

# PROPOSED AMENDMENT

## SB 160 # 5

### DIGEST

Masks and law enforcement. Requires a law enforcement agency to adopt a policy prohibiting the wearing of masks while carrying out law enforcement duties, unless certain exceptions apply. Makes it a Class A misdemeanor for a law enforcement officer to wear a mask with the intent to commit or conceal the commission of a criminal act.

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- 1           Page 1, between the enacting clause and line 1, begin a new  
2 paragraph and insert:  
3           "SECTION 1. IC 5-2-27 IS ADDED TO THE INDIANA CODE AS  
4 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
5 1, 2026]:  
6           **Chapter 27. Masking by Law Enforcement**  
7           **Sec. 1. As used in this chapter, "law enforcement agency" means**  
8 **a state agency, a federal agency, a political subdivision, a hospital**  
9 **police department (as described in IC 16-18-4), a tribal law**  
10 **enforcement agency (as described in IC 5-2-24), or a public or**  
11 **private postsecondary educational institution that employs and has**  
12 **on its payroll a law enforcement officer.**  
13           **Sec. 2. As used in this chapter, "law enforcement officer" means**  
14 **a person:**  
15           **(1) employed or appointed by a law enforcement agency and**  
16 **who is granted lawful authority to enforce all or some:**  
17           **(A) of the laws of the state of Indiana; or**  
18           **(B) federal laws in Indiana; and**  
19           **(2) who possesses, with respect to those laws, the power to**  
20 **effect arrests and conduct searches and seizures.**  
21           **Sec. 3. As used in this section, "mask" has the meaning set forth**  
22 **in IC 35-31.5-2-195.5.**  
23           **Sec. 4. (a) Before January 1, 2027, every law enforcement**  
24 **agency shall adopt a policy prohibiting a law enforcement officer**  
25 **from wearing a mask while carrying out the officer's official duties.**  
26           **(b) The policy of a law enforcement agency may contain a list of**

- 1       **narrowly tailored exemptions for the following:**  
 2           **(A) Active undercover operations or assignments authorized**  
 3           **by supervising personnel or court order.**  
 4           **(B) Tactical operations where protective gear is required for**  
 5           **physical safety.**  
 6           **(C) Compliance with a law governing occupational health and**  
 7           **safety.**  
 8           **(D) Protection of identity during a prosecution.**  
 9           **(E) Compliance with a law governing reasonable**  
 10          **accommodations.**  
 11          **(F) Assignment to a SWAT or similar team, while engaged in**  
 12          **the official duties of this assignment."**

13       Page 4, between lines 29 and 30, begin a new paragraph and insert:  
 14       "SECTION 4. IC 35-44.1-2-2.5, AS ADDED BY P.L.12-2021,  
 15       SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16       JANUARY 1, 2027]: Sec. 2.5. A law enforcement officer **(as defined**  
 17       **in IC 5-2-27-2)** who, with the intent to commit or conceal the  
 18       commission of a criminal act:

- 19           **(1) turns off or disables a law enforcement recording device; or**  
 20           **(2) wears a mask (as defined in IC 35-31.5-2-195.5);**  
 21       in violation of regulations or a policy adopted by the law enforcement  
 22       agency that employs the officer commits disabling a law enforcement  
 23       recording device, a Class A misdemeanor."

24       Renumber all SECTIONS consecutively.

(Reference is to SB 160 as reprinted January 21, 2026.)