
THIRD READING

Bill No: SB 1004
Author: Wiener (D), Arreguín (D), Pérez (D) and Wahab (D), et al.
Amended: 5/14/26
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 5-1, 4/14/26
AYES: Arreguín, Caballero, Cortese, Pérez, Wiener
NOES: Seyarto

SUBJECT: Law enforcement: masks

SOURCE: Prosecutors Alliance Action; Mexican American Legal Defense and Education Fund; Inland Coalition for Immigrant Justice; SEIU California

DIGEST: This bill extends existing law enforcement agency requirements regarding facial coverings to statewide law enforcement agencies and peace officers employed by those agencies and expands exemptions to those requirements.

ANALYSIS:

Existing federal law:

- 1) Provides that the U.S. Constitution (Const.), and the laws of the United States, are the supreme law of the land. (U.S. Const., art. VI, cl. 2.)
- 2) Provides that the federal government has the exclusive authority to regulate immigration and naturalization. (U.S. Const., art. 1, § 8.)
- 3) Provides that the powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people, and prohibits the federal government from “conscripting” the states to enforce federal regulatory programs. (U.S. Const., 10th Amend.)

- 4) Requires designated immigration officers, at the time of arrest, and as soon as it is practical and safe to do so, to identify themselves as an immigration officer who is authorized to execute an arrest and state that the person is under arrest and the reason for the arrest. (8 Code of Federal Regulations (C.F.R.) § 287.8 (c)(2)(iii).)

Existing state law:

- 1) Establishes the California Values Act, which prohibits specified state and local LEAs from using agency or department money or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, subject to specified exemptions. (Government Code (Gov.) Code, §§ 7282.5, 7284.6.)
- 2) Defines “immigration enforcement” for purposes of the California Values Act, to mean any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, and also includes any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person’s presence in, entry, or reentry to, or employment in, the U.S. (Gov. Code, § 7284.4, subd. (f).)
- 3) Makes willfully wearing, exhibiting, or using the authorized uniform, insignia, emblem, device, label, certificate card, or writing, of a law enforcement officer (including a federal officer), a member of the fire department, deputy fire marshal or search and rescue personnel, with the intent of fraudulently impersonating them or of fraudulently inducing the belief that the defendant is one of them, or who willfully and credibly impersonates that person on an internet website or by other electronic means for the purpose of defrauding another, a misdemeanor punishable by imprisonment in county jail for up to six months, by a fine of \$1,000, or both. (Penal (Pen.) Code, §§ 538d, subd. (a); 538e, subd. (a); 538h, subd. (a); Pen. Code, § 19.)
- 4) Requires uniformed police officers to wear a badge, nameplate, or other device which bears clearly on its face the identification number or name of the officer. (Pen. Code, § 830.10.)
- 5) Provides that, except as specified, a law enforcement officer, including a federal officer, operating in California that is not uniformed, and therefore not required to clearly display identification pursuant to Section 830.10, shall visibly display identification that includes their agency and either a name or badge number or

both name and badge number when performing their enforcement duties, a violation of which is punishable as a misdemeanor. (Pen. Code, § 13654.)

- 6) Requires a law enforcement agency operating in California to maintain and publicly post a written policy on the visible identification of sworn personnel, which must include, among other elements, a requirement that all sworn personnel visibly display identification that includes their agency and either a name or badge number, or both name and badge number, when performing enforcement duties. (Gov. Code, § 7288, subd. (a).)
- 7) Provides that a law enforcement agency operating in California must maintain and public post a written policy regarding the use of facial coverings, and that the policy must include, but not be limited to, the following elements:
 - a) A purpose statement affirming the agency's commitment to transparency, accountability, public trust; restricting the use of facial coverings to specific and limited circumstances; the principle that generalized and undifferentiated fear and apprehension about officer safety is not sufficient to justify the use of facial coverings.
 - b) A requirement that all sworn personnel not use a facial covering when performing their duties.
 - c) A list of narrowly tailored exemptions for the following:
 - i. Active undercover operations or assignments authorized by supervising personnel or court order.
 - ii. Tactical operations where protective gear is required for physical safety.
 - iii. Applicable law governing occupational health and safety.
 - iv. Protection of identity during prosecution.
 - d) A provision stating that opaque facial coverings shall only be used when no other reasonable alternative exists and the necessity is documented.
 - e) A provision stating that a supervisor shall not knowingly allow a peace officer under their supervision to violate state law or agency policy limiting the use of a facial covering. (Gov. Code, § 7289, subds. (a), (b).)
- 8) Provides that a facial covering policy adopted pursuant to the above shall be deemed consistent with existing requirements regarding criminal penalties for improper use of facial coverings by law enforcement unless a verified written

