

# New Law Clarifies Process for Removing Disruptive Individuals from Public Meetings Under the Brown Act

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ATTORNEYS

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The Legislature has amended the Brown Act to clarify the process by which local legislative bodies may remove individuals from public meetings when their conduct disrupts the meeting. **SB 1100**, effective January 1, 2023, does not modify the First Amendment standard for removing individuals from public meetings or limit a legislative body's existing authority to do so under the First Amendment. Instead, SB 1100 will provide a uniform procedure for removing willfully disruptive individuals from public meeting.

Under SB 1100, the presiding officer must first warn an individual that their behavior is disruptive and that failure to cease their disruptive behavior could result in removal from the meeting. The individual may then be removed if they do not promptly cease their disruptive behavior. A prior warning is unnecessary if the disruptive individual is using force or makes a true threat of force.

"Disruptive behavior" means behavior that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting. It can include noncompliance with established rules of decorum, such as exceeding speaker time limits or speaking out of turn, provided the behavior actually disrupts the meeting. The Brown Act currently allows local governments to establish rules of decorum to manage public comment, but courts have held that, under the First Amendment, individuals may only be ejected from public meetings if their conduct is actually disruptive to a meeting. Willfully disturbing or disrupting a public meeting also may be punished as a misdemeanor under Penal Code Section 403 in applicable cases.

For further information regarding this new law, please contact **Marian Slocum**, or any other attorney in our **Public Law Department**.