

Date of Hearing: August 5, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

SB 1004 (Wiener) – As Amended June 25, 2026

Policy Committee: Public Safety

Vote: 5 - 3

Urgency: No

State Mandated Local Program: Yes

Reimbursable: No

SUMMARY:

This bill expands the prohibition against a law enforcement officer wearing a facial covering that conceals the officer's identity in the performance of the officer's duties to include peace officers employed by a state agency, and expands the requirement that a law enforcement agency maintain and publicly post a written facial covering policy to include state entities that employ peace officers.

This bill also extends the deadline for agencies to adopt and post the required policy from July 1, 2026, to January 1, 2027, adds exemptions to the definition of "facial covering" (including sunglasses, specified helmets with clear face shields, and training equipment), and defines "opaque."

FISCAL EFFECT:

- 1) One-time costs, minor in the aggregate, to state entities employing peace officers to develop, adopt, and publicly post the written facial covering policy required by this bill by January 1, 2027 (General Fund, various special funds). The California Highway Patrol, the largest affected entity, reports minor costs, and the Department of Justice reports no fiscal impact.
- 2) Potential court cost pressures of an unknown, but potentially significant amount, to adjudicate misdemeanor prosecutions for violations of the facial covering prohibition by state peace officers (Trial Court Trust Fund, General Fund). Because a state entity may shield officers from criminal liability by adopting the required facial covering policy, criminal filings may be limited, if any. Although trial courts are not funded on the basis of workload, increased pressure on the Trial Court Trust Fund may create a need for increased General Fund support. The 2025-26 budget includes \$117.3 million General Fund to backfill the Trial Court Trust Fund.
- 3) Potential court cost pressures of an unknown, but potentially significant amount, to adjudicate civil actions against state peace officers for enumerated torts committed while wearing a facial covering in knowing and willful violation of the prohibition (Trial Court Trust Fund, General Fund). In those actions, this bill's extension of existing law prevents a state officer from asserting any privilege or immunity against civil liability and exposes the officer to the greater of actual damages or statutory damages of not less than \$10,000. To the extent a state officer found liable was acting within the scope of employment, the state may also bear resulting judgment and settlement costs through employee indemnification (General Fund).

COMMENTS:1) **Purpose.** According to the author:

SB 1004 simply applies existing law – our 'No Secret Police Act' (SB 627, 2025) – to state law enforcement... 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.

2) **Background.** SB 627 (Wiener), Chapter 125, Statutes of 2025, prohibited local, out-of-state, and federal law enforcement officers from wearing facial coverings that conceal the officer's identity in the performance of the officer's duties, and required affected agencies to adopt and post a written facial covering policy. SB 627 exempted state law enforcement officers. In *United States v. California* (C.D. Cal. 2026) 819 F.Supp.3d 1109, the federal district court preliminarily enjoined enforcement of SB 627's facial covering prohibition against federal officers, reasoning that the exemption for state officers unlawfully discriminated against the federal government under the intergovernmental immunity doctrine. This bill responds to that ruling by extending the prohibition and the policy requirement to state peace officers and state entities that employ peace officers.

The Ninth Circuit has since enjoined a related identification requirement enacted by SB 805 (Pérez), Chapter 126, Statutes of 2025, as a likely unlawful direct regulation of the federal government (*United States v. California* (9th Cir. 2026) 173 F.4th 1060), and litigation over the application of these provisions to federal officers is ongoing. To the extent this bill is challenged in court, any defense costs would be borne by the Department of Justice.

Analysis Prepared by: Shiran Zohar / APPR. / (916) 319-2081