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# SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair  
2025 - 2026 Regular

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**Bill No:** SB 1004                      **Hearing Date:** April 14, 2026  
**Author:** Wiener  
**Version:** February 9, 2026  
**Urgency:** Yes                                      **Fiscal:** Yes  
**Consultant:** AB

**Subject:** *Law enforcement: masks*

## HISTORY

**Source:** Prosecutors Alliance Action; Mexican American Legal Defense and Education Fund; Inland Coalition for Immigrant Justice; SEIU California

**Prior Legislation:** SB 627 (Wiener), Ch. 125, Stats. of 2025  
SB 805 (Perez), Ch. 126, Stats. of 2026  
SB 480 (Archuleta), Ch. 336, Stats. of 2020  
SB 54 (De Leon), Ch. 495, Stats. of 2017

**Support:** Alliance for Boys and Men of Color; Asian Americans Advancing Justice Southern California; Bend the Arc: Jewish Action California; California Community Foundation; California Public Defenders Association; California Teachers Association; Californians for Safety and Justice; Central American Resource Center of California; CFT – a Union of Educators & Classified Professionals, AFT, AFL-CIO; City of Alameda; 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; Felony Murder Elimination Project; Friends Committee on Legislation of California; Gente Organizada; IKAR; Inland Empire Immigrant Youth Collective; Inland Empire United; Justice2Jobs Coalition; LA Defensa; Latino Community Foundation; Peace and Freedom Party of California; Pomona Economic Opportunity Center; Public Counsel; Rubicon Programs; San Bernardino Community Service Center; San Francisco Public Defender; United Domestic Workers/AFSCME Local 3930; Vision Y Compromiso; Western Center on Law and Poverty

**Opposition:** Association for Los Angeles Deputy Sheriffs; California Association of Highway Patrolmen; California Police Chiefs Association; Peace Officers Research Association of California

## PURPOSE

*The purpose of this bill is to expand existing law enforcement agency requirements regarding facial coverings to statewide law enforcement agencies and peace officers employed by those agencies.*

*Existing federal law* provides that the U.S. Constitution, and the laws of the United States, are the supreme law of the land. (U.S. Const., art. VI, cl. 2.)

*Existing federal law* provides that the federal government has the exclusive authority to regulate immigration and naturalization. (U.S. Const., art. 1, § 8.)

*Existing federal law* 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.)

*Existing federal law* 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 C.F.R. § 287.8 (c)(2)(iii).)

*Existing California law* 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. (Gov. Code, §§ 7282.5, 7284.6.)

*Existing law* 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).)

*Existing law* 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. (Pen. Code, §§ 538d, subd. (a); 538e, subd. (a); 538h, subd. (a); Pen. Code, § 19.)

*Existing law* 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.)

*Existing law* 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.)

*Existing law* 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).)

*Existing law* 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 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.
- A requirement that all sworn personnel not use a facial covering when performing their duties.
- A list of narrowly tailored exemptions for the following:
  - Active undercover operations or assignments authorized by supervising personnel or court order.
  - Tactical operations where protective gear is required for physical safety.
  - Applicable law governing occupational health and safety.
  - Protection of identity during prosecution.
- A provision stating that opaque facial coverings shall only be used when no other reasonable alternative exists and the necessity is documented.
- 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).)

*Existing law* 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).)

*Existing law* 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.*)

*Existing law* 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).)

*This bill* expands this definition of law enforcement agency to include a state entity that employs a peace officer.

*This bill* delays the operative date of the provision requiring law enforcement agencies in California to maintain an publicly post a facial covering policy to January 1, 2027.

*Existing law* 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.)

*Existing law* specifies that a “facial covering” does not include any of the following:

- 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.
- 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.
- A mask, helmet, or device, including, but not limited to, a self-contained breathing apparatus, necessary for underwater use.
- 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.
- Eyewear necessary to protect from the use of retinal weapons, including, but not limited to, lasers.

*Existing law* 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).)

*Existing law* 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).)

*Existing law* 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).)

*Existing law* 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).)

*Existing law* 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* expands this definition of “law enforcement officer” to include a peace officer employed by a state agency.

*This bill* delays the date by which law enforcement agencies must maintain and post facial covering policies in order to be exempt from the criminal prohibition above to January 1, 2027.

*This bill* contains an urgency clause.

## COMMENTS

### 1. Need for This Bill

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.

## 2. Background on Recent Immigration Enforcement Operations

During his second campaign for president in 2023-2024, Donald Trump vowed that if re-elected, he would carry out the largest deportation program in American history. Reporting by the New York Times called Trump’s second term plans “an extreme expansion of his first-term crackdown on immigration [...] including preparing to round up undocumented people already in the United States on a vast scale and detain them in sprawling camps while they wait to be expelled.”<sup>1</sup> Throughout the campaign, Trump regularly asserted that he would deport between 15 and 20 million people, far beyond the estimated number of undocumented immigrants, and constituting an action that would cost taxpayers roughly \$1 trillion over 10 years.<sup>2</sup>

On the day of his second inauguration, President Trump issued more than a dozen executive actions aimed at realizing his ambitious mass detention and deportation agenda. Among them was a proclamation titled “Guaranteeing the States Protection Against Invasion,” in which he cited the flow of migrants across the southern border of the United States as a justification for invoking constitutional authority to protect each of the states against invasion, and thereby expanded the authority and discretion of the Department of Defense and the Department of Homeland Security to carry out immigration-related functions.<sup>3</sup> He also signed Executive Order 14159 with the familiar sounding title “Protecting the American People Against Invasion,” which provides that “[i]t is the policy of the United States to faithfully execute the immigration laws against all inadmissible and removable aliens, particularly those aliens who threaten the safety or security of the American people. Further, it is the policy of the United States to achieve the total and efficient enforcement of those laws, including through lawful incentives and detention capabilities.”<sup>4</sup> Notable provisions of EO 14159 include: 1) directing the Department of Homeland Security (DHS) to set enforcement priorities, emphasizing criminal histories; 2) establishing Homeland Security Task Forces in each state; 3) requiring all noncitizens to register with DHS, with civil and criminal penalties for failure to register; 4) directing DHS to collect all civil fines and penalties from undocumented individuals, such as for unlawful entry or attempted unlawful entry; 5) expanding the use of expedited removal; 6) building more detention facilities; 7) encouraging federal/state cooperation, as specified; 8) encouraging voluntary departure, as specified; 9) limiting access to humanitarian parole and Temporary Protected Status; 10) directing the U.S. AG and DHS to ensure that “sanctuary” jurisdictions do not receive access to federal funds; 11) reviewing federal grants to non-profits assisting undocumented persons and denying public benefits to undocumented persons; and 12) hiring more U.S. Immigration and Customs Enforcement (ICE) and Customs and Border Patrol (CBP) officers.<sup>5</sup>

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<sup>1</sup> “Sweeping Raids, Giant Camps and Mass Deportations: Inside Trump’s 2025 Immigration Plans.” *New York Times*. 11 November 2023. <https://www.nytimes.com/2023/11/11/us/politics/trump-2025-immigration-agenda.html>

<sup>2</sup> “A Donald Trump mass deportation of immigrants would cost hundreds of billions, report