

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE -- COURTS -- JUSTICES OF
SUPREME, SUPERIOR, AND FAMILY COURTS -- TRAFFIC TRIBUNAL

Introduced By: Senator Stephen R. Archambault

Date Introduced: March 10, 2022

Referred To: Senate Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 8-8.2-1 of the General Laws in Chapter 8-8.2 entitled "Traffic
2 Tribunal" is hereby amended to read as follows:

3 **8-8.2-1. Establishment -- Rule-making authority -- Adjudication of violations.**

4 (a) There is hereby established a traffic tribunal which shall be charged with the
5 administration and adjudication of traffic violations within its jurisdiction. The traffic tribunal shall
6 be under the supervision of the chief magistrate of the traffic tribunal, who shall be the
7 administrative head of the traffic tribunal and shall have the power to make rules for regulating
8 practice, procedure and business within the traffic tribunal. Pursuant to § 8-6-2, said rules shall be
9 subject to the approval of the supreme court. Such rules, when effective, shall supersede any
10 statutory regulation in conflict therewith. Any person who has been a member of the bar of Rhode
11 Island may be appointed chief magistrate of the traffic tribunal. The chief magistrate of the traffic
12 tribunal shall be appointed by the chief justice of the supreme court, with the advice and consent
13 of the senate, for a period of ten (10) years and until a successor is appointed and qualified. Nothing
14 contained herein shall be construed to prohibit the reappointment of the chief magistrate for one or
15 more ten (10) year terms subject to the advice and consent of the senate. Compensation for the chief
16 magistrate shall be equal to that of an associate judge of the district court.

17 (b) The judges and magistrates of the traffic tribunal shall hear and determine cases as
18 provided by law. No district court judge appointed pursuant to chapter 8 of this title shall be

1 assigned to perform duties of a judge or magistrate of the traffic tribunal under this chapter. The
2 chief magistrate of the traffic tribunal may assign a judge or magistrate who is authorized to hear
3 and decide cases in the traffic tribunal to serve as administrative judge or magistrate of the traffic
4 tribunal and the administrative judge or magistrate shall perform such administrative duties as may
5 be delegated to him or her by the chief magistrate. Once assigned to the position, the administrative
6 judge or magistrate shall hold said administrative position for the remainder of his or her respective
7 term as a judge or magistrate of the traffic tribunal.

8 (c)(1) Those judges of the administrative adjudication court in active service on July 1,
9 1999 shall serve within the traffic tribunal. Whenever the total number of judges and magistrates
10 in the traffic tribunal exclusive of the chief magistrate shall be less than seven (7), the chief justice
11 of the supreme court, with the advice and consent of the senate, may, as needed, assign a duly
12 qualified member of the bar of this state to act as a magistrate to fill such vacancy and shall submit
13 his or her name to the senate for confirmation. In the event of a vacancy in the position of chief
14 magistrate, the chief justice of the supreme court shall appoint a successor in accordance with
15 subsection 8-8.2-1(a). Any magistrate assigned under this section shall serve a term of ten (10)
16 years and until a successor is appointed and qualified, and shall be in the unclassified service of the
17 state. Nothing herein shall be construed to prohibit the assignment of a magistrate to more than one
18 such term, subject to the advice and consent of the senate. Compensation for any such magistrate
19 shall in no event be equal to or more than that of an associate judge of the district court. ~~Magistrates~~
20 ~~of the traffic tribunal shall participate in the state retirement system in the same manner as all~~
21 ~~members of the unclassified service.~~ Magistrates of the traffic tribunal shall receive all credits and
22 retirement allowances as afforded justices under chapter 3 of this title and any other applicable law.

23 (2) For the purpose of determining eligibility for retirement under §§ 8-3-7 and 8-3-8, the
24 years of service shall include all years of service from the date first appointed as magistrate of the
25 traffic tribunal. In no event shall a magistrate be credited in the state retirement system for the
26 years of service as a magistrate if the magistrate elects to participate in the judges and magistrate
27 retirement system as provided in chapter 3 of this title. Any and all contributions and funds credited
28 to the magistrate in the state retirement system for the years of service as magistrate shall be
29 transferred and held in trust for the purpose of paying retirement benefits to participating judges
30 and magistrates or their beneficiaries as provided in § 8-3-16. Notwithstanding the provisions of
31 this section, a magistrate who has received credit in the state retirement system for years of service
32 as a magistrate, may elect to remain in the state retirement system and not participate in the judges
33 and magistrates pension system as provided in chapter 3 of this title.

34 ~~(2)~~(3) If any judge of the traffic tribunal shall retire, or a vacancy becomes available

1 through death, disability or any other reason, the position shall be filled by a magistrate consistent
2 with the provisions of this section.

