

Date of Hearing: June 9, 2026

Counsel: Ilan Zur

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Nick Schultz, Chair

SB 1004 (Wiener) – As Amended May 14, 2026

**SUMMARY:** Expands the list of law enforcement agencies that are required to maintain a written policy regarding the use of facial coverings to include a state entity that employs peace officers, and expands the list of law enforcement officers that are prohibited from wearing certain facial coverings to include a peace officer employed by a state agency, among other changes. Specifically, **this bill:**

- 1) Modifies the requirement that a law enforcement agency operating in California maintain and publicly post a written policy regarding the use of facial coverings, as follows:
  - a) Extends the deadline for a law enforcement agency to maintain and post this policy from July 1, 2026, to January 1, 2027;
  - b) Expands the list of narrowly tailored exemptions that the policy must contain to include 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; and,
  - c) Expands the definition of a “law enforcement agency,” for purposes of which agencies must maintain and post this policy, to include a state entity that employs a peace officer, as defined.
- 2) Modifies the prohibition against a law enforcement officer wearing a facial covering that conceals or obscures their facial identity in the performance of their duties, as follows:
  - a) Specifies that certain items that are exempt from the definition of a “facial covering” can constitute a facial covering if they are combined in a manner that results in, or is intended to result in, concealing or obscuring an officer’s identity;
  - b) Adds the following items to the list of equipment that is exempt from the definition of a “facial covering”:
    - i) 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;
    - ii) Sunglasses; and,
    - iii) 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.

- c) Specifies that the exemption from the definition of a “facial covering” for a helmet worn by an officer utilizing a motorcycle includes the wearing 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;
- d) Defines “opaque,” for purposes of what constitutes an opaque mask to include, but not be limited to, dark-tinted, mirrored, smoked, or reflective materials that substantially obscure or distort facial visibility; and,
- e) Expands the definition of “law enforcement officer,” for purposes of which officers are subject to this facial covering prohibition, to include a peace officer, as defined, that is employed by a state agency.

3) Makes technical and conforming changes.

#### **EXISTING LAW:**

- 1) Requires, by July 1, 2026, a law enforcement agency operating in California to maintain and publicly post a written policy regarding the use of facial coverings, as follows:
  - a) Requires the policy to include, but not be limited to, each of the following:
    - i) A purpose statement affirming the agency’s commitment to all of the following:
      - (1) Transparency, accountability, and public trust.
      - (2) Restricting facial coverings to specific, defined, and limited circumstances.
      - (3) The principle that generalized and undifferentiated fear and apprehension about officer safety shall not be sufficient to justify the use of facial coverings. (Gov. Code, § 7289, subds. (a)-(b).)
    - ii) A requirement that all sworn personnel not use a facial covering when performing their duties. (Gov. Code, § 7289, subd. (b)(2).)
    - iii) A list of narrowly tailored exemptions for the following:
      - (1) Active undercover operations or assignments authorized by supervising personnel or court order.
      - (2) Tactical operations where protective gear is required for physical safety.
      - (3) Applicable law governing occupational health and safety.
      - (4) Protection of identity during prosecution.

- (5) Applicable law governing reasonable accommodations. (Gov. Code, § 7289, subd. (b)(3).)
- iv) Opaque facial coverings shall only be used when no other reasonable alternative exists, and the necessity is documented. (Gov. Code, § 7289, subd. (b)(4).)
- v) Pursuant to the policy, 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, subd. (b)(5).)
- b) Specifies that the policy shall be deemed consistent with the prohibition against a law enforcement officer wearing facial coverings that conceal or obscure their facial identity, as specified, 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).)
- c) Specifies 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, pursuant to the provision of law exempting officers from the criminal penalties associated with wearing a prohibited facial covering if the officer was acting in their official capacity and their employing agency maintained the above written policy. (Gov. Code, § 7289, subd. (c).)
- d) Requires the agency's policy and its employees' exemptions to remain in effect unless a court rules the agency's policy is not in compliance with the provision of law exempting officers from the criminal penalties associated with wearing a prohibited facial covering if the officer was acting in their official capacity and their employing agency maintained the above written policy, and all potential appeals to higher courts have been exhausted by the agency. (Gov. Code, § 7289, subd. (c).)
- e) Defines the following terms, for purposes of the above:
- i) "Facial covering" has the same meaning as described in the below prohibition against law enforcement officers wearing facial coverings. (Gov. Code, § 7289, subd. (d)(1); Pen. Code, § 185.5, subd. (b)(1).)
- ii) "Law enforcement agency" means any of the following:
- (1) Any entity of a city, county, or other local agency that employs a peace officer.
- (2) Any law enforcement agency of another state.
- (3) Any federal law enforcement agency. (Gov. Code, § 7289, subd. (d)(2).)
- 2) Prohibits a law enforcement officer from wearing a facial covering that conceals or obscures their facial identity in the performance of their duties, except as authorized, as follows:

