

2023 -- H 5984

LC002083

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO PUBLIC OFFICERS AND EMPLOYEES -- RETIREMENT SYSTEM--  
CONTRIBUTIONS AND BENEFITS

Introduced By: Representatives Dawson, McEntee, Craven, and O'Brien

Date Introduced: March 01, 2023

Referred To: House Finance

(Dept. of Corrections)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 36-10-9.2 of the General Laws in Chapter 36-10 entitled "Retirement  
2 System — Contributions and Benefits" is hereby amended to read as follows:

3 **36-10-9.2. Retirement on service allowance — Correctional officers.**

4 (a) This section shall apply to the retirement of members employed as assistant director  
5 (adult services), assistant deputy director, chief of inspection, [deputy chief of inspection](#), and  
6 associate directors, correctional officer, [inspector](#), chief of security, work rehabilitation program  
7 supervisor, supervisor of custodial records and reports, and classification counselor within the  
8 department of corrections.

9 (b)(1) Any member who has attained the age of fifty (50) years may be retired subsequent  
10 to the proper execution and filing of a written application; provided, however, that the member  
11 shall have completed twenty (20) years of total service within the department of corrections and  
12 who retires before October 1, 2009, or is eligible to retire as of September 30, 2009.

13 (2) For members who become eligible to retire on or after October 1, 2009, benefits are  
14 available to members who have attained the age of fifty-five (55) and have completed at least  
15 twenty-five (25) years of total contributory service within the department of corrections. For  
16 members in service as of October 1, 2009, who were not eligible to retire as of September 30, 2009,  
17 but who are eligible to retire on or prior to June 30, 2012, the minimum retirement age of fifty-five  
18 (55) will be adjusted downward in proportion to the amount of service the member has earned as

1 of September 30, 2009. The proportional formula shall work as follows:

2 (i) The formula shall determine the first age of retirement eligibility under the laws in effect  
3 on September 30, 2009, which shall then be subtracted from the minimum retirement age of fifty-  
4 five (55).

5 (ii) The formula shall then take the member's total service credit as of September 30, 2009,  
6 as the numerator and the years of service credit determined under (b)(2)(i) as the denominator.

7 (iii) The fraction determined in (b)(2)(ii) shall then be multiplied by the age difference  
8 determined in (b)(2)(i) to apply a reduction in years from age fifty-five (55).

9 (c) Any member with contributory service on or after July 1, 2012, who has completed at  
10 least five (5) years of contributory service but who has not completed twenty-five (25) years of  
11 contributory service, shall be eligible to retire upon the attainment of the member's Social Security  
12 retirement age or, notwithstanding any other provisions, effective July 1, 2015, members in active  
13 service shall be eligible to retire upon the earlier of:

14 (1) The attainment of at least age sixty-five (65) and the completion of at least thirty (30)  
15 years of total service, or the attainment of at least age sixty-four (64) and the completion of at least  
16 thirty-one (31) years of total service, or the attainment of at least age sixty-three (63) and the  
17 completion of at least thirty-two (32) years of total service, or the attainment of at least age sixty-  
18 two (62) and the completion of at least thirty-three (33) years of total service; or

19 (2) The member's retirement eligibility date under § 36-10-9(1)(c)(ii).

20 (d) Any member who shall have rendered service both as a state employee under § 36-10-  
21 9, and service under subsection (a) of this section, shall be eligible to elect to combine the member's  
22 service under subsection (a) of this section and service under § 36-10-9 to determine the member's  
23 retirement eligibility date under § 36-10-9. For any member making this election, the member will  
24 receive a single benefit equal to the accrued benefit computed under § 36-10-10.2, plus the accrued  
25 benefit computed under § 36-10-10.

26 (e) The provisions of subsection (d) shall also apply to members who have retired on a  
27 service retirement allowance on or after July 1, 2012. Any such request for adjustment shall be in  
28 writing to the retirement board and shall apply prospectively from the date the request is received  
29 by the retirement board.

30 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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- 1           This act would include the deputy chief of inspection and inspector within the provision of
- 2 law relating to retirement on service allowance relating to correctional officers.
- 3           This act would take effect upon passage.

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