

# 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.

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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.

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

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

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

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

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

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

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

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

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

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

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.

18 Renumber all **SECTIONS** consecutively.

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