3 (d) Each judge and magistrate of the traffic tribunal shall devote full time to his or her
4 judicial duties, except as may be otherwise provided by law. He or she shall not practice law while
5 holding office, nor shall he or she be a partner or associate of any person in the practice of law.

6 (e) Judges and magistrates of the traffic tribunal shall be subject to the provisions of R.I.
7 Const. Art. XI; to the code of judicial conduct or successor code promulgated by the supreme court
8 of this state, to the jurisdiction of the Commission on Judicial Tenure and Discipline in accordance
9 with chapter 16 of this title; and to the administrative authority and control of the chief justice of
10 the supreme court in accordance with chapter 15 of this title, except that §§ 8-15-3 and 8-15-3.1
11 shall not apply to judges of the traffic tribunal.

12 (f) The traffic tribunal shall be a tribunal of record and shall have a seal with such words
13 and devices as it shall adopt.

14 (g) Judges and magistrates of the traffic tribunal shall have the power to administer oaths
15 and affirmations.

16 (h) Administrative/supervisory officials.

17 (1) There shall be an assistant to the administrative magistrate of the traffic tribunal who
18 shall be appointed by and serve at the pleasure of the chief magistrate and who shall perform such
19 clerical and administrative duties as may be assigned to him or her by the chief magistrate of the
20 traffic tribunal and the administrative judge or magistrate of the traffic tribunal. The assistant to the
21 administrative judge or magistrate shall have the power to administer oaths and affirmations within
22 the state.

23 (2) There shall be a clerk of the traffic tribunal who shall be appointed by and serve at the
24 pleasure of the chief magistrate of the traffic tribunal; provided, however, that, effective July 1,
25 1999, the first clerk of the traffic tribunal shall be that person holding the position of
26 administrator/clerk of the administrative adjudication court as of May 1, 1998, and that person shall
27 hold office for the balance of a term of twelve (12) years which began on September 1, 1992,
28 without the necessity of appointment by the governor or advice and consent of the senate. The clerk
29 of the traffic tribunal shall exercise his or her functions under the direction and control of the chief
30 magistrate of the traffic tribunal and the administrative judge or magistrate of the traffic tribunal.
31 The clerk of the traffic tribunal shall have the power to administer oaths and affirmations within
32 the state.

33 (i) Clerical Personnel/Court Recorders.

34 (1) The chief magistrate of the traffic tribunal shall appoint deputy clerks and assistance

1 clerks for the traffic tribunal to serve at his or her pleasure. All such clerks may administer oaths
2 and affirmations within the state.

3 (2) The chief magistrate of the traffic tribunal shall appoint sufficient court recorders to
4 enable all proceedings to be recorded by electronic means and who shall assist in such other clerical
5 duties as may be prescribed from time to time by the chief magistrate of the traffic tribunal.

6 (3) The chief magistrate of the traffic tribunal shall employ such clerical assistants in
7 addition to deputy clerks as may be required in the traffic tribunal to perform clerical duties.

8 SECTION 2. Sections 8-3-7, 8-3-8, 8-3-10, 8-3-11, 8-3-12, 8-3-15, 8-3-16 and 8-3-18 of
9 the General Laws in Chapter 8-3 entitled "Justices of Supreme, Superior, and Family Courts" are
10 hereby amended to read as follows:

11 **8-3-7. Retirement of justices on reduced pay -- Assignment as associate justices.**

12 (a) Whenever any person engaged as a judge [or magistrate](#):

13 (1) On or before July 2, 1997 has served as a justice [or magistrate](#) of the supreme court, the
14 superior court, the family court, the district court, [traffic tribunal](#), or any combination thereof for
15 twenty (20) years, or has so served for ten (10) years and has reached the age of sixty-five (65)
16 years, that justice may retire from active service and thereafter the justice shall receive annually
17 during life a sum equal to three-fourths ($\frac{3}{4}$) of the annual salary that the justice was receiving at the
18 time of retirement;

19 (2) Subsequent to July 2, 1997 and prior to January 1, 2009, has served as a justice [or](#)
20 [magistrate](#) of the supreme court, the superior court, the family court, the district court, [traffic](#)
21 [tribunal](#), or any combination thereof, for twenty (20) years, or has so served for ten (10) years and
22 has reached the age of sixty-five (65) years, said justice may retire from active service and thereafter
23 said justice shall receive annually during life a sum equal to three-fourths ($\frac{3}{4}$) of his or her average
24 highest three (3) consecutive years of compensation;

25 (3) On or after January 1, 2009, has served as a justice [or magistrate](#) of the supreme court,
26 the superior court, the family court, the district court or any combination thereof, for twenty (20)
27 years, or has so served for ten (10) years and has reached the age of sixty-five (65) years, said
28 justice may retire from active service and thereafter said justice shall receive annually during life a
29 sum equal to seventy percent (70%) of his or her average highest three (3) consecutive years of
30 compensation.

