

PROPOSED AMENDMENT

HB 1161 # 7

DIGEST

COMMITTEE AMENDMENT HB 1161. Provides that, in the case of a reorganized political subdivision, the oath of office of the town board of police commissioners is administered by any of the individuals granted notary powers.

- 1 Page 16, between lines 20 and 21, begin a new paragraph and insert:
2 "SECTION 18. IC 36-8-9-3.1 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3.1. (a) An ordinance
4 adopted under section 2 of this chapter must provide as follows:
5 (1) The board must consist of either of the following number of
6 members:
7 (A) Three (3) members. If the ordinance provides for a three
8 (3) member board, not more than two (2) board members may
9 be members of the same political party, if individuals who
10 satisfy this requirement can be found to serve on the board.
11 (B) Five (5) members. If the ordinance provides for a five (5)
12 member board, not more than three (3) board members may be
13 members of the same political party, if individuals who satisfy
14 this requirement can be found to serve on the board.
15 (2) Each board member must be a resident of the town.
16 (3) The town legislative body shall appoint each board member.
17 (4) Except as provided in subdivision (5), the term of each board
18 member expires January 1 of the third year after the member's
19 appointment.
20 (5) The ordinance must provide for staggered terms of the board
21 members and the method for staggering the terms. If the board has
22 three (3) members, the term of one (1) board member must expire
23 each year. If the board has five (5) members, the terms of not
24 more than two (2) board members may expire each year.
25 (6) The town legislative body may remove a board member for
26 any cause that the legislative body considers sufficient.

(7) The town legislative body may not appoint a police officer employed by the town to serve on the board.

(b) The ordinance may provide that a member of the town legislative body may serve as an ex officio member of the board. If the ordinance permits members of the town legislative body to serve as members of the board, the following apply:

(1) The ordinance must state the maximum number of board members that may also be members of the town legislative body.

(2) The ordinance must provide either of the following:

(A) That a board member vacates the member's position on the board when the member is no longer a member of the town legislative body.

(B) That a board member may continue to serve until the end of the board member's term even if the board member vacates the member's position on the town legislative body.

(3) A board member who is also a member of the town legislative body may not receive compensation as a board member provided under subsection (g).

(4) A board member who is also a member of the town legislative body is not required to post the bond required by subsection (f).

(c) This subsection does not apply to a board member who is a member of the town legislative body. Before performing any function of a board member, an individual shall take and subscribe an oath or affirmation of office before the circuit court clerk of the county in which the town is located.

(d) This subsection applies to all board members. Before performing any function of a board member, an individual shall take and subscribe an oath or affirmation:

(1) before the circuit court clerk of the county in which the town is located; **or**

(2) administered by any of the individuals granted notary powers under IC 33-42-9-7, in the case of a reorganized political subdivision (as defined in IC 36-1.5-2-7);

that, in each appointment or removal made by the board to or from the town police department under this chapter, the board member will not appoint or remove a member of the town police department because of the political affiliation of the person or for another cause or reason other than that of the fitness of the person.

(e) The circuit court clerk shall file oaths and affirmations required by this section among the circuit court clerk's records.

1 (f) This subsection does not apply to a board member who is a
2 member of the town legislative body. A board member shall give bond
3 in the penal sum of five thousand dollars (\$5,000), payable to the state
4 and conditioned upon the faithful and honest discharge of the member's
5 duties. The bond must be approved by the town legislative body.

6 (g) The town legislative body shall fix the salary of board members
7 who are not members of the town legislative body. A board member's
8 salary is payable monthly out of the town treasury.

9 (h) If the board has three (3) members, the town legislative body
10 may amend the ordinance at any time to increase the number of board
11 members to five (5). The amended ordinance and the appointment of
12 board members must satisfy all the requirements of subsection (a).

13 (i) A board established in compliance with section 3 of this chapter
14 (before its repeal) is considered a board established under this section.
15 A town legislative body may amend an ordinance adopted in
16 compliance with section 3 of this chapter (before its repeal) as provided
17 in this section."

18 Renumber all SECTIONS consecutively.

(Reference is to HB 1161 as printed January 13, 2026.)