

# HOUSE BILL No. 1338

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 5-14-1.7; IC 35-43-2-2.

**Synopsis:** Security of public property and meeting decorum. Establishes criteria for meeting decorum of certain local units of government. Requires the specified units of government to adopt reasonable rules or policies governing conduct within a meeting. Provides that a person who knowingly or intentionally enters or refuses to leave certain restricted areas of a government building commits the offense of criminal trespass.

**Effective:** July 1, 2024.

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## Prescott

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January 10, 2024, read first time and referred to Committee on Government and Regulatory Reform.

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Second Regular Session of the 123rd General Assembly (2024)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2023 Regular Session of the General Assembly.

# HOUSE BILL No. 1338

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 5-14-1.7 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2024]:

4 **Chapter 1.7. Meeting Decorum**

5 **Sec. 1. This chapter applies only to a meeting (as defined in**  
6 **IC 5-14-1.5-2(c)) of the governing body of an entity described in**  
7 **IC 5-14-1.5-2(a)(2) or IC 5-14-1.5-2(a)(3).**

8 **Sec. 2. This chapter does not apply to the following:**

9 (1) **A quasi-judicial proceeding or a meeting held in executive**  
10 **session.**

11 (2) **An official act that must be taken in response to an**  
12 **emergency situation affecting the public health, welfare, or**  
13 **safety, if compliance with this chapter would cause an**  
14 **unreasonable delay in the ability of the governing body to act.**

15 (3) **Official acts that are ministerial, including approval of**  
16 **minutes and ceremonial proclamations.**

17 (4) **Any other meeting that is not subject to IC 5-14-1.5 (open**



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door law).  
**Sec. 3. As used in this chapter, "attendee" means a member of the public who is physically present at a meeting of a governing body.**

**Sec. 4. A governing body to which this chapter applies shall prepare and post a meeting agenda in accordance with IC 5-14-1.5-4 at least forty-eight (48) hours (excluding Saturdays, Sundays, and legal holidays) before the meeting. The agenda must include a description of each item to be considered by the governing body at the meeting.**

**Sec. 5. The governing body:**  
**(1) may provide all attendees with an opportunity to speak to the governing body regarding an agenda item before or during the governing body's discussion or consideration of the agenda item; and**  
**(2) shall determine how much time each attendee will have to speak on each agenda item at a meeting.**

**Sec. 6. (a) The governing body shall adopt rules or policies, consistent with section 5 of this chapter, governing the following:**

- (1) Reasonable restrictions on the length of time that an attendee may speak on an agenda item.**
- (2) Reasonable steps to maintain order during a meeting with respect to attendees and the elected officials of the governing body.**
- (3) A procedure for the governing body to issue a warning to an attendee if the attendee has disrupted a meeting.**
- (4) A requirement that law enforcement shall remove an attendee from the meeting if the attendee receives three (3) warnings under subdivision (3).**

**(b) The rules or policies adopted under this section must be posted in a visible area at the entrance to each meeting.**

**Sec. 7. (a) Nothing in this chapter may be construed to prohibit a law enforcement officer from immediately removing an attendee from a meeting if:**

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

**(b) A law enforcement officer is entitled to immunity under IC 34-13-3-3 for an action taken under this section.**

SECTION 2. IC 35-43-2-2, AS AMENDED BY P.L.79-2023, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2024]; Sec. 2. (a) As used in this section, "authorized person"  
2 means a person authorized by an agricultural operation or a scientific  
3 research facility to act on behalf of the agricultural operation or the  
4 scientific research facility.

5 (b) A person who:

6 (1) not having a contractual interest in the property, knowingly or  
7 intentionally enters the real property of another person after  
8 having been denied entry by the other person or that person's  
9 agent;

10 (2) not having a contractual interest in the property, knowingly or  
11 intentionally refuses to leave the real property of another person  
12 after having been asked to leave by the other person or that  
13 person's agent;

14 (3) accompanies another person in a vehicle, with knowledge that  
15 the other person knowingly or intentionally is exerting  
16 unauthorized control over the vehicle;

17 (4) knowingly or intentionally interferes with the possession or  
18 use of the property of another person without the person's consent;

19 (5) not having a contractual interest in the property, knowingly or  
20 intentionally enters the:

21 (A) property of an agricultural operation that is used for the  
22 production, processing, propagation, packaging, cultivation,  
23 harvesting, care, management, or storage of an animal, plant,  
24 or other agricultural product, including any pasturage or land  
25 used for timber management, without the consent of the owner  
26 of the agricultural operation or an authorized person; or

27 (B) dwelling of another person without the person's consent;

28 (6) knowingly or intentionally:

29 (A) travels by train without lawful authority or the railroad  
30 carrier's consent; and

31 (B) rides on the outside of a train or inside a passenger car,  
32 locomotive, or freight car, including a boxcar, flatbed, or  
33 container without lawful authority or the railroad carrier's  
34 consent;

35 (7) not having a contractual interest in the property, knowingly or  
36 intentionally enters or refuses to leave the property of another  
37 person after having been prohibited from entering or asked to  
38 leave the property by a law enforcement officer when the property  
39 is:

40 (A) vacant real property (as defined in IC 36-7-36-5) or a  
41 vacant structure (as defined in IC 36-7-36-6); or

42 (B) designated by a municipality or county enforcement



- 1 authority to be:
- 2 (i) abandoned property or an abandoned structure (as
- 3 defined in IC 36-7-36-1); or
- 4 (ii) an unsafe building or an unsafe premises (as described
- 5 in IC 36-7-9);
- 6 (8) not having a contractual interest in the property, knowingly or
- 7 intentionally enters the real property of an agricultural operation
- 8 (as defined in IC 32-30-6-1) without the permission of the owner
- 9 of the agricultural operation or an authorized person, and
- 10 knowingly or intentionally engages in conduct that causes
- 11 property damage to:
- 12 (A) the owner of or a person having a contractual interest in
- 13 the agricultural operation;
- 14 (B) the operator of the agricultural operation; or
- 15 (C) a person having personal property located on the property
- 16 of the agricultural operation;
- 17 (9) not having a contractual interest in the property, knowingly or
- 18 intentionally enters the real property of a scientific research
- 19 facility (as defined in IC 35-31.5-2-287) without the permission
- 20 of, or with permission which was fraudulently obtained from, the
- 21 owner of the scientific research facility or an authorized person,
- 22 and knowingly or intentionally engages in conduct that causes
- 23 property damage to:
- 24 (A) the owner of or a person having a contractual interest in
- 25 the scientific research facility;
- 26 (B) the operator of the scientific research facility; or
- 27 (C) a person having personal property located on the property
- 28 of the scientific research facility;
- 29 (10) knowingly or intentionally enters the property of another
- 30 person after being denied entry by a court order that has been
- 31 issued to the person or issued to the general public by
- 32 conspicuous posting on or around the premises in areas where a
- 33 person can observe the order when the property has been
- 34 designated by a municipality or county enforcement authority to
- 35 be:
- 36 (A) a vacant property;
- 37 (B) an abandoned property;
- 38 (C) an abandoned structure (as defined in IC 36-7-36-1); or
- 39 (D) an unsafe building or an unsafe premises (as described in
- 40 IC 36-7-9); or
- 41 (11) knowingly or intentionally enters or refuses to leave the polls
- 42 (as defined in IC 3-5-2-39) or chute (as defined in IC 3-5-2-10)



1 after having been prohibited from entering or asked to leave the  
 2 polls or chute by a precinct election officer (as defined in  
 3 IC 3-5-2-40.1) or a law enforcement officer acting on behalf of a  
 4 precinct election officer; **or**

5 **(12) knowingly or intentionally enters or refuses to leave an**  
 6 **area of a government building that is:**

7 **(A) marked as restricted;**

8 **(B) designated as employee or authorized personnel only;**

9 **or**

10 **(C) locked or otherwise not accessible to the public;**

11 **without permission or prior authorization or after being**  
 12 **asked to leave the area of a government building by a law**  
 13 **enforcement officer or an employee or agent of the**  
 14 **government agency;**

15 commits criminal trespass, a Class A misdemeanor. However, the  
 16 offense is a Level 6 felony if it is committed on a scientific research  
 17 facility, on a facility belonging to a public utility (as defined in  
 18 IC 32-24-1-5.9(a)), on school property, or on a school bus or the person  
 19 has a prior unrelated conviction for an offense under this section  
 20 concerning the same property. The offense is a Level 6 felony, for  
 21 purposes of subdivision (8), if the property damage is more than seven  
 22 hundred fifty dollars (\$750) and less than fifty thousand dollars  
 23 (\$50,000). The offense is a Level 5 felony, for purposes of subdivisions  
 24 (8) and (9), if the property damage is at least fifty thousand dollars  
 25 (\$50,000).