31 (4) On or after July 1, 2009, shall have served as a justice [or magistrate](#) of the supreme
32 court, the superior court, the family court, the district court, [traffic tribunal](#), or any of them for
33 twenty (20) years, or has served for ten (10) years, and reached the age of sixty-five (65) years, said
34 justice may retire from regular active service and thereafter said justice shall receive annually

1 during his or her life a sum equal to sixty-five percent (65%) of his or her average highest five (5)
2 consecutive years of compensation.

3 (b) Whenever a justice or magistrate shall be granted a leave of absence without pay, such
4 absence shall not be credited towards active service time for the purposes of retirement.

5 (c) Any justice or magistrate in any of the courts who shall retire in accordance with the
6 provisions of this section or § 36-9-5 may, at his or her own request and at the direction of the chief
7 justice of the supreme court, subject to the retiree's physical and mental competence, be assigned
8 to perform such services as an associate justice or magistrate of the superior court, or the family
9 court, or the district court or traffic tribunal as the presiding justice of the superior court, or the
10 chief judge of the family court, ~~or the~~ district or chief magistrate of the traffic tribunal shall
11 prescribe. When so assigned and performing such service, the justice or magistrate shall have all
12 the powers and authority of an associate justice or magistrate of the superior court, the family court,
13 ~~or the~~ district court, or the traffic tribunal but otherwise shall have no powers nor be authorized to
14 perform any judicial duties. Such a retired justice shall not be counted in the number of judges
15 provided by law for the superior court, the family court, ~~or the~~ district court, or the traffic tribunal.

16 (d) Any justice of the supreme court who shall retire in accordance with the provisions of
17 this section shall at the direction of the chief justice of the supreme court, subject to the retiree's
18 physical and mental competence, be assigned to perform such services as an associate justice of the
19 supreme court as the chief justice of the supreme court shall prescribe. When so assigned and
20 performing such services, the retiree shall have all the powers and authority of an associate justice
21 of the supreme court, but otherwise he or she shall have no powers nor be authorized to perform
22 any judicial duties relating to the supreme court, except as authorized under § 8-1-1. Such a retired
23 justice shall not be counted in the number of justices provided by law for the supreme court.

24 ~~**8-3-8. Retirement of justices on full pay -- Assignment as associate justices Retirement**~~
25 **of justices on full pay -- Assignment as associate justices or magistrate.**

26 (a) Whenever any person engaged as a judge:

27 (1) On or before July 2, 1997 shall have served as a justice of the supreme court, the
28 superior court, the family court, the district court, or any of them for twenty (20) years and has
29 reached the age of sixty-five (65) years, or has served for fifteen (15) years, and reached the age of
30 seventy (70) years, that justice may retire from regular active service and thereafter the justice shall
31 receive annually during his or her life a sum equal to the annual salary the justice was receiving at
32 the time of his or her retirement;

33 (2) Subsequent to July 2, 1997 and prior to January 1, 2009, shall have served as a justice
34 of the supreme court, the superior court, the family court, the district court, or any of them for

1 twenty (20) years and has reached the age of sixty-five (65) years, or has served for fifteen (15)
2 years, and reached the age of seventy (70) years, said justice may retire from regular active service
3 and thereafter said justice shall receive annually during his or her life a sum equal to his or her
4 average highest three (3) consecutive years of compensation.

5 (3) On or after January 1, 2009, shall have served as a justice of the supreme court, the
6 superior court, the family court, the district court, or any of them for twenty (20) years and has
7 reached the age of sixty-five (65) years, or has served for fifteen (15) years, and reached the age of
8 seventy (70) years, said justice may retire from regular active service and thereafter said justice
9 shall receive annually during his or her life a sum equal to ninety percent (90%) of his or her average
10 highest three consecutive years of compensation.

11 (4) On or after July 1, 2009, shall have served as a justice or magistrate of the supreme
12 court, the superior court, the family court, the district court, or the traffic tribunal or any of them
13 for twenty (20) years and has reached the age of sixty-five (65) years, or has served for fifteen (15)
14 years, and reached the age of seventy (70) years, said justice may retire from regular active service
15 and thereafter said justice or magistrate, shall receive annually during his or her life a sum equal to
16 eighty percent (80%) of his or her average highest five (5) consecutive years of compensation.

17 (b) Whenever a justice or magistrate shall be granted a leave of absence without pay, such
18 absence shall not be credited towards active service time for the purposes of retirement.

