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SENATE BILL No. 160

Proposed Changes to January 21, 2026 printing by AM016005

DIGEST OF PROPOSED AMENDMENT

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.

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

- 1 [SECTION 1. IC 5-2-27 IS ADDED TO THE INDIANA CODE AS
- 2 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2026]:
- 4 Chapter 27. Masking by Law Enforcement
- 5 Sec. 1. As used in this chapter, "law enforcement agency"
- 6 means a state agency, a federal agency, a political subdivision, a
- 7 hospital police department (as described in IC 16-18-4), a tribal
- 8 law enforcement agency (as described in IC 5-2-24), or a public or
- 9 private postsecondary educational institution that employs and has
- 10 on its payroll a law enforcement officer.
- 11 Sec. 2. As used in this chapter, "law enforcement officer"
- 12 means a person:
- 13 (1) employed or appointed by a law enforcement agency and
- 14 who is granted lawful authority to enforce all or some:
- 15 (A) of the laws of the state of Indiana; or
- 16 (B) federal laws in Indiana; and
- 17 (2) who possesses, with respect to those laws, the power to
- 18 effect arrests and conduct searches and seizures.

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1 Sec. 3. As used in this section, "mask" has the meaning set
 2 forth in IC 35-31.5-2-195.5.

3 Sec. 4. (a) Before January 1, 2027, every law enforcement
 4 agency shall adopt a policy prohibiting a law enforcement officer
 5 from wearing a mask while carrying out the officer's official duties.

6 (b) The policy of a law enforcement agency may contain a list
 7 of narrowly tailored exemptions for the following:

8 (A) Active undercover operations or assignments authorized
 9 by supervising personnel or court order.

10 (B) Tactical operations where protective gear is required for
 11 physical safety.

12 (C) Compliance with a law governing occupational health
 13 and safety.

14 (D) Protection of identity during a prosecution.

15 (E) Compliance with a law governing reasonable
 16 accommodations.

17 (F) Assignment to a SWAT or similar team, while engaged in
 18 the official duties of this assignment.

19] SECTION ~~↔~~[2]. IC 35-31.5-2-195.5 IS ADDED TO THE
 20 INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2026]: **Sec. 195.5. "Mask", for purposes of**
 22 **IC 35-38-1-7.1, means a covering or device worn over the face for**
 23 **the purpose of concealing or disguising the wearer's identity.**

24 SECTION ~~↔~~[3]. IC 35-38-1-7.1, AS AMENDED BY
 25 P.L.218-2025, SECTION 16, IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7.1. (a) In determining
 27 what sentence to impose for a crime, the court may consider the
 28 following aggravating circumstances:

29 (1) The harm, injury, loss, or damage suffered by the victim of
 30 an offense was:

31 (A) significant; and

32 (B) greater than the elements necessary to prove the
 33 commission of the offense.

34 (2) The person has a history of criminal or delinquent behavior.

35 (3) The victim of the offense was less than twelve (12) years of
 36 age or at least sixty-five (65) years of age at the time the person
 37 committed the offense.

38 (4) The person:

39 (A) committed a crime of violence (IC 35-50-1-2); and

40 (B) knowingly committed the offense in the presence or
 41 within hearing of an individual who:

42 (i) was less than eighteen (18) years of age at the time

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- 1 the person committed the offense; and
- 2 (ii) is not the victim of the offense.
- 3 (5) The person violated a protective order issued against the
- 4 person under IC 34-26-5 (or IC 31-1-11.5, IC 34-26-2, or
- 5 IC 34-4-5.1 before their repeal), a workplace violence restraining
- 6 order issued against the person under IC 34-26-6, or a no contact
- 7 order issued against the person.
- 8 (6) The person has recently violated the conditions of any
- 9 probation, parole, pardon, community corrections placement, or
- 10 pretrial release granted to the person.
- 11 (7) The victim of the offense was:
- 12 (A) a person with a disability (as defined in IC 27-7-6-12),
- 13 and the defendant knew or should have known that the
- 14 victim was a person with a disability; or
- 15 (B) mentally or physically infirm.
- 16 (8) The person was in a position having care, custody, or control
- 17 of the victim of the offense.
- 18 (9) The injury to or death of the victim of the offense was the
- 19 result of shaken baby syndrome (as defined in IC 16-41-40-2) or
- 20 abusive head trauma.
- 21 (10) The person threatened to harm the victim of the offense or
- 22 a witness if the victim or witness told anyone about the offense.
- 23 (11) The person:
- 24 (A) committed trafficking with an inmate under
- 25 IC 35-44.1-3-5; and
- 26 (B) is an employee of the penal facility.
- 27 (12) The person committed the offense with bias due to the
- 28 victim's or the group's real or perceived characteristic, trait,
- 29 belief, practice, association, or other attribute the court chooses
- 30 to consider, including but not limited to an attribute described in
- 31 IC 10-13-3-1.
- 32 (13) The person is or has been an alien (as defined by 8 U.S.C.
- 33 1101(a)) unlawfully present in the United States. A
- 34 determination by the United States Department of Homeland
- 35 Security that an alien has come to, entered, or remained in the
- 36 United States in violation of law is evidence that the alien is or
- 37 has been unlawfully present in the United States.
- 38 (14) The offense involved dealing in a controlled substance
- 39 under IC 35-48-4 and the person distributed the controlled
- 40 substance to at least three (3) different individuals in a one
- 41 hundred eighty (180) day period.
- 42 (15) **The person committed the offense while wearing a mask.**

