
SENATE COMMITTEE ON APPROPRIATIONS

Senator Sabrina Cervantes, Chair
2025 - 2026 Regular Session

SB 1004 (Wiener) - Law enforcement: masks

Version: April 16, 2026

Urgency: Yes

Hearing Date: April 27, 2026

Policy Vote: PUB. S. 5 - 1

Mandate: Yes

Consultant: Bob Franzoia

Bill Summary: SB 1004 would add peace officers employed by a state agency to the definition of law enforcement officers prohibited from wearing a facial covering in the performance of their duties, except as specified. Adding peace officers employed by the state to the definition of law enforcement officers would make those officers subject to specified penalties. By expanding the scope of a crime, this bill would impose a state mandated local program.

Fiscal Impact: One time costs to state law enforcement entities to adopt the required policy regarding facial coverings. These costs, including IT costs across all entities to post the written policy, are likely to be minor for each state entity but in the aggregate may be in the high tens of thousands of dollars one time (General Fund, special funds).

To the extent there are prosecutions for misdemeanor violations of the prohibition on facial coverings by law enforcement officers, there will be related cost pressures to the courts to adjudicate the criminal charges and costs to the counties to incarcerate people who are convicted. These actual cost pressures and costs will depend on the number of prosecutions and convictions. Since a state law enforcement agency may avoid criminal liability for its officers by adopting a policy regarding use of facial coverings, there may be limited, if any, criminal charges filed (Trial Court Trust Fund, local funds).

Cost pressures to the courts to adjudicate civil actions for which defendants may not assert privileges or immunities as a result of this bill. Costs will depend on the number of actions and the amount of court time required by each action (Trial Court Trust Fund, General Fund).

Background: Current law makes it a crime for a law enforcement officer to wear a facial covering in the performance of their duties, except as specified. Current law defines law enforcement officer for these purposes as anyone designated by California law as a peace officer who is employed by a city, county, or other local agency, and any officer or agent of a federal law enforcement agency, agency or law enforcement agency of another state, or any person acting on behalf of a federal law enforcement agency. This bill would add peace officers employed by a state agency to the definition of law enforcement officers.

Proposed Law: The use of facial coverings is set forth in Section 1 of the bill.

Section 7289 of the Government Code is amended to read:

7289. (a) By January 1, 2027, a law enforcement agency operating in California shall maintain and publicly post a written policy regarding the use of facial coverings.

(b) The policy shall include, but not be limited to, each of the following:

(1) A purpose statement affirming the agency's commitment to all of the following:

- (A) Transparency, accountability, and public trust.
- (B) Restricting the use of facial coverings to specific, clearly defined, and limited circumstances.
- (C) The principle that generalized and undifferentiated fear and apprehension about officer safety shall not be sufficient to justify the use of facial coverings.

(2) A requirement that all sworn personnel not use a facial covering when performing their duties.

(3) A list of narrowly tailored exemptions for the following:

- (A) Active undercover operations or assignments authorized by supervising personnel or court order.
- (B) Tactical operations where protective gear is required for physical safety.
- (C) Applicable law governing occupational health and safety.
- (D) Protection of identity during prosecution.
- (E) Applicable law governing reasonable accommodations.
- (F) Surveillance operations related to enforcement of the Fish and Game Code or regulations adopted pursuant to the Fish and Game Code.

This bill defines law enforcement agency to include:

A state entity that employs a peace officer described in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code (Government Code 7289 (d) (2) (B)).

There are approximately 10 state entities with peace officer whose authority extends to any place in the state, for example, California Highway Patrol or Department of Fish and Game (Penal Code 830.2). There are approximately 22 other state agencies with peace officers whose authority extends to any place in the state for the purpose of performing their primary duty, for example, California Horse Racing Board or Division of Labor Standards Enforcement and may carry firearms only if authorized and under those terms and conditions as specified by their employing agencies (Penal Code 830.3)

Related Legislation: SB 627 (Wiener) Chapter 125/2025 makes it a crime for a law enforcement officer, as defined, to wear a facial covering in the performance of the duties, except as specified, and requires any law enforcement agency operating in California to maintain and publicly post a written policy limiting the use of facial coverings, as specified.

The day after that bill was signed the United States Attorney for the Central District of California issued a memorandum ordering federal officers to ignore SB 627 and reiterated that any officials or individuals who attempt to impede or interfere with federal operations would be prosecuted.

In November 2025, the Trump Administration filed a lawsuit in federal court seeking to enjoin the State of California from enforcing SB 627 alleging the provisions of the bill that apply to federal law enforcement agencies violate the Supremacy Clause of the United State Constitution, in particular the intergovernmental immunity doctrine, by impermissibly regulating the federal government.

On February 9, 2026, the United States District Court for the Central District of California handed down a ruling in the case of *United States v. California*, granting the Trump Administration's motion for a preliminary injunction as to the enforcement of SB 627's facial covering prohibition against federal law enforcement officers. However, the court reasoned that while the requirements of SB 627 did not threaten to interfere with or control federal law enforcement operations and thus did not "directly regulate" the federal government, the measure discriminates against the federal government in that it treats federal law enforcement officers different than similarly situated state law enforcement officers, who are not included in SB 627's definition of "law enforcement officers." Accordingly, the court concluded that such discrimination violates the Supremacy Clause, and necessitates enjoining the enforcement of the facial covering prohibition.

This bill seeks to respond to the court's ruling in *United States v. California* by expanding the definition of law enforcement agency with regard to SB 627's facial covering policy requirement and the definition of "law enforcement officer" with regard to the prohibition against the use of facial coverings to include state entities that employ peace officers and peace officers employed by state agencies, respectively.

Staff Comments: If all state law enforcement entities, as defined in the above Penal Code sections, shall be prohibited from wearing a facial covering in the performance of their duties, in order to speed consistent implementation and reduce the workload of every state entity adopting its own policy (purpose statement and exemptions), **Staff Recommends** the Department of Justice issue a policy for use by the state entities to adopt mask guidelines.