19 (c) Any justice of any of the courts who shall retire in accordance with the provisions of
20 this section shall at the direction of the chief justice of the supreme court, subject to the retiree's
21 physical and mental competence, be assigned to perform such services as an associate justice or
22 magistrate of the superior court, or the family court, ~~or~~ the district court or the traffic tribunal as
23 the presiding justice of the superior court, or the chief judge of the family court, or the district court,
24 or the traffic tribunal shall prescribe. When so assigned and performing such service, the retiree
25 shall have all the powers and authority of an associate justice or magistrate of the superior court,
26 the family court, ~~or~~ the district court or the traffic tribunal but otherwise he or she shall have no
27 powers nor be authorized to perform any judicial duties. Such a retired justice or magistrate shall
28 not be counted in the number of judges or magistrates provided by law for the superior court, the
29 family court, ~~or~~ the district court or the traffic tribunal.

30 (d) Any justice of the supreme court who shall retire in accordance with the provisions of
31 this section shall at the direction of the chief justice of the supreme court, subject to the retiree's
32 physical and mental competence, be assigned to perform such services as an associate justice of the
33 supreme court as the chief justice of the supreme court shall prescribe. When so assigned and
34 performing such services, the retiree shall have all the powers and authority of an associate justice

1 of the supreme court, but otherwise he or she shall have no powers nor be authorized to perform
2 any judicial duties relating to the supreme court, except as authorized under § 8-1-1. Such a retired
3 justice shall not be counted in the number of justices provided by law for the supreme court.

4 **8-3-10. Service after retirement.**

5 Any justice ~~or~~ judge or magistrate of the supreme court, superior court, family court, or
6 district court, or the traffic tribunal who shall retire in accordance with the provisions of § 8-3-7,
7 8-3-8, or 8-3-12 and who shall subsequently be assigned to perform service in accordance with §
8 8-3-7 or 8-3-8, when so assigned and performing such service, shall receive in addition to his or
9 her retirement pension the difference in pay and fringe benefits between what he or she was entitled
10 to receive under § 8-3-7, 8-3-8, or 8-3-12 prior to exercising his or her options available under § 8-
11 3-11 and what a judge or justice or magistrate with comparable state service time is receiving as a
12 justice or judge of the court to which he/she is assigned, or a justice or judge of the court from
13 which he/she retired, whichever is greater.

14 **~~8-3-11. Allowances to surviving spouses, domestic partners or minor children of~~**
15 **deceased justices** **Allowances to surviving spouses, domestic partners or minor children of**
16 **deceased justices or magistrate.**

17 (a) Whenever any justice or magistrate of the supreme court, the superior court, the family
18 court, ~~or~~ the district court or the traffic tribunal who was engaged as a judge or magistrate prior to
19 January 1, 2009, dies after retirement or during active service while eligible for retirement, or
20 during active service after having served fifteen (15) years or more in office, his or her surviving
21 spouse or domestic partner shall receive annually thereafter, during his or her lifetime and so long
22 as he or she remains unmarried or not in a domestic partnership, an amount equal to one-half (½)
23 of the annual payment that the justice or magistrate was receiving by way of salary or retirement
24 pay at the time of his or her death. Whenever a justice or magistrate of any of the courts shall die
25 without having become eligible to retire either under § 8-3-7 or 8-3-8 and has served seven (7)
26 years or more in office, his or her surviving spouse or domestic partner shall receive annually
27 thereafter, during his or her lifetime and so long as he or she remains unmarried or not in a domestic
28 partnership, one-third (1/3) of the annual salary that the justice was receiving at the time of his or
29 her death. Whenever a justice or magistrate of the courts shall die without having become eligible
30 to retire either under § 8-3-7 or 8-3-8 and has not served seven (7) years in office, his or her
31 surviving spouse or domestic partner shall receive annually thereafter, during his or her lifetime
32 and so long as he or she remains unmarried or not in a domestic partnership, one-fourth (¼) of the
33 annual salary that the justice was receiving at the time of his or her death.

34 (b) Any justice or magistrate of the courts who is engaged as a judge or magistrate on or

1 after January 1, 2009, and prior to July 1, 2009 may elect to receive retirement pay that is reduced
2 by an additional ten percent (10%) of the average of the highest three (3) consecutive years annual
3 compensation (i.e., ninety percent (90%) reduced to eighty percent (80%) or seventy percent (70)
4 reduced to sixty percent (60%)), and where such option is exercised by giving the general treasurer
5 notice in writing thereof within ninety (90) days after the date of his or her retirement his or her
6 surviving spouse or domestic partner or minor children shall receive annually one-half (½) of his
7 or her retirement pay during his or her lifetime so long as he or she remains unmarried or not in a
8 domestic partnership, or the children are under twenty-one (21) years of age provided, however,
9 for any justice [or magistrate](#) engaged on or after July 1, 2009 but prior to July 1, 2012, the reduction
10 shall be based on the average of the highest five (5) consecutive years annual compensation.