26 (c) A person has been denied entry under subsection (b)(1) when the  
 27 person has been denied entry by means of:

28 (1) personal communication, oral or written;

29 (2) posting or exhibiting a notice at the main entrance in a manner  
 30 that is either prescribed by law or likely to come to the attention  
 31 of the public;

32 (3) a hearing authority or court order under IC 32-30-6,  
 33 IC 32-30-7, IC 32-30-8, IC 36-7-9, or IC 36-7-36; or

34 (4) posting the property by placing identifying purple marks on  
 35 trees or posts around the area where entry is denied.

36 (d) For the purposes of subsection (c)(4):

37 (1) each purple mark must be readily visible to any person  
 38 approaching the property and must be placed:

39 (A) on a tree:

40 (i) as a vertical line of at least eight (8) inches in length and  
 41 with the bottom of the mark at least three (3) feet and not  
 42 more than five (5) feet from the ground; and



- 1 (ii) not more than one hundred (100) feet from the nearest  
 2 other marked tree; or  
 3 (B) on a post:  
 4 (i) with the mark covering at least the top two (2) inches of  
 5 the post, and with the bottom of the mark at least three (3)  
 6 feet and not more than five (5) feet six (6) inches from the  
 7 ground; and  
 8 (ii) not more than thirty-six (36) feet from the nearest other  
 9 marked post; and  
 10 (2) before a purple mark that would be visible from both sides of  
 11 a fence shared by different property owners or lessees may be  
 12 applied, all of the owners or lessees of the properties must agree  
 13 to post the properties with purple marks under subsection (c)(4).  
 14 (e) A law enforcement officer may not deny entry to property or ask  
 15 a person to leave a property under subsection (b)(7) unless there is  
 16 reasonable suspicion that criminal activity has occurred or is occurring.  
 17 (f) A person described in subsection (b)(7) or (b)(10) violates  
 18 subsection (b)(7) or (b)(10), as applicable, unless the person has the  
 19 written permission of the owner, the owner's agent, an enforcement  
 20 authority, or a court to come onto the property for purposes of  
 21 performing maintenance, repair, or demolition.  
 22 (g) A person described in subsection (b)(10) violates subsection  
 23 (b)(10) unless the court that issued the order denying the person entry  
 24 grants permission for the person to come onto the property.  
 25 (h) Subsections (b), (c), and (g) do not apply to the following:  
 26 (1) A passenger on a train.  
 27 (2) An employee of a railroad carrier while engaged in the  
 28 performance of official duties.  
 29 (3) A law enforcement officer, firefighter, or emergency response  
 30 personnel while engaged in the performance of official duties.  
 31 (4) A person going on railroad property in an emergency to rescue  
 32 a person or animal from harm's way or to remove an object that  
 33 the person reasonably believes poses an imminent threat to life or  
 34 limb.  
 35 (5) A person on the station grounds or in the depot of a railroad  
 36 carrier:  
 37 (A) as a passenger; or  
 38 (B) for the purpose of transacting lawful business.  
 39 (6) A:  
 40 (A) person; or  
 41 (B) person's:  
 42 (i) family member;



- 1 (ii) invitee;  
2 (iii) employee;  
3 (iv) agent; or  
4 (v) independent contractor;  
5 going on a railroad's right-of-way for the purpose of crossing at a  
6 private crossing site approved by the railroad carrier to obtain  
7 access to land that the person owns, leases, or operates.  
8 (7) A person having written permission from the railroad carrier  
9 to go on specified railroad property.  
10 (8) A representative of the Indiana department of transportation  
11 while engaged in the performance of official duties.  
12 (9) A representative of the federal Railroad Administration while  
13 engaged in the performance of official duties.  
14 (10) A representative of the National Transportation Safety Board  
15 while engaged in the performance of official duties.

