
Senate Bill 1100 Addresses Disruptive Public Conduct at Public Meetings

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On August 21, 2022, Governor Gavin Newsom signed Senate Bill (SB) 1100, which authorizes the presiding member of a legislative body to remove disruptive individuals during a public meeting. SB 1100 is intended to serve as a new mechanism for local officials to maintain the decorum of public meetings.

Background

Due in part to the political climate and rhetoric during the COVID-19 pandemic, disorderly conduct at public meetings increased across California at alarming rates. The authors of SB 1100 noted, “As we have undoubtedly seen, many troubling incidents across the state, including those involving harassment and threats of violence, have demonstrated the need to protect public safety and public meeting access by modernizing the Brown Act so that it provides clearer standards around when removal of a meeting participant is warranted and what authority members of a legislative body can exercise.”

Although the Brown Act already authorized local agencies to clear the meeting room when there is disruption at public meetings, it did not provide expressly for removing only the disruptive individuals while continuing the meeting. SB 1100 specifies the circumstances under which a legislative body may remove individuals from meetings.

“Disrupting” Defined

SB 1100 requires a warning before the removal of an individual who is disrupting a public meeting. The presiding member of the legislative body or their designee must warn the individual that their behavior is disrupting the meeting and that continued disruptive behavior may result in their removal. “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.” An individual may then be removed “if they do not promptly cease their disruptive behavior.” However, no warning is required before removing an individual whose behavior includes the use of force or a true threat of force.

Protecting the Public's Right of Access to Public Meetings

The right of access to a public meeting is enshrined in the California Constitution. Importantly, the California Constitution explains that in order to enact any statute limiting this right of access, the Legislature must include findings demonstrating the interest to be protected and the need for protecting that interest. SB 1100 addresses these limitations and the constitutional provisions that guarantee the public's right of access to public meetings. In making the requisite findings, the Legislature declared that SB 1100 is necessary to "give legislative bodies clear authorization to restore order to meetings in the event of actual disruptions" in order to "preserve the rights of other members of the public at the meeting and allow the legislative body to continue its work on behalf of the public." Accordingly, SB 1100 helps to facilitate orderly public meetings, free of disruptions, for the common good.

Takeaways

By authorizing local agencies to remove disruptive individuals, SB 1100 provides local agencies additional support to ensure orderly public meetings. The new provisions confirming a legislative body's ability to remove individuals who are disruptive at a public meeting include a required warning that an individual's behavior is disruptive and clarify what constitutes "disruptive" behavior. While SB 1100 defines what behavior is "disruptive," it is silent on the practical challenge of *how* to remove the disruptive individual. Governing boards may wish to consider adopting procedures and guidelines for determining whether an individual's behavior is disruptive and warrants removal of that individual, and addressing strategies to remove the individual.

If you have any questions about SB 1100 or the Brown Act in general, please contact the author of this Client News Brief or an attorney at one of our [eight offices](#) located statewide. You can also subscribe to our [podcast](#), follow us on [Facebook](#), [Twitter](#) and [LinkedIn](#) or download our [mobile app](#).

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