11 (c)(1) Any justice [or magistrate](#) of the courts who is engaged as a judge [or magistrate](#) on
12 or after July 1, 2012 and who elects to receive a retirement pay that is reduced, shall receive a lesser
13 retirement allowance as determined by actuarial calculation, which shall be payable throughout life
14 with the provision that:

15 (i) Option 1. Upon the justice's [or magistrate's](#) death, the justice's [or magistrate's](#) lesser
16 retirement allowance shall be continued throughout the life of and paid to such person having an
17 insurable interest in the justice's life [or magistrate's](#), as the justice shall nominate by written
18 designation duly acknowledged and filed with the retirement board at the time of his or her
19 retirement.

20 (ii) Option 2. Upon the justice's [or magistrate's](#) death, one-half (½) of the justice's [or](#)
21 [magistrate's](#) lesser retirement allowance shall be continued throughout the life of and paid to such
22 person, having an insurable interest in the justice's [or magistrate's](#) life, as the justice [or magistrate](#)
23 shall nominate by written designation duly acknowledged and filed with the retirement board at the
24 time of the beneficiary's retirement.

25 (2) For purposes of any election under this section the justice [or magistrate's](#) may designate
26 more than one person to receive benefits after his or her death, provided that the designation shall
27 specify the portion of the actuarial equivalent of the justice's [or magistrate's](#) retirement allowance
28 to be paid to each person, and provided further that the aggregate actuarial value of the portions
29 shall not exceed the actuarial equivalent of the justice's [or magistrate's](#) retirement benefit
30 determined in the case of an election under this section as of the date of the justice's [or magistrate's](#)
31 retirement.

32 (3) A justice [or magistrate](#) selecting more than one person to receive benefits under this
33 section may only select beneficiaries from among his or her children, adopted children, step-
34 children, and/or spouse or domestic partner.

1 (d) Whenever any justice [or magistrate](#) of the supreme court, the superior court, the family
2 court, or the district court [or traffic tribunal](#) who was engaged as a judge [or magistrate](#) on or after
3 January 1, 2009, dies during active service while eligible for retirement, or during active service
4 after having served fifteen (15) years or more in office, his or her surviving spouse or domestic
5 partner shall receive annually thereafter, during his or her lifetime and so long as he or she remains
6 unmarried or not in a domestic partnership, an amount equal to one-half (1/2) of the annual payment
7 that the justice [or magistrate](#) was receiving by way of salary.

8 (e) Whenever a justice [or magistrate](#) of any of the courts who was engaged as a judge [or](#)
9 [magistrate](#) on or after January 1, 2009, shall die without having become eligible to retire either
10 under § 8-3-7 or 8-3-8 and has served seven (7) years or more in office, his or her surviving spouse
11 or domestic partner shall receive annually thereafter, during his or her lifetime and so long as he or
12 she remains unmarried or not in a domestic partnership, one-third (1/3) of the annual salary that the
13 justice was receiving at the time of his or her death.

14 (f) Whenever a justice [or magistrate](#) of the courts who was engaged as a judge [or magistrate](#)
15 on or after January 1, 2009, shall die without having become eligible to retire either under § 8-3-7
16 or 8-3-8 and has not served seven (7) years or more in office, his or her surviving spouse or domestic
17 partner shall receive annually thereafter, during his or her lifetime and so long as he or she remains
18 unmarried or not in a domestic partnership, one-fourth (1/4) of the annual salary that the justice was
19 receiving at the time of his or her death.

20 (g) In the event the deceased justice [or magistrate](#) shall have no surviving spouse or
21 domestic partner, or the surviving spouse or domestic partner should predecease their minor
22 children, then the benefits conferred by this section shall be received in equal shares by the minor
23 children, if any, until each shall attain the age of twenty-one (21) years.

24 **8-3-12. Retirement of judges with general assembly or office service.**

25 Any person, who has served as a member of the general assembly, as a general officer, and
26 as a justice [or magistrate](#) of the supreme court, the superior court, the family court, or the district
27 court, [or the traffic tribunal](#) whose combined service as a member of the general assembly, a justice,
28 and a general officer is twenty (20) years or more and who has retired, resigned, and completed
29 such service prior to January 1, 2014, shall, upon reaching the age of sixty-two (62) years, receive
30 during life a sum equal to three-fourths (3/4) of the highest annual salary that the person was
31 receiving during such service.

