. 1966, ch. 277, § 1; P.L. 1967, ch. 67, § 1; P.L. 1973, ch. 113, § 1; P.L. 1978, ch. 240, § 1; P.L. 1978, ch. 263, § 1; P.L. 1988, ch. 84, § 87; P.L. 2007, ch. 510, § 14; P.L. 2011, ch. 408, § 13; P.L. 2011, ch. 409, § 13.)