



Reprinted
February 28, 2017

SENATE BILL No. 285

DIGEST OF SB 285 (Updated February 27, 2017 3:45 pm - DI 87)

Citations Affected: Noncode.

Synopsis: Study committee. Urges the legislative council to assign to the appropriate interim study committee the topic of a unit's use of law enforcement to respond to a mass traffic obstruction.

Effective: July 1, 2017.

Tomes

January 9, 2017, read first time and referred to Committee on Local Government.
February 23, 2017, amended, reported favorably — Do Pass.
February 27, 2017, read second time, amended, ordered engrossed.

SB 285—LS 6662/DI 106



Reprinted
February 28, 2017

First Regular Session 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

SENATE BILL No. 285

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

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

1 SECTION 1. [EFFECTIVE JULY 1, 2017] (a) As used in this
2 SECTION, "legislative council" refers to the legislative council
3 created by IC 2-5-1.1-1.

4 (b) As used in this SECTION, "mass traffic obstruction" means
5 an incident in which, as part of (or as the result of) a protest, riot,
6 or other assembly, at least ten (10) persons unlawfully obstruct
7 vehicular traffic in violation of IC 35-44.1-2-13 (obstruction of
8 traffic).

9 (c) As used in this SECTION, "study committee" means an
10 interim study committee established under IC 2-5-1.3-14.

11 (d) As used in this SECTION, "unit" means a county, city, or
12 town.

13 (e) The legislative council is urged to assign to a study
14 committee, during the 2017 legislative interim, the topic of a unit's
15 use of law enforcement to respond to a mass traffic obstruction.
16 The committee shall examine the parameters of reasonable
17 response to a mass traffic obstruction that:

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1 (1) provides protection to the public, including lawful
2 protesters, and ensures the unobstructed use of public streets
3 by all motorists including emergency vehicles and personnel
4 responding to an emergency; and

5 (2) does not unreasonably interfere with the public's right of
6 lawful assembly.

7 (f) If the topic described in subsection (e) is assigned to a study
8 committee, the study committee shall, not later than November 1,
9 2017, issue a final report to the legislative council containing the
10 study committee's findings and recommendations, including any
11 recommended legislation concerning the topic, in an electronic
12 format under IC 5-14-6.

13 (g) This SECTION expires December 31, 2017.



COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill No. 285, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 5, delete "The following definitions apply throughout" and insert "**As used in**".

Page 1, line 5, delete ":" and insert ", **mass**".

Page 1, line 6, delete "(1) **Mass**".

Page 1, run in lines 5 through 6.

Page 1, delete lines 10 through 17, begin a new paragraph and insert:

"Sec. 2. Every law enforcement agency has the duty to protect the public, including persons engaged in lawful protest, by ensuring that public streets remain open, unobstructed, and clear for use by emergency vehicles and personnel responding to an emergency.

Sec. 3. In order to ensure that public streets remain open for use by emergency personnel, the state police department may exercise its jurisdiction under IC 10-11-2-21 to assist the local law enforcement agency.

Sec. 4. A person who, being a member of an unlawful assembly involving mass traffic obstruction:

(1) engages in tumultuous conduct;

(2) obstructs traffic; or

(3) fails to obey a lawful order to clear a public street;

commits mass traffic obstruction, a Class C infraction."

Delete page 2.

and when so amended that said bill do pass.

(Reference is to SB 285 as introduced.)

BUCK, Chairperson

Committee Vote: Yeas 5, Nays 1.



SENATE MOTION

Madam President: I move that Senate Bill 285 be amended to read as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

(Reference is to SB 285 as printed February 24, 2017.)

TOMES