32 **8-3-15. Cost-of-living allowance.**

33 (a) All justices of the supreme court, superior court, family court, or district court, or their
34 surviving spouses or domestic partners, who retire after January 1, 1970, and who receive a

1 retirement allowance pursuant to the provisions of this title shall, on the first day of January next
2 following the third anniversary date of retirement, receive a cost-of-living retirement adjustment in
3 addition to his or her retirement allowance in an amount equal to three percent (3%) of the original
4 retirement allowance. In each succeeding year thereafter during the month of January, the
5 retirement allowance shall be increased an additional three percent (3%) of the original allowance,
6 not compounded, to be continued during the lifetime of the justice or his or her surviving spouse
7 or domestic partner. For the purpose of such computation, credit shall be given for a full calendar
8 year regardless of the effective date of the retirement allowance.

9 (b) Any justice who retired prior to January 31, 1977, shall be deemed for the purpose of
10 this section to have retired on January 1, 1977.

11 (c) For justices not eligible to retire as of September 30, 2009, and not eligible upon passage
12 of this article, and for their beneficiaries, the cost of living adjustment described in subsection (a)
13 above shall only apply to the first thirty-five thousand dollars (\$35,000) of retirement allowance,
14 indexed annually, and shall commence upon the third (3rd) anniversary of the date of retirement or
15 when the retiree reaches age sixty-five (65), whichever is later. The thirty-five thousand dollar
16 (\$35,000) limit shall increase annually by the percentage increase in the Consumer Price Index for
17 all Urban Consumer (CPI-U) as published by the United States Department of Labor Statistics
18 determined as of September 30 of the prior calendar year or three percent (3%), whichever is less.
19 The first thirty-five thousand dollars (\$35,000), as indexed, of retirement allowance shall be
20 multiplied by the percentage of increase in the Consumer Price Index for all Urban Consumers
21 (CPI-U) as published by the United States Department of Labor Statistics determined as of
22 September 30 of the prior calendar year or three percent (3%), whichever is less, on the month
23 following the anniversary date of each succeeding year. For justices eligible to retire as of
24 September 30, 2009, or eligible upon passage of this article, and for their beneficiaries, the
25 provisions of this subsection (c) shall not apply.

26 (d) This subsection (d) shall be effective for the period July 1, 2012, through June 30, 2015.

27 (1) Notwithstanding the prior paragraphs of this section, and subject to paragraph (d)(2)
28 below, for all present and former justices, active and retired justices, and beneficiaries receiving
29 any retirement, disability, or death allowance or benefit of any kind, whether provided for or on
30 behalf of justices engaged on or prior to December 31, 1989, as a non-contributory justice or
31 engaged after December 31, 1989, as a contributory justice, the annual benefit adjustment provided
32 in any calendar year under this section shall be equal to (A) multiplied by (B) where (A) is equal
33 to the percentage determined by subtracting five and one-half percent (5.5%) (the "subtrahend")
34 from the Five-Year Average Investment Return of the retirement system determined as of the last

1 day of the plan year preceding the calendar year in which the adjustment is granted, said percentage
2 not to exceed four percent (4%) and not to be less than zero percent (0%), and (B) is equal to the
3 lesser of the justice's retirement allowance or the first twenty-five thousand dollars (\$25,000) of
4 retirement allowance, such twenty-five thousand dollars (\$25,000) amount to be indexed annually
5 in the same percentage as determined under (d)(1)(A) above. The "Five-Year Average Investment
6 Return" shall mean the average of the investment return of the most recent five (5) plan years as
7 determined by the retirement board. Subject to paragraph (d)(2) below, the benefit adjustment
8 provided by this paragraph shall commence upon the third (3rd) anniversary of the date of
9 retirement or the date on which the retiree reaches his or her Social Security retirement age,
10 whichever is later. In the event the retirement board adjusts the actuarially assumed rate of return
11 for the system, either upward or downward, the subtrahend shall be adjusted either upward or
12 downward in the same amount.

13 (2) Except as provided in paragraph (d)(3), the benefit adjustments under this section for
14 any plan year shall be suspended in their entirety unless the Funded Ratio of the Employees'
15 Retirement System of Rhode Island, the Judicial Retirement Benefits Trust, and the State Police
16 Retirement Benefits Trust, calculated by the system's actuary on an aggregate basis, exceeds eighty
17 percent (80%) in which event the benefit adjustment will be reinstated for all justices for such plan
18 year.

19 In determining whether a funding level under this paragraph (d)(2) has been achieved, the
20 actuary shall calculate the funding percentage after taking into account the reinstatement of any
21 current or future benefit adjustment provided under this section.

