
UNFINISHED BUSINESS

Bill No: SB 1004
Author: Wiener (D), Arreguín (D), Pérez (D) and Wahab (D), et al.
Amended: 8/13/26
Vote: 21

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

SENATE APPROPRIATIONS COMMITTEE: 5-2, 5/14/26
AYES: Cervantes, Cabaldon, Grayson, Richardson, Wahab
NOES: Seyarto, Dahle

SENATE FLOOR: 28-9, 5/19/26
AYES: 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
NOES: Alvarado-Gil, Choi, Dahle, Grove, Jones, Ochoa Bogh, Seyarto, Strickland, Valladares
NO VOTE RECORDED: Allen, Hurtado, Niello

ASSEMBLY FLOOR: 44-22, 8/26/26 - See last page for vote

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 law enforcement agencies of the state and peace officers employed by those agencies, expands exemptions to those requirements,

and modifies the civil liability provision associated with a violation of those requirements.

Assembly Amendments revise exemption language with regard to what constitutes a facial covering and recast the civil liability provision.

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 (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) 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

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

According to the Assembly Appropriations Committee:

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.

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.

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).

SUPPORT: (Verified 8/26/26)

Prosecutors Alliance Action (co-source)
Inland Coalition for Immigrant Justice (co-source)
Mexican-American Legal Defense and Ed Fund (co-source)
SEIU California (cos-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 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 Oakland
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
Initiate 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
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
Services, Immigrant Rights and Education Network
Smart Justice California
St. Josephs Justice Center
UnidosUS
United Domestic Workers/afscme Local 3930
Vision Y Compromiso
Western Center on Law & Poverty

OPPOSITION: (Verified 8/26/26)

Arcadia Police Officers' Association
Association for Los Angeles Deputy Sheriffs
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 Peace 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
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

ASSEMBLY FLOOR: 44-22, 8/26/26

AYES: Addis, Aguiar-Curry, Ahrens, Alvarez, Arambula, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Caloza, Carrillo, Connolly, Elhawary, Fong, Gabriel, Garcia, Gipson, Mark González, Haney, Harabedian, Hart, Irwin, Jackson, Kalra, Lee, Lowenthal, McKinnor, Muratsuchi, Ortega, Papan, Pellerin, Quirk-Silva, Celeste Rodriguez, Rogers, Schultz, Sharp-Collins, Solache, Stefani, Ward, Wicks, Zbur, Rivas

NOES: Alanis, Castillo, Chen, Davies, DeMaio, Dixon, Ellis, Flora, Jeff Gonzalez, Hadwick, Hoover, Johnson, Lackey, Macedo, Pacheco, Patterson, Ramos, Michelle Rodriguez, Sanchez, Ta, Tangipa, Wallis

NO VOTE RECORDED: Ávila Farías, Bains, Calderon, Krell, Nguyen, Patel, Petrie-Norris, Ransom, Blanca Rubio, Schiavo, Soria, Valencia, Wilson

Prepared by: Alex Barnett / PUB. S. /
8/26/26 21:33:06

**** **END** ****