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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

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

Introduced By: Representative Timothy A. Williamson

Date Introduced: April 13, 2010

Referred To: House 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.** -- (a) Whenever any
4 police officer of the Rhode Island Airport Corporation or whenever any police officer, fire
5 fighter, crash rescue crewperson, fire marshal, chief deputy fire marshal, or deputy fire marshal of
6 any city, town, fire district, or the state of Rhode Island is wholly or partially incapacitated by
7 reason of injuries received or sickness contracted in the performance of his or her duties or due to
8 their rendering of emergency assistance within the physical boundaries of the state of Rhode
9 Island at any occurrence involving the protection or rescue of human life which necessitates that
10 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, fire fighter, crash rescue
13 crewperson, fire marshal, chief deputy fire marshal, or deputy fire marshal, is employed, shall,
14 during the period of the incapacity, pay the police officer, fire fighter, crash rescue crewperson,
15 fire marshal, chief deputy fire marshal, or deputy fire marshal, the salary or wage and benefits to
16 which the police officer, fire fighter, crash rescue crewperson, fire marshal, chief deputy fire
17 marshal, or deputy fire marshal, would be entitled had he or she not been incapacitated, and shall
18 pay the medical, surgical, dental, optical, or other attendance, or treatment, nurses, and hospital

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

11 (b) As used in this section, "police officer" means and includes any police chief or other
12 permanent uniformed member of the police department of any city or town regularly employed at
13 a fixed salary or wage who has graduated from a recognized police academy and whose primary
14 function is to regularly and routinely engage in law enforcement and crime prevention services
15 and any executive high sheriff, sheriff, deputy sheriff, member of the fugitive task force, or
16 capitol police officer, permanent environmental police officer or criminal investigator of the
17 department of environmental management, or airport police officer.

18 (c) As used in this section, "fire fighter" means and includes any fire chief or other
19 member of the fire department whose primary function is to regularly and routinely engage in
20 fighting and extinguishing fires or permanent rescue personnel whose primary function is to
21 regularly and routinely engage in the delivery of rescue and emergency medical services of any
22 city, town, or fire district, and any person employed as a member of the fire department of the
23 town of North Smithfield, ~~or fire department or district in any city or town.~~

24 (d) As used in this section, "crash rescue crewperson" means and includes any chief or
25 other member of the emergency crash rescue section, division of airports, or department of
26 transportation of the state of Rhode Island regularly employed at a fixed salary or wage.

27 (e) As used in this section, "fire marshal," "chief deputy fire marshal", and "deputy fire
28 marshal" mean and include the fire marshal, chief deputy fire marshal, and deputy fire marshals
29 regularly employed by the state of Rhode Island pursuant to the provisions of chapter 28.2 of title
30 23.

31 (f) Any person employed by the state of Rhode Island, except for sworn employees of
32 the Rhode Island State Police, who is otherwise entitled to the benefits of chapter 19 of this title
33 shall be subject to the provisions of chapters 29 -- 38 of title 28 for all case management
34 procedures and dispute resolution for all benefits.

1 (g) In order to receive the benefits provided for under this section, a police officer or
2 firefighter must prove to their employer that he or she had reasonable grounds to believe that
3 there was an emergency which required an immediate need for their assistance for the protection
4 or rescue of human life.

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

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

14 "Under penalty of perjury, I declare and affirm that I have examined this declaration,
15 including any accompanying schedules and statements, and that all statements contained herein
16 are true and correct."

17 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 provide for salary payments to uniformed police officers, firefighters and
- 2 rescue personnel who become sick or are injured on duty.
- 3 This act would take effect upon passage.

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