22 (3) Notwithstanding paragraph (d)(2), in each fifth plan year commencing after June 30,
23 2012, commencing with the plan year ending June 30, 2017, and subsequently at intervals of five
24 (5) plan years, a benefit adjustment shall be calculated and made in accordance with paragraph
25 (d)(1) above until the Funded Ratio of the Employees' Retirement System of Rhode Island, the
26 Judicial Retirement Benefits Trust, and the State Police Retirement Benefits Trust, calculated by
27 the system's actuary on an aggregate basis, exceeds eighty percent (80%).

28 (4) Notwithstanding any other provision of this chapter, the provisions of this paragraph
29 (d) of § 8-3-15 shall become effective July 1, 2012, and shall apply to any benefit adjustment not
30 granted on or prior to June 30, 2012.

31 (e) This subsection (e) shall become effective July 1, 2015.

32 (1)(A) As soon as administratively reasonable following the enactment into law of this
33 subsection (e)(1)(A), a one-time benefit adjustment shall be provided to justices and/or
34 beneficiaries of justices who retired on or before June 30, 2012, in the amount of two percent (2%)

1 of the lesser of either the justice's retirement allowance or the first twenty-five thousand dollars
2 (\$25,000) of the justice's retirement allowance. This one-time benefit adjustment shall be provided
3 without regard to the retiree's age or number of years since retirement.

4 (B) Notwithstanding the prior subsections of this section, for all present and former
5 justices, active and retired justices, and beneficiaries receiving any retirement, disability or death
6 allowance or benefit of any kind, whether provided for or on behalf of justices engaged on or prior
7 to December 31, 1989, as a non-contributory justice or engaged after December 31, 1989, as a
8 contributory justice, the annual benefit adjustment provided in any calendar year under this section
9 for adjustments on and after January 1, 2016, and subject to subsection (e)(2) below, shall be equal
10 to (I) multiplied by (II):

11 (I) Shall equal the sum of fifty percent (50%) of (i) plus fifty percent (50%) of (ii) where:

12 (i) Is equal to the percentage determined by subtracting five and one-half percent (5.5%)
13 (the "subtrahend") from the five-year average investment return of the retirement system
14 determined as of the last day of the plan year preceding the calendar year in which the adjustment
15 is granted, said percentage not to exceed four percent (4%) and not to be less than zero percent
16 (0%). The "five-year average investment return" shall mean the average of the investment returns
17 of the most recent five (5) plan years as determined by the retirement board. In the event the
18 retirement board adjusts the actuarially assumed rate of return for the system, either upward or
19 downward, the subtrahend shall be adjusted either upward or downward in the same amount.

20 (ii) Is equal to the lesser of three percent (3%) or the percentage increase in the Consumer
21 Price Index for all Urban Consumers (CPI-U) as published by the U.S. Department of Labor
22 Statistics determined as of September 30 of the prior calendar year. In no event shall the sum of (i)
23 plus (ii) exceed three and one-half percent (3.5%) or be less than zero percent (0%).

24 (II) Is equal to the lesser of either the justice's retirement allowance or the first twenty-five
25 thousand eight hundred and fifty-five dollars (\$25,855) of retirement allowance, such amount to be
26 indexed annually in the same percentage as determined under subsection (e)(1)(B)(I) above.

27 The benefit adjustments provided by this subsection (e)(1)(B) shall be provided to all
28 retirees entitled to receive a benefit adjustment as of June 30, 2012, under the law then in effect,
29 and for all other retirees the benefit adjustments shall commence upon the third anniversary of the
30 date of retirement or the date on which the retiree reaches his or her Social Security retirement age,
31 whichever is later.

32 (2) Except as provided in subsection (e)(3), the benefit adjustments under subsection
33 (e)(1)(B) for any plan year shall be suspended in their entirety unless the funded ratio of the
34 employees' retirement system of Rhode Island, the judicial retirement benefits trust, and the state

1 police retirement benefits trust, calculated by the system's actuary on an aggregate basis, exceeds
2 eighty percent (80%) in which event the benefit adjustment will be reinstated for all justices for
3 such plan year.

4 In determining whether a funding level under this subsection (e)(2) has been achieved, the
5 actuary shall calculate the funding percentage after taking into account the reinstatement of any
6 current or future benefit adjustment provided under this section.

7 (3) Notwithstanding subsection (e)(2), in each fourth plan year commencing after June 30,
8 2012, commencing with the plan year ending June 30, 2016, and subsequently at intervals of four
9 plan years: (i) A benefit adjustment shall be calculated and made in accordance with paragraph
10 (e)(1)(B) above; and (ii) Effective for members and/or beneficiaries of members who retired on or
11 before June 30, 2015, the dollar amount in subsection (e)(1)(B)(II) of twenty-five thousand eight
12 hundred and fifty-five dollars (\$25,855) shall be replaced with thirty-one thousand and twenty-six
13 dollars (\$31,026) until the funded ratio of the employees' retirement system of Rhode Island, the
14 judicial retirement benefits trust, and the state police retirement benefits trust, calculated by the
15 system's actuary on an aggregate basis, exceeds eighty percent (80%).

