

Date of Hearing: August 20, 2025

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

SB 627 (Wiener) – As Amended July 17, 2025

As Proposed to be Amended

Policy Committee: Public Safety

Vote: 5 - 2

Urgency: Yes

State Mandated Local Program: Yes

Reimbursable: Yes

SUMMARY:

This bill regulates use of facial coverings by law enforcement personnel operating in California.

Specifically, among other provisions, this bill:

- 1) Requires a law enforcement agency operating in California (including a federal agency that enforces local, state, or federal laws) to maintain and publicly post a policy regarding use of facial coverings that must include, at a minimum, among other elements:
 - a) A purpose statement affirming the agency's commitment to transparency, accountability, and public trust, and restricting the use of facial coverings to specific, clearly defined, and limited circumstances.
 - b) A description of the limited and specific circumstances during which facial coverings may be worn.
 - c) A prohibition on a supervisor knowingly allowing a peace officer under their supervision to violate state law or agency policy limiting the use of a facial covering.
- 2) Specifies a willful violation of a policy described in item 1, above, shall result in disciplinary actions or administrative penalties.
- 3) Prohibits a law enforcement officer (including an officer or agent of a federal law enforcement agency or any person acting on behalf of a federal law enforcement agency) from wearing a facial covering that conceals or obscures their facial identity in the performance of their duties, except as authorized. Exempts officers in undercover operations, officers who need to protect their identities following the conclusion of undercover operations, and officers wearing protective gear while performing specified Special Weapons and Tactics (SWAT) responsibilities.
- 4) Makes a first violation of the prohibition described in item 3, above, an infraction, and a second or subsequent violation an infraction or a misdemeanor.

- 5) Specifies the criminal penalties described in item 4, above, do 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 a policy as required by item 1, above.
- 6) States that any person who commits an assault, battery, false imprisonment, false arrest, abuse of process, or malicious prosecution while wearing a facial covering in violation of the prohibition described in item 5, above, shall not be entitled to assert any privilege or immunity for their tortious conduct against a claim of civil liability, and makes such a person liable for actual damages or statutory damages of not less than \$10,000, whichever is greater.

FISCAL EFFECT:

- 1) One-time costs to each state and local law enforcement agency to adopt the required policy regarding facial coverings (local funds, General Fund, special funds). There are approximately 600 law enforcement agencies in California. These costs are unlikely to be significant for each agency, but in the aggregate statewide may be in the low hundreds of thousands of dollars one-time.
- 2) To the extent there are prosecutions for misdemeanor violations of the prohibition on unauthorized facial coverings by law enforcement officers, there will be related cost pressures to the courts (Trial Court Trust Fund) to adjudicate the criminal charges and costs to the counties (local funds) to incarcerate people who are convicted. These actual cost pressures and costs will depend on the number of prosecutions and convictions. Since a law enforcement agency may avoid criminal liability for its officers by adopting a policy regarding use of facial coverings, as required by the bill, there may not be many criminal charges filed.
- 3) Cost pressures (Trial Court Trust Fund, General Fund) to the courts to adjudicate civil actions for which defendants may not assert privileges or immunities as a result of this bill. Actual costs will depend on the number of actions and the amount of court time required by each action. It generally costs approximately \$1,000 to operate a courtroom for one hour. Although courts are not funded on the basis of workload, increased pressure on the Trial Court Trust Fund may create a demand for increased funding for courts from the General Fund. The fiscal year 2025-26 state budget provides \$82 million ongoing General Fund to the Trial Court Trust Fund for court operations.

COMMENTS:

- 1) **Background.** California law does not regulate use of masks and facial covering by law enforcement personnel. The Penal Code requires a peace officer to wear a badge, nameplate, or other device that clearly bears the identification number or name of the officer. Peace officers include police officers, county sheriffs, certain superior court marshals, California Highway Patrol officers, and other specified officers. Federal law enforcement officers and criminal investigators are not California peace officers, although they may exercise the arrest powers of a peace officer in specified circumstances. As discussed in more detail in the analysis of this bill by the Assembly Committee on Public Safety, this bill's direct regulation of federal officers has significant constitutional implications.

- 2) **Purpose.** The author intends this bill to address recent operations by federal Immigrations and Customs Enforcement (ICE) personnel, during which masked, unidentified ICE personnel have forcibly detained Californians. According to the author:

The recent federal operations in California have created an environment of profound terror, with officers — or people who claim to be officers — wearing what are essentially ski masks, not identifying themselves, grabbing people, putting them in unmarked cars, and disappearing them. If we want the public to trust law enforcement, we cannot allow them to behave like secret police in an authoritarian state.

- 3) **Related Legislation.** SB 805 (Perez) requires specified law enforcement personnel to visibly display identification when performing their duties, expands existing misdemeanors for impersonating an official to include impersonation by any means, and requires a person authorized to apprehend a bail fugitive to keep a defendant's immigration status information confidential. SB 805 is pending in this committee.

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