

SENATE THIRD READING  
SB 1004 (Wiener, et al.)  
As Amended August 13, 2026  
Majority vote

## 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.

### Major Provisions

- 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;
  - c) Clarifies that the existing exemption that the policy must include for protection of identity during prosecution includes protection of identity during prosecution immediately before and after appearances; and
  - d) 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 intended to conceal or obscure 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.
  - 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.
  - f) Removes a provision of law stating that 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 the facial covering 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.
  - g) Provides, instead, that any person who is found liable for false imprisonment or false arrest shall be liable for statutory damages of not less than \$10,000, or actual damages, whichever is greater, if the trier of fact further finds, at the time of the conduct giving rise to liability, that the person knowingly and willfully concealed their identity through the use of a facial covering.
  - h) States that nothing in the facial covering prohibition statute shall be construed to abrogate any privilege, justification, or defense based on lawful authority, as specified, or a defense that an arrest was lawful because it was made in obedience to a warrant that appeared valid on its face, reasonably appeared to authorize that arrest, and reasonably appeared to identify or describe the person arrested.
  - i) States that neither of the two preceding paragraphs preserve or incorporate any immunity from civil liability or no cause of action provisions.
- 3) Includes a severability clause.
- 4) Makes technical and conforming changes.

## COMMENTS

**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 9th, 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."

**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)[Chapter 125, Statutes of] 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."

**Arguments 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."

## **FISCAL COMMENTS**

According to the Assembly Appropriations Committee:

- 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).

## **VOTES**

### **SENATE FLOOR: 28-9-3**

**YES:** Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Cortese, Durazo, Gonzalez, Grayson, Laird, Limón, McGuire, McNerney, Menjivar, Padilla, Pérez, Reyes, Richardson, Rubio, Smallwood-Cuevas, Stern, Umberg, Wahab, Weber Pierson, Wiener

**NO:** Alvarado-Gil, Choi, Dahle, Grove, Jones, Ochoa Bogh, Seyarto, Strickland, Valladares

**ABS, ABST OR NV:** Allen, Hurtado, Niello

### **ASM PUBLIC SAFETY: 5-3-1**

**YES:** Schultz, Mark González, Haney, Harabedian, Sharp-Collins

**NO:** Alanis, Lackey, Ramos

**ABS, ABST OR NV:** Nguyen

**ASM APPROPRIATIONS: 11-4-0**

**YES:** Wicks, Arambula, Calderon, Caloza, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache

**NO:** Hoover, Dixon, Ta, Tangipa

**UPDATED**

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