16 (A) Effective for members and or beneficiaries of members who have retired on or before
17 July 1, 2015, a one-time stipend of five hundred dollars (\$500) shall be payable within sixty (60)
18 days following the enactment of the legislation implementing this provision, and a second one-time
19 stipend of five hundred dollars (\$500) in the same month of the following year. These stipends
20 shall be payable to all retired members or beneficiaries receiving a benefit as of the applicable
21 payment date and shall not be considered cost of living adjustments under the prior provisions of
22 this § 8-3-15.

23 [\(f\) As of June 30, 2022, this section shall apply to all magistrates of all courts including,](#)
24 [but not limited to, the traffic tribunal.](#)

25 **8-3-16. Retirement contribution.**

26 (a) Judges engaged after December 31, 1989, shall have deducted from total salary
27 beginning December 31, 1989, and ending June 30, 2012, an amount equal to a rate percent of
28 compensation as specified in § 36-10-1 relating to member contributions to the state retirement
29 system. Effective July 1, 2012, all active judges, whether engaged before or after December 31,
30 1989, shall have deducted from compensation as defined in subsection 36-8-1(8) an amount equal
31 to twelve percent (12%) of compensation, except active Supreme Court Judges as of June 30, 2012,
32 who shall have deducted from compensation as defined in section 36-8-1(8) an amount equal to the
33 percent of compensation in effect on June 30, 2012. Proceeds deposited shall be held in trust for
34 the purpose of paying retirement benefits to participating judges or their beneficiaries on the date

1 contributions are withheld but no later than three (3) business days following the pay period ending
2 in which contributions were withheld. The retirement board shall establish rules and regulations to
3 govern the provisions of this section.

4 (b) The state is required to deduct and withhold member contributions and to transmit same
5 to the retirement system and is hereby made liable for the contribution. In addition, any amount of
6 employee contributions actually deducted and withheld shall be deemed to be a special fund in trust
7 for the benefit of the member and shall be transmitted to the retirement system as set forth herein.

8 (c) A member of the judiciary who withdraws from service or ceases to be a member for
9 any reason other than retirement, shall be paid on demand a refund consisting of the accumulated
10 contributions standing to his or her credit in his or her individual account in the judicial retirement
11 benefits account. Any member receiving a refund shall thereby forfeit and relinquish all accrued
12 rights as a member of the system together with credits for total service previously granted to the
13 member; provided, however, that if any member who has received a refund shall subsequently
14 reenter the service and again become a member of the system, he or she shall have the privilege of
15 restoring all money previously received or disbursed to his or her credit as refund of contributions
16 plus regular interest for the period from the date of refund to the date of restoration. Upon the
17 repayment of the refund as herein provided, the member shall again receive credit for the amount
18 of total service which he or she had previously forfeited by the acceptance of the refund.

19 (d) Whenever any judge dies from any cause before retirement and has no surviving spouse,
20 domestic partner, or minor child(ren), a payment shall be made of the accumulated contributions
21 standing to his or her credit in his or her individual account in the judicial retirement benefits
22 account. The payment of the accumulated contributions of the judge shall be made to such person
23 as the judge shall have nominated by written designation duly executed and filed with the retirement
24 board, or if the judge has filed no nomination, or if the person so nominated has died, then to the
25 estate of the deceased judge.

26 (e) Effective June 30, 2022, any reference to judge in this section shall include magistrates
27 of all courts.

28 **8-3-18. Calculation of retirement benefits.**

29 For purposes of the calculation of retirement benefits, in the event that any justice ~~or~~ judge
30 or magistrate of the supreme court, the superior court, the family court, ~~or~~ the district court, or the
31 traffic tribunal participates or acquiesces in a state shutdown or in a reduced salary or a salary
32 deferral plan consistent with any such plan imposed upon or agreed to by other state employees,
33 his or her annual salary shall be calculated as if he or she had not participated or acquiesced in any
34 such shutdown or plan.

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SECTION 3. This act shall take effect on June 30, 2022.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE -- COURTS -- JUSTICES OF
SUPREME, SUPERIOR, AND FAMILY COURTS -- TRAFFIC TRIBUNAL

- 1 This act would allow magistrates of the traffic tribunal to receive all credits and retirement
- 2 allowances as afforded to justices and judges of the supreme, superior, family and district courts.
- 3 This act would take effect on June 30, 2022.

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