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1 (b) The court may consider the following factors as mitigating
 2 circumstances or as favoring suspending the sentence and imposing
 3 probation:

4 (1) The crime neither caused nor threatened serious harm to
 5 persons or property, or the person did not contemplate that it
 6 would do so.

7 (2) The crime was the result of circumstances unlikely to recur.

8 (3) The victim of the crime induced or facilitated the offense.

9 (4) There are substantial grounds tending to excuse or justify the
 10 crime, though failing to establish a defense.

11 (5) The person acted under strong provocation.

12 (6) The person has no history of delinquency or criminal activity,
 13 or the person has led a law-abiding life for a substantial period
 14 before commission of the crime.

15 (7) The person is likely to respond affirmatively to probation or
 16 short term imprisonment.

17 (8) The character and attitudes of the person indicate that the
 18 person is unlikely to commit another crime.

19 (9) The person has made or will make restitution to the victim of
 20 the crime for the injury, damage, or loss sustained.

21 (10) Imprisonment of the person will result in undue hardship to
 22 the person or the dependents of the person.

23 (11) The person was convicted of a crime involving the use of
 24 force against a person who had repeatedly inflicted physical or
 25 sexual abuse upon the convicted person and evidence shows that
 26 the convicted person suffered from the effects of battery as a
 27 result of the past course of conduct of the individual who is the
 28 victim of the crime for which the person was convicted.

29 (12) The person was convicted of a crime relating to a controlled
 30 substance and the person's arrest or prosecution was facilitated
 31 in part because the person:

32 (A) requested emergency medical assistance; or

33 (B) acted in concert with another person who requested
 34 emergency medical assistance;

35 for an individual who reasonably appeared to be in need of
 36 medical assistance due to the use of alcohol or a controlled
 37 substance.

38 (13) The person has posttraumatic stress disorder, traumatic
 39 brain injury, or a postconcussive brain injury.

40 (14) The person is a person described in IC 31-30-1-4(d) who
 41 committed the offense while the person was a child but is now
 42 at least twenty-one (21) years of age.

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1 (15) The offense involved a controlled substance under
2 IC 35-48-4 and the person:

3 (A) sought treatment:

4 (i) in the three hundred sixty-five (365) day period
5 preceding the date of the commission of the offense; or

6 (ii) on or after the date on which the person committed
7 the offense, but before sentencing; and

8 (B) successfully completed treatment:

9 (i) in the three hundred sixty-five (365) day period
10 preceding the date of the commission of the offense; or

11 (ii) on or after the date on which the person committed
12 the offense, but before sentencing.

13 (c) The criteria listed in subsections (a) and (b) do not limit the
14 matters that the court may consider in determining the sentence.

15 (d) A court may impose any sentence that is:

16 (1) authorized by statute; and

17 (2) permissible under the Constitution of the State of Indiana;
18 regardless of the presence or absence of aggravating circumstances or
19 mitigating circumstances.

20 (e) If a court suspends a sentence and orders probation for a person
21 described in subsection (b)(13), the court may require the person to
22 receive treatment for the person's injuries.

23 [SECTION 4. IC 35-44.1-2-2.5, AS ADDED BY P.L.12-2021,
24 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JANUARY 1, 2027]: Sec. 2.5. A law enforcement officer (**as defined**
26 **in IC 5-2-27-2**) who, with the intent to commit or conceal the
27 commission of a criminal act:

28 (1) turns off or disables a law enforcement recording device; or

29 (2) wears a mask (as defined in IC 35-31.5-2-195.5);

30 in violation of regulations or a policy adopted by the law enforcement
31 agency that employs the officer commits disabling a law enforcement
32 recording device, a Class A misdemeanor.

33] SECTION ~~5~~ [5]. IC 35-45-3-4 IS ADDED TO THE INDIANA
34 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
35 [EFFECTIVE JULY 1, 2026]: **Sec. 4. A person who places or leaves**
36 **refuse on the property of another person, with the intent to cause:**

37 **(1) the owner or occupant of the property;**

38 **(2) an invitee of the owner or occupant of the property; or**

39 **(3) a family member or person closely associated with a**
40 **person described in subdivision (1) or (2);**

41 **to reasonably fear for their physical safety, commits malicious**
42 **littering, a Class A misdemeanor.**

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