challenge to its legality is submitted to the head of the agency by a member of the public, an oversight body, or a local governing authority, at which time the agency shall be afforded 90 days to correct any deficiencies in the policy. (Gov. Code, § 7289, subd. (c).)

- 9) Provides that if, after 90 days, the agency has failed to adequately address the complaint, the complaining party may proceed to a court of competent jurisdiction for a judicial determination of the agency's exemption to the criminal prohibition against the improper use of facial coverings, and that the agency's policy and its employees' exemptions shall remain in effect unless a court rules the agency's policy is not in compliance with that prohibition and all potential appeals to higher courts have been exhausted by the agency. (Ibid.)
- 10) Defines "law enforcement agency," for the purposes of the above requirement regarding law enforcement facial covering policies, as any entity of a city, county, or other local agency that employs a peace officer, a law enforcement agency of another state, and any federal law enforcement agency. (Gov. Code, § 7289, subd. (d).)
- 11) Prohibits a law enforcement officers from wearing a facial covering that conceals or obscures their facial identity in the performance of their duties. (Pen. Code, § 185.5.)
- 12) Specifies that a "facial covering," for the purposes of the prohibition in number (11) does not include any of the following:
 - a) A translucent face shield or clear mask that does not conceal the wearer's facial identity and is used in compliance with the employing agency's policy and procedures regarding facial coverings.
 - b) An N95 medical mask or surgical mask to protect against transmission of disease or infection or any other mask, helmet, or device, including, but not limited to, air-purifying respirators, full or half masks, or self-contained breathing apparatus necessary to protect against exposure to any toxin, gas, smoke, inclement weather, or any other hazardous or harmful environmental condition.
 - c) A mask, helmet, or device, including, but not limited to, a self-contained breathing apparatus, necessary for underwater use.
 - d) A motorcycle helmet when worn by an officer utilizing a motorcycle or other vehicle that requires a helmet for safe operations while in the performance of their duties.

- e) Eyewear necessary to protect from the use of retinal weapons, including, but not limited to, lasers.
- 13) Provides that the prohibition against facial coverings does not apply to an officer subject to an exception specified in the law enforcement facial covering policy or to an officer assigned to Special Weapons and Tactics (SWAT) team units while actively performing their SWAT responsibilities. (Pen. Code, § 185.5, subd. (c).)
- 14) Provides that a willful and knowing violation of this prohibition is punishable as an infraction or misdemeanor, but that this criminal penalty shall not apply to any law enforcement officer if they were acting in their capacity as an employee of the agency and the agency maintains and publicly posts, no later than January 1, 2026, a written facial covering policy. (Pen. Code, § 185.5, subds. (d), (f).)
- 15) Provides that notwithstanding any other law, any person who is found to have committed an assault, battery, false imprisonment, false arrest, abuse of process, or malicious prosecution, while wearing a facial covering in a knowing and willful violation of this prohibition shall not be entitled to assert any privilege or immunity for their tortious conduct against a claim of civil liability, and shall be liable to that individual for the greater of actual damages or statutory damages of not less than \$10,000, whichever is greater. (Pen. Code, § 185.5, subd. (g).)
- 16) Defines “facial covering,” for the purposes of this prohibition as well as the provisions requiring law enforcement facial covering policies, as any opaque mask, garment, helmet, headgear, or other item that conceals or obscures the facial identity of an individual, including, but not limited to, a balaclava, tactical mask, gator, ski mask, and any similar type of facial covering or face-shielding item. (Pen. Code, § 185.5, subd. (b)(1); Gov. Code, § 7289, subd. (d)(1).)
- 17) Defines “law enforcement officer” for the purposes of this prohibition as a peace officer employed by a city, county, or other local agency as well as any officer or agent of a federal law enforcement agency or any law enforcement agency of another state or any person acting on behalf of a federal law enforcement agency or law enforcement agency of another state. (Pen. Code, § 185.5, subd. (e).)

