

PROPOSED AMENDMENT

HB 1338 # 2

DIGEST

Meetings. Removes a provision of the bill that requires certain public agencies to adopt agendas. Allows (rather than requires) that certain public agencies determine how much time a meeting attendee may speak on a topic. Provides that a rule or policy adopted by certain public agencies may provide that the presiding member of the governing body may: (1) issue warnings to disruptive attendees and direct them to leave the meeting on the third warning; and (2) direct a law enforcement officer to remove disruptive attendees. Provides that the governing body must post its rules and policies at the meeting entrance or announce the rules and policies before taking public testimony. Specifies that a provision of the tort claims law providing immunity to a government entity or employee in adopting and enforcing a law or rule applies.

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- 1 Page 1, delete lines 1 through 17, begin a new paragraph and insert:
2 "SECTION 1. IC 5-14-1.5-3.3 IS ADDED TO THE INDIANA
3 CODE AS A NEW SECTION TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2024]: **Sec. 3.3. (a) This section applies only**
5 **to a meeting of the governing body of an entity described in section**
6 **2(a)(2) or 2(a)(3) of this chapter.**
7 **(b) This section does not apply to a meeting of the governing**
8 **body of a school corporation or charter school.**
9 **(c) As used in this section, "attendee" means a member of the**
10 **public who is physically present at a meeting of a governing body.**
11 **(d) If a governing body allows attendees to speak on a topic at**
12 **a meeting, the governing body may designate:**
13 **(1) a period for taking public testimony that is:**
14 **(A) before or during the governing body's discussion or**
15 **consideration of the topic; and**
16 **(B) before the governing body takes final action on the**
17 **topic; and**
18 **(2) the amount of time allotted for attendees to speak on the**
19 **topic.**
20 **(e) A governing body may adopt reasonable rules or policies**
21 **governing the conduct of a meeting, including any of the following:**
22 **(1) Reasonable restrictions on the time allotted for attendees**
23 **to speak on a topic.**

1 **(2) Reasonable steps to maintain order during a meeting with**
2 **respect to attendees and the elected officials of the governing**
3 **body.**

4 **(3) A procedure for the presiding member of the governing**
5 **body to issue warnings to attendees who disrupt a meeting.**
6 **Subject to subsection (g), the procedure may provide that if**
7 **an attendee receives three (3) warnings, the presiding member**
8 **of the governing body may upon the issuing the third warning,**
9 **direct:**

- 10 **(A) the attendee to leave the meeting; and**
- 11 **(B) a law enforcement officer to remove the attendee from**
12 **the meeting, if the attendee refuses to leave when directed**
13 **by the presiding member.**

14 **(f) The governing body must notify attendees of any rules or**
15 **policies that are adopted under this section by:**

- 16 **(1) posting the rules or policies in a visible area at the**
17 **entrance to the meeting location; or**
- 18 **(2) making an announcement of the rules or policies at the**
19 **meeting before taking oral public comment.**

20 **(g) Nothing in this section may be construed to prohibit a law**
21 **enforcement officer from immediately removing an attendee from**
22 **a meeting if:**

- 23 **(1) removal of the attendee is necessary to maintain order or**
24 **ensure the safety of another person;**
- 25 **(2) the attendee is particularly disruptive; or**
- 26 **(3) the attendee commits a criminal offense.**

27 **(h) IC 34-13-3(a)(8) applies to this section."**

28 Page 2, delete lines 1 through 40.

29 Renumber all SECTIONS consecutively.

(Reference is to HB 1338 as introduced.)