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SB 1100 - Additional Process for Removal of Disruptive Individuals From Agency Meetings

SB 1100 amends the Brown Act to add a new section 54957.95, which authorizes an additional procedure for a legislative body to remove a disruptive individual from a public meeting. Under existing provisions of the Brown Act, a legislative body may adopt reasonable regulations regarding public comments at a meeting such as regulations limiting the total amount of time an individual may speak on an agenda item. A legislative body may also remove individuals who are willfully interrupting a meeting or clear the room if the interruptions render the orderly conduct of the meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting.

This new law gives public agencies an added method to remove individuals who are disrupting a meeting. Under this new process, the presiding member of a legislative body (or their designee) may remove an individual for disrupting a meeting if the individual is first given a warning that their behavior is disruptive. Disrupting is defined as “engaging in behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting,” and includes not complying with reasonable meeting regulations adopted by the public agency or behavior that constitutes force or true threat of force. True threat of force is defined as “a threat that has sufficient indicia of intent and seriousness that a reasonable observer would perceive it to be an actual threat to use force.”

If a person fails to promptly cease their disruptive behavior after being warned, the presiding officer, or their designee, may remove that individual. The requirement that the presiding member of the legislative body give a warning to the disruptive individual does not apply if the individual uses force or a true threat of force.

Public agencies may now choose to use this additional means to remove disruptive individuals from meetings or may rely on already established provisions of the Brown Act to do so. If a public agency has adopted rules of conduct for meetings, the agency may want to review and update those rules to reflect this new provision.