- a) Specifies that a “facial covering” means 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).) This does not include any of the following:
- i) A translucent face shield or clear mask that does not conceal the wearer’s facial identity and is used in compliance with the agency’s policy and procedures.
  - ii) A 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.
  - iii) A mask, helmet, or device, including, but not limited to, a self-contained breathing apparatus, necessary for underwater use.
  - iv) 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.
  - v) Eyewear necessary to protect from the use of retinal weapons, including, but not limited to, lasers. (Pen. Code, § 185.5, subd. (b)(2).)
- b) Provides that this prohibition does not apply to 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.
  - v) Applicable law governing reasonable accommodations. (Pen. Code, § 185.5, subd. (c)(1); Gov. Code, § 7289, subd. (b)(3).)
  - vi) An officer assigned to Special Weapons and Tactics (SWAT) team units while actively performing their SWAT responsibilities. (Pen. Code, § 185.5, subd. (c)(2).)
- c) Makes a willful and knowing violation of this prohibition punishable as an infraction or a misdemeanor; however, this penalty shall not apply to a law enforcement officer acting in their capacity as an employee of the agency and the agency maintains and publicly posts, no later than July 1, 2026, a written policy regarding the use of facial coverings. (Pen. Code, § 185.5, subs. (d) & (f).)
- d) Defines a “law enforcement officer” to mean a peace officer, as defined, 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).)

- e) 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. (e).)
- 3) Requires, by January 1, 2026, a law enforcement agency operating in California to maintain and publicly post a written policy on the identification of sworn personnel, and applicable to any law enforcement agency, department, or other entity of the state or any political subdivision thereof that employs any peace officer, any law enforcement agency of another state, and any federal law enforcement agency. (Gov. Code, § 7288, subds. (a) & (c).)
- 4) Requires a law enforcement officer operating in California that is not uniformed, as specified, to visibly display identification when performing their enforcement duties, unless expressly exempt, applicable to a peace officer, as defined, and any federal law enforcement officer. (Pen. Code, § 13654, subds. (a) & (d)(2).)

**FISCAL EFFECT:** Unknown.

**COMMENTS:**

- 1) **Sponsors:** Prosecutors Alliance Action, Mexican American Legal Defense and Education Fund, Inland Coalition for Immigrant Justice, and SEIU California.
- 2) **Author's Statement:** According to the author, “SB 1004 simply applies existing law – our “No Secret Police Act” (SB 627, 2025) – to state law enforcement. Under SB 627, existing law prohibits local and federal law enforcement officers from covering their faces while performing their duties, with limited exceptions.

“On February 9<sup>th</sup>, 2026, the United States District Court for the Central District Court of California ruled that California has the power to ban federal agents from covering their faces. The Court’s ruling is a huge win – stating that California has the power to protect our community by banning officers, including federal agents, from wearing masks and thus inflicting terror and shielding themselves from accountability.

“The Court also ruled that the facial covering ban **must** include state officers to be enforceable. As a result, the Court put a hold on the enforcement of the mask prohibition in SB 627. I introduced SB 1004 to fill in this gap and ensure the prohibition on face masks is enforced on law enforcement at all levels – local, state, and federal – in California.”