This bill:

- 1) Expands the definition of law enforcement agency, for the purposes of the facial covering policy requirement, to include a state entity that employs a peace officer.
- 2) Delays the operative date of the provision requiring law enforcement agencies in California to maintain and publicly post a facial covering policy to January 1, 2027.
- 3) Exempts from the facial covering policy requirement surveillance operations related to enforcement of the Fish and Game Code or regulations adopted pursuant to the Fish and Game Code, or a federal agency or officer conducting surveillance operations pursuant to similar federal law.
- 4) Adds the following to the list of facial coverings exempted from the prohibition against facial coverings:
 - a) A helmet with a clear face shield or visor that does not conceal the officer's face, if the equipment is worn solely for safety purposes and not for the purpose of concealing an officer's identity.
 - b) Sunglasses
 - c) A helmet, protective mask, or other head or face protection required during academy or in-service training activities, only for the duration of the training activity, and provided the equipment is worn solely for safety purposes and not for the purpose of concealing identity.
- 5) Expands the exemption for motorcycle helmets to include use of such a helmet after the officer has dismounted the motorcycle or other vehicle if they reasonably intend to utilize the motorcycle or other vehicle again imminently.
- 6) Specifies that the exemptions to the facial covering prohibition do not apply if they are combined in a manner that results in, or is intended to result in, concealing or obscuring an officer's identity.
- 7) Specifies that for the purposes of the facial covering prohibition, "opaque" includes but is not limited to dark-tinted, mirrored, smoked, or reflective materials that substantially obscure or distort facial visibility.
- 8) Expands the definition of "law enforcement officer" for the purposes of the facial covering prohibition to include a peace officer employed by a state agency.

- 9) Delays the date by which law enforcement agencies must maintain and post facial covering policies in order to be exempt from the criminal prohibition above to January 1, 2027.

Comments

In an effort to restrict the use of identity-obscuring face masks by immigration authorities, the author of this bill introduced the No Secret Police Act (Senate Bill 626 (Wiener, Chapter 125, Statutes of 2025) last year, which required federal and local law enforcement agencies to establish formal policies regarding facial coverings and prohibited federal and local law enforcement officers from wearing facial coverings that conceal or obscure their identities.

Specifically, SB 627 required any local, out-of-state, or federal law enforcement agency operating in California to maintain and publicly post a written policy on the use of facial coverings, which must include a “purpose statement,” as specified, a requirement that all sworn personnel not use a facial covering when performing their duties, and a list of narrowly tailored exemptions. The facial covering policy must also state that facial coverings can only be used when no other reasonable alternative exists, and that a supervisor must not knowingly allow a peace officer to violate the policy or other state law regarding facial coverings. SB 627 also included a complaint process whereby any party can challenge a law enforcement agency facial covering policy as non-compliant with the requirements of state law. Any policy deemed non-compliant at the end of this process nullifies the agency’s exemption to the criminal prohibition against the use of facial coverings, described below.

A second major component of SB 627 was a provision prohibiting law enforcement officers from wearing facial coverings that conceal or obscure their facial identity in the performance of their duties, where facial covering is defined as “any opaque mask, garment, helmet, headgear, or other item that conceals or obscures the facial identity of an individual, including, but not limited to, a balaclava, tactical mask, gator, ski mask, and any similar type of facial covering or face-shielding item.” The bill specified that certain types of medical/hazard masks, headwear, eyewear do not constitute “facial coverings.” Critically, SB 627 created both a criminal and civil penalty for a violation of this facial covering prohibition, providing that a willful and knowing violation is punishable as an infraction or a misdemeanor. This criminal penalty does not apply to a law enforcement officer acting in their capacity as an employee of an agency that is in compliance with the bill’s facial covering policy requirement. However, SB 627 also imposed civil

liability on any person found to have engaged in specified conduct while wearing a facial covering in violation of this provision.

When the Governor signed SB 627 on September 20, 2025, he issued a signing statement affirming the importance of preventing law enforcement agents from donning identity-obscuring masks, and providing, in relevant part, that:

This bill establishes important transparency and public accountability measures to protect public safety, but it requires follow-up legislation when the Legislature returns in January. Given the importance of this issue, the Legislature must craft a bill that prevents unnecessary masking without compromising law enforcement operations. That means providing additional exemptions for legitimate law enforcement activities and removing unnecessary liability for officers who carry out their duties in good faith. In its current form, I read this bill as permitting the use of motorcycle or other safety helmets, sunglasses, or other standard law enforcement gear not designed or used for the purpose of hiding anyone's identity, but the follow-up legislation must also remove any uncertainty or ambiguities around its scope.

On February 9, 2026, Judge Christina Snyder of 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, in reaching its decision, the court analyzed both arguments proffered by the federal government as to why SB 627 violated the intergovernmental immunity doctrine - that SB 627 both "directly regulated" and "discriminated against" the federal government. 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. The bill also seeks to respond to the Governor's signing statement, at least in part, by expanding exemptions to the facial covering prohibition and policy requirement.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Senate Appropriations Committee:

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).

SUPPORT: (Verified 5/14/26)

Inland Coalition for Immigrant Justice (co-source)

Mexican American Legal Defense and Education Fund (co-source)

Prosecutors Alliance California (co-source)

SEIU California (co-source)

ACLU California Action

Alameda County Office of Education

Alliance for Boys and Men of Color

American Federation of State, County and Municipal Employees, AFL-CIO

Asian Americans Advancing Justice Southern California

Bend the Arc: Jewish Action California

California Community Foundation

California Faculty Association

California Public Defenders Association

California Rural Legal Assistance Foundation, INC.

California School Employees Association

California Teachers Association
Californians for Safety and Justice
Central American Resource Center of California
CFT–AFT, AFL-CIO
City of Alameda
City of Pasadena
City of West Hollywood
Council on American-Islamic Relations, California
Courage California
Drug Policy Alliance
Electronic Frontier Foundation
Ella Baker Center for Human Rights
Equality California
Felony Murder Elimination Project
Friends Committee on Legislation of California
Gente Organizada
IKAR
Indivisible Westside Los Angeles
Inland Empire Immigrant Youth Collective
Inland Empire Labor Council, AFL-CIO
Inland Empire United
Justice2Jobs Coalition
La Defensa
Latino Community Foundation
Los Angeles County
Los Angeles County Democratic Party
Peace and Freedom Party of California
Pomona Economic Opportunity Center
Public Counsel
Rubicon Programs
San Bernardino Community Service Center
San Francisco Public Defender
Santa Monica Democratic Club
Smart Justice California
UnidosUS
United Domestic Workers/AFSCME Local 3930
Vision Y Compromiso
Western Center on Law & Poverty

OPPOSITION: (Verified 5/14/26)

Association for Los Angeles Deputy Sheriffs
Association of Orange County Deputy Sheriffs
California Association of Highway Patrolmen
California Fraternal Order of Police
California Narcotic Officers' Association
California Police Chiefs Association
California Statewide Law Enforcement Association
Fraternal Order of Police
Long Beach Police Officers Association
Peace Officers Research Association of California
Sacramento County Deputy Sheriffs Association
San Bernardino County Sheriff's Employees' Benefit Association
Santa Ana Police Officers Association

Prepared by: Alex Barnett / PUB. S. /
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