- 3) **Masked Federal Immigration Officers:** The increasing immigration raids under the Trump Administration have been associated with incidents of non-citizens being arrested by masked, non-uniformed plain-clothed immigration officers.<sup>1</sup> Proponents of these tactics claim that shielding the identity of such agents is necessary to protect their safety, and to prevent their identities from being documented and shared online.<sup>2</sup> Others contend this is an intimidation tactic contributing to mass fear and panic in immigrant communities.<sup>3</sup> Regardless, this practice creates confusion for persons subjected to masked arrests, who have no way of knowing whether the person seeking to detain them is operating under a legitimate authority or is a person seeking to harm them.<sup>4</sup> A person subject to such an arrest by an unidentified federal agent may reasonably seek to defend themselves, which may increase the likelihood of violent encounters or potential legal consequences for resisting arrest.<sup>5</sup>

This has also led to numerous incidents whereby federal immigration enforcement actions were mistaken for kidnappings.<sup>6</sup> This also creates confusion for local law enforcement who may have difficulty discerning between lawful immigration enforcement actions and criminal conduct by non-law enforcement persons. This is particularly true where local law enforcement is not aware of when immigration enforcement actions are taking place.<sup>7</sup>

Moreover, the prevalence of masked or otherwise unidentified immigration agents enables individuals to impersonate ICE officers for the purposes of harassing, intimidating, or otherwise committing violence against members of the immigrant community.<sup>8</sup> The debate over the use of masks by federal immigration authorities intensified again in January of this year when masked federal agents killed two Minneapolis residents, Renee Good and Alex Pretti, during immigration enforcement operations in that city.<sup>9</sup>

- 4) **SB 627 (Wiener), Chapter 125, Statutes of 2025:** Last year, in response to increased immigration raids in Los Angeles and the rising prevalence of unidentified and masked federal immigration officers, the Legislature gut and amended two bills in June 2025: SB 627 (Wiener) and SB 805 (Pérez). Each of these bills were signed into law on September 20, 2025.

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<sup>1</sup> Jarvie, *ICE agents wearing masks add new levels of intimidation, confusion during L.A. raids* (July 7, 2025), <<https://www.latimes.com/california/story/2025-07-07/masking-of-federal-agents-very-dangerous-and-perfectly-legal>> [as of June 2, 2026].

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.*

<sup>5</sup> See FOX 11 Digital Team, *Narciso Barranco: DHS Says OC Gardener Detained by Ice Swung Weed Whacker at Agent*, FOX 11 Los Angeles (June 23, 2025) <[www.foxla.com/news/narciso-barranco-oc-gardener-arrested-ice](http://www.foxla.com/news/narciso-barranco-oc-gardener-arrested-ice)> [as of June 2, 2026].

<sup>6</sup> Jany, *Kidnappers or ICE agents? LAPD grapples with surge in calls from concerned citizens*, L.A. Times (July 3, 2025)

<<https://www.latimes.com/california/story/2025-07-03/los-angeles-police-immigration-kidnappings>> [as of June 2, 2026].

<sup>7</sup> Solis et al., *'Who are these people?' Masked immigration agents challenge local police, sow fear in L.A.*, L.A. Times (June 24, 2025) <<https://www.latimes.com/california/story/2025-06-24/masked-immigration-agents-local-law-enforcement-tension>> [as of June 2, 2026].

<sup>8</sup> Medina et al., *Ice Impersonators Target Lausd Community, Sparking Fear and Protests*, NBC Los Angeles (Feb. 7, 2025) <[www.nbclosangeles.com/news/local/ice-impersonators-target-lausd-community/3626973/](http://www.nbclosangeles.com/news/local/ice-impersonators-target-lausd-community/3626973/)> [as of June 2, 2026]. See also, Jarvie, *supra*; Olivares, *US sees spate of arrests of civilians impersonating ICE officers*, The Guardian (June 28, 2025) <<https://www.theguardian.com/us-news/2025/jun/28/civilians-impersonating-ice-officers>> [as of June 2, 2026]; Moshtaghian, et. al., *Multiple ICE impersonation arrests made during nationwide immigration crackdown*, CNN (Feb. 5, 2025), <<https://www.cnn.com/2025/02/04/us/ice-impersonators-on-the-rise-arrests-made-as-authorities-issue-national-warning>> [as of June 2, 2026].

<sup>9</sup> Talabi, *In ICE masking debate, these former officers say take them off*, The Hill (Mar. 11, 2026)

<<https://thehill.com/homenews/state-watch/5774858-ice-masking-law-enforcement-identity-debate/>> [as of June 2, 2026].

SB 805 (Pérez), Chapter 126, Statutes of 2025, sought to regulate when law enforcement must display identification. Among other changes, it required local, state, out-of-state, and federal law enforcement agencies operating in California to adopt policies on the visible identification of sworn personnel, and required officers from such agencies to visibly display identification when performing their enforcement duties. (Gov. Code, § 7288, subs. (a) & (c)(2); Pen. Code, § 13654, subs. (a) & (d)(2).)

Most relevant here, SB 627 (Wiener), Chapter 125, Statutes of 2025, sought to regulate the use of masks by law enforcement officers. 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 by July 1, 2026. (Gov. Code, § 7289, subs. (a).) This policy must include a specified purpose statement, a prohibition against personnel using a facial covering when performing their duties, and a list of narrowly tailored exemptions. (Gov. Code, § 7289, subs. (b)(1)-(3).) The policy must also state that opaque facial coverings can only be used when no other reasonable alternative exists, and that a supervisor must not knowingly allow an officer to violate the policy or other state law regarding facial coverings. (Gov. Code, § 7289, subd. (b)(4)-(5).) SB 627 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. (Gov. Code, § 7289, subd. (c).) 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. (*Ibid.*)

Additionally, SB 627 prohibited local, federal, and out-of-state law enforcement officers from wearing facial coverings that conceal their facial identity in the performance of their duties, except as authorized. It defined “facial covering” to mean an 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).) The bill specified that certain types of translucent shields, medical masks, helmets, and eyewear do not constitute facial coverings. (Pen. Code, § 185.5, subd. (b)(2).) SB 627 made a willful and knowing violation of this prohibition punishable as an infraction or a misdemeanor, although this does not apply to an officer acting in accordance with their agency's facial coverings policy. It also imposed civil liability on any person found to have engaged in specified conduct while wearing a facial covering in violation of this provision. Notably, unlike SB 805 (Pérez), SB 627 exempted state agencies and state law enforcement officers from its requirements.

The Governor's signing statement on SB 627 affirmed the importance of addressing the issue of masked law enforcement officers while also emphasizing the need for follow-up legislation to address certain gaps in the bill. As stated by the Governor:

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.<sup>10</sup>

Shortly after the bill was signed, the U.S. Attorney for the Central District of California issued a memorandum ordering federal officials to disregard SB 627 and stating that any officials or individuals who attempt to impede or interfere with federal operations will be subject to prosecution.<sup>11</sup>

- 5) **United States v. California (C.D.Cal. 2026) 819 F. Supp. 3d 1109**: The Supremacy Clause of the U.S. Constitution provides that federal law “shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.” (U.S. Const., art. VI, cl. 2.)

The doctrine of intergovernmental immunity is derived from the Supremacy Clause of the Constitution. Intergovernmental immunity demands that “the activities of the Federal Government are free from regulation by any state.” (*United States v. California* (9th Cir. 2019) 921 F.3d 865, 878 (citations omitted).) This makes a state regulation invalid if it “regulates the United States directly or discriminates against the Federal Government or those with whom it deals.” (*N.D. v. United States* (1990) 495 U.S. 423, 435); *Boeing Co. v. Movassaghi* (9th Cir. 2014) 768 F.3d 832, 839.) This prohibition against directly regulating the federal government prohibits states from “interfering with or controlling the operations of the Federal Government.” (*United States v. Washington* (2022) 596 U.S. 832, 838.) In contrast, “A state or local law discriminates against the federal government if it treats someone else better than it treats the government.” (*Boeing Co. v. Movassaghi, supra*, 768 F.3d at p. 842, quoting *United States v. City of Arcata* (9th Cir. 2010) 629 F.3d 986, 991.) Notably, “any discriminatory burden on the federal government” is prohibited. (*United States v. California, supra*, 921 F.3d at p. 880) (emphasis in original).) However, generally applicable state laws can apply to federal entities. (See *Johnson v. Maryland*, 254 U.S. 51, 56 (1920); *N.D., supra*, 495 U.S. at pp. 435-438; *United States v. Washington, supra*, 596 U.S. at p. 839.)

On November 17, 2025, in the case of *United States v. California* (C.D.Cal. 2026) 819 F.Supp. 3d 1109, the Trump Administration filed a lawsuit in federal court seeking to enjoin the State of California from enforcing SB 627 (Wiener), Chapter 125, Statutes of 2025 and SB 805 (Pérez), Chapter 126, Statutes of 2025. The complaint alleged that provisions of these bills that apply to federal law enforcement agencies violate the Supremacy Clause of the United States Constitution – and in particular, the intergovernmental immunity doctrine – by impermissibly regulating the federal government. (*United States v. California, supra*, 819 F.Supp.3d at p. 7). Alternatively, the complaint alleged that SB 627 (Wiener), Chapter 125, Statutes of 2025 violated the Supremacy Clause by discriminating against the federal government. (*Ibid.*) The Trump Administration did not challenge SB 805 (Perez) as

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<sup>10</sup> Governor’s signing message on Sen. Bill No. 627 (Sept. 20, 2025) <<https://www.gov.ca.gov/wp-content/uploads/2025/09/SB-627-Signing-Message.pdf>> [as of June 2, 2026].

<sup>11</sup> Ayoubgoulan, *Trump Administration tells federal officers to ignore California’s mask ban SB 627* (Sept. 2025) <<https://www.msn.com/en-us/politics/government/trump-administration-tells-federal-officers-to-ignore-california-s-mask-ban-sb-627/ar-AA1NtGyi>> [as of June 2, 2026].

discriminating against the federal government, since the provisions of that bill apply equally to local, state, and federal law enforcement officers. (*Id.* at p. 35, fn. 9).

Regarding the discrimination-based intergovernmental immunity claim against SB 627, the United States District Court granted 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. The court cited that the federal government was likely to succeed on its claim that this provision unlawfully discriminates against the federal government in violation of the intergovernmental immunity doctrine. (*Id.* at p. 41). The court reasoned that because SB 627’s facial covering prohibition applied to local, out-of-state, and federal law enforcement officers, but not to state law enforcement officers, it therefore “treats federal law enforcement officers differently than similarly situated state law enforcement officers.” (*Ibid.*) The court stated that while the challenged provisions of SB 627 did not interfere with federal functions, there is no de minimis exception to a discriminatory burden, and the intergovernmental immunity doctrine prohibits *any* discriminatory burden. (*Id.* at p. 38.) Notably, the decision includes a footnote noting that “counsel for the United States acknowledged that the No Secret Police Act would not be unlawfully discriminatory if it was amended to apply to all law enforcement officers.” (*Id.* at p. 54, fn. 15.) This bill seeks to do just that.

Regarding the direct regulation-based intergovernmental immunity claim against both SB 627 (Wiener) and SB 805 (Pérez), the court found that the United States was not likely to succeed on its claim that both bills directly regulated the federal government in violation of the intergovernmental immunity doctrine. (*Id.* at p. 35). The court held that determining if a state law directly regulates the federal government “demands a functional inquiry into whether the regulations at issue ‘interfer[e] with or control[] the operation of the federal government.” (*Id.* at p. 26 [quoting *United States v. Washington, supra*, 596 U.S. at p. 838].) As stated by the court, “[t]he critical question is whether the state laws ‘affect incidentally the mode of carrying out [federal] employment,’ or rather seek to ‘control’ federal functions.” (*Id.* at pp. 26-27 [quoting *Johnson v. Maryland, supra*, 254 U.S. at pp. 56-57].) Under this standard, the court found that the Trump Administration failed to show that the challenged provisions of SB 627 (Wiener) and SB 805 (Perez) would interfere with or take control of federal law enforcement operations. Rather, the court found that such provisions “only ‘affect the federal government incidentally as the consequence of a broad, neutrally applicable rule’ for law enforcement officers in California.” (*Id.* at p. 35 [quoting *United States v. City of Arcata, supra*, 629 F.3d at p. 991].)

- 6) **Effect of this Bill:** This bill seeks to remedy the legal defect – the exemption for state law enforcement officers – that resulted in the facial covering provision of SB 627 being enjoined because it discriminated against the federal government. Accordingly, this bill: 1) expands the definition of “law enforcement officer,” for purposes of which officers are subject to SB 627’s facial covering prohibition, to include a peace officer employed by a state agency; and 2) expands the definition of a “law enforcement agency,” for purposes of which agencies must maintain a facial covering policy, to include a state entity that employs a peace officer. Given that the *United States v. California* district court primarily relied on SB 627’s exemption for state officers in its determination that SB 627 discriminated against the federal government, this may remedy the discrimination-based intergovernmental immunity concern at issue in that case. SB 805 (Pérez), which was substantially similar to SB 627 in its application to the federal government but did not contain such an exemption for state law

enforcement officers, was not challenged by the Trump Administration as unlawful discrimination against the federal government. (*United States v. California, supra*, 819 F. Supp. 3d at p. 35, fn. 9).

In addition, this bill seeks to address some of the concerns included in the Governor's signing message, such as the need for additional exemptions. Specifically, the bill expands the list of equipment that is not considered a "facial covering" to include specified helmets with a clear face shield or visor that does not conceal the officer's face, sunglasses, a helmet, protective mask, or other head or face protection required during academy training. Further, it clarifies that the exemption for a helmet worn by an officer on a motorcycle includes the wearing of such a helmet after the officer has dismounted, if the officer reasonably intends to utilize the motorcycle imminently. It also expands the list of narrowly tailored exemptions that must be included within the facial covering policy to include surveillance operations related to enforcement of the Fish and Game Code, similar operations by the federal government. It additionally clarifies the meaning of an "opaque mask," a type of prohibited facial covering, by defining this term to mean dark-tinted, mirrored, smoked, or reflective materials that substantially obscure or distort facial visibility.

- 7) **Remaining Constitutional Concerns:** As previously discussed, on February 9, 2026, the district court in *United States v. California* found that the United States was not likely to succeed on its claim that SB 627 and SB 805 unlawfully directly regulated the federal. (*United States v. California, supra*, 819 F.Supp.3d at p. 35). As a result, the court denied the United States' motion for preliminary injunction based on the federal government's direct regulation claim. (*Id.* at p. 54). As of April 22, 2026, California has not appealed this partial grant of preliminary injunctive relief. (*United States v. California* (9th Cir. 2026) 173 F.4th 1060, 7, fn. 4.) However, following this ruling, the United States moved for an injunction pending appeal to enjoin SB 805's provision requiring non-law enforcement officers, including federal law enforcement officers, to visibly display identification when performing their duties. (*United States v. California, supra*, 173 F.4th at p. 8.) On April 22, 2026, the Ninth Circuit Court of Appeals granted the federal government's injunction, finding that the United States was likely to succeed on its claim that the provision of SB 805 requiring federal officers to visibly display identification when performing their duties was an unlawful direct regulation of the federal government in violation of the intergovernmental immunity doctrine. (*Id.* at pp. 3, 16). While this ruling pertains to a separate law, the Ninth Circuit's discussion of what constitutes a direct regulation under governmental immunity questions the underlying legality of the provisions of law enacted by SB 627 that this bill seeks to amend.

As previously discussed, the *United States v. California* district court rejected the United States' claim that SB 627 and SB 805 directly regulated the federal government, citing that direct regulation of the federal government demands a functional inquiry into whether the regulation interferes with or controls the operation of the federal government. (*United States v. California, supra*, 819 F.Supp.3d at p. 36). The Ninth Circuit largely rejected this line of reasoning. (*United States v. California, supra*, 173 F.4th at pp. 11-12.) The panel stated that the district court asked the wrong question and that this particular standard pertains to the regulation of federal contractors and third-party employers, but is not the standard that governs direct regulation of United States governmental activities. (*Ibid.*) Instead, the Ninth Circuit articulated a far more stringent standard for what constitutes a direct regulation under intergovernmental immunity, stating that intergovernmental immunity "forbids States from regulating the federal government *qua* government and from controlling federal

governmental functions in any manner and to any degree.” (*Id.* at pp. 13-14) As stated by the panel in more detail:

A direct regulation is one that "lays hold of" federal officers "in their specific attempt to obey orders and requires qualifications in addition to those that the [federal] Government has pronounced sufficient." [citation omitted]. It imposes conditions upon "a function of government," and regulates "the right to carry on the business" of the federal government. [citation omitted] In other words, a direct regulation regulates the government *qua* government; it controls how the government conducts specifically governmental functions....

[I]f a state law directly regulates the conduct of the United States, it is void irrespective of whether the regulated activities are essential to federal functions or operations, and irrespective of the degree to which the state law interferes with federal functions or operations. (*Id.* at pp. 10, 12.)

Citing this standard, the panel found that the provision of SB 805 (Perez) requiring federal officers to visibly display identification when performing their duties was likely an unconstitutional direct regulation of the United States. (*Id.* at p. 14.) Specifically, it noted that this provision expressly applies to federal officers, seeks to control their conduct in performing law enforcement functions, and purports to override the federal government’s power to determine whether, how, and when to publicly identify its officers. (*Id.* at p. 11.) The Ninth Circuit emphasized that the identification provision did not merely apply to individuals acting for themselves, but rather specifically laid hold of federal agencies and officers in their attempts to obey orders, and required qualifications in addition to those pronounced sufficient by the federal government. (*Ibid.*)

Given that SB 627’s provision prohibiting federal law enforcement officers from wearing facial coverings had already been enjoined by the U.S. District Court, this Ninth Circuit decision only enjoined the enforcement of SB 805’s identification requirement. However, the substantial similarities between SB 805 and SB 627 suggest that even if this bill remedies the SB 627’s discrimination-based intergovernmental legal defect, SB 627’s underlying application to the federal government may ultimately be struck down under the direct regulation standard articulated by the Ninth Circuit.

- 8) **Arguments in Support:** According to the *Inland Coalition for Immigrant Justice (IC4IJ)*, *Mexican American Legal Defense and Educational Fund (MALDEF)*, *Prosecutors Alliance Action*, and *SEIU California*, the co-sponsors of the bill, “SB 1004 applies existing law (SB 627 (Wiener, 2025) to state law enforcement, and requires them – in addition to local and federal law enforcement – to adopt policies restricting the use of facial coverings by January 1, 2027...

“On February 9, 2026, the United States District Court for the Central District Court of California ruled that California has the power to limit federal agents from wearing masks and that the ban must include state officers, in addition to local and federal officers. As a result, the court put a hold on enforcement of SB 627. Senator Wiener introduced SB 1004 to fill in this gap and allow SB 627’s prohibition on face masks to be enforced on all law enforcement in California, including state and local law enforcement officers, and ICE, CBP, and other federal officers.

“Law enforcement officers masking their faces while conducting routine operations undermines the public’s trust in them, allows them to escape accountability for misconduct, and runs counter to the basic principles of democracy. This practice also creates an environment of fear among the general public, who don’t know if the masked individuals are actual law enforcement or impostors.”

- 9) **Argument in Opposition:** According to the *Peace Officers’ Research Association of California*, “While we understand the intent of promoting transparency, SB 1004 raises significant concerns as it expands facial covering restrictions to California peace officers. This proposal builds on SB 627, which PORAC opposed last year, and continues to present many of the same legal, operational, and policy challenges—now applied more broadly to California law enforcement.

“Peace officers are often required to operate in dynamic and potentially dangerous environments where the use of facial coverings may be necessary to protect officer safety, prevent retaliation, or carry out sensitive assignments. Limiting that discretion through statute, particularly with potential criminal and civil implications, creates unnecessary risk and fails to reflect the realities of law enforcement operations.

“PORAC also remains concerned with the broader legal and policy implications raised in SB 627, including questions related to liability exposure, disciplinary authority, and the appropriate balance between legislative mandates and local agency control. These concerns are not resolved in SB 1004 and are further amplified by its expanded application to California peace officers.

“Given the ongoing legal uncertainty surrounding SB 627 and related litigation, PORAC respectfully requests that SB 1004 be amended to include a severability clause that would exclude California peace officers from the statute should any portion of the law be invalidated by the courts. This amendment would help ensure that California peace officers are not swept into unintended consequences of this policy and would provide important clarity moving forward.”

10) **Prior Legislation:**

- a) SB 627 (Wiener), Chapter 125, Statutes of 2025, made 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 required any law enforcement agency operating in California to maintain and publicly post a written policy limiting the use of facial coverings, as specified.
- b) SB 805 (Pérez), Chapter 126, Statutes of 2025, required law enforcement agencies to adopt policies on visible display of identification, required specified law enforcement officers operating in California who are not uniformed to visibly display identification that includes either a name or badge number to the public when performing their duties; and expanded the crime of false personation of a peace officer.
- c) SB 480 (Archuleta), Chapter 336, Statutes of 2020, prohibited law enforcement agencies from authorizing employees to wear a uniform that is made from camouflage material or

a uniform that is substantially similar to a uniform of the U.S. Armed Forces or state active militia.

- d) SB 54 (De Leon), Chapter 495, Statutes of 2017, limited the involvement of state and local law enforcement agencies in federal immigration enforcement.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

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 Academy of Child and Adolescent Psychiatry  
 California Attorneys for Criminal Justice  
 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 1  
 Electronic Frontier Foundation  
 Ella Baker Center for Human Rights  
 Equality California  
 Felony Murder Elimination Project  
 Friends Committee on Legislation of California  
 Gente Organizada  
 Ikar  
 Inland Coalition for Immigrant Justice  
 Inland Empire Immigrant Youth Collective  
 Inland Empire Labor Council, Afl-cio  
 Inland Empire United  
 Justice2jobs Coalition  
 LA Defensa  
 Latino Community Foundtion  
 Los Angeles County  
 Los Angeles County Democratic Party

Mexican-american Legal Defense and Ed Fund [maldef]  
Peace and Freedom Party of California  
Pomona Economic Opportunity Center  
Prosecutors Alliance Action  
Public Counsel  
Rubicon Programs  
San Bernardino Community Service Center  
San Francisco Public Defender  
Santa Monica Democratic Club  
Seiu California  
Smart Justice California, a Project of Beyond Impact  
Unidosus  
United Domestic Workers/afscme Local 3930  
Vision Y Compromiso  
Western Center on Law & Poverty

**Opposition**

Arcadia Police Officers' Association  
Association for Los Angeles Deputy Sheriffs  
Association of Orange County Deputy Sheriffs  
Brea Police Association  
Burbank Police Officers' Association  
California Association of Highway Patrolmen  
California Association of School Police Chiefs  
California Coalition of School Safety Professionals  
California Fraternal Order of Police  
California Narcotic Officers' Association  
California Police Chiefs Association  
California Reserve Peace Officers Association  
California Statewide Law Enforcement Association  
Claremont Police Officers Association  
Corona Police Officers Association  
Culver City Police Officers' Association  
Fraternal Order of Police  
Fullerton Police Officers' Association  
Long Beach Police Officers Association  
Los Angeles School Police Management Association  
Los Angeles School Police Officers Association  
Murrieta Police Officers' Association  
Newport Beach Police Association  
Palos Verdes Police Officers Association  
Peace Officers Research Association of California (PORAC)  
Placer County Deputy Sheriffs' Association  
Pomona Police Officers' Association  
Riverside Police Officers Association  
Riverside Sheriffs' Association  
Sacramento County Deputy Sheriffs Association  
San Bernardino County Sheriff's Employees' Benefit Association  
Santa Ana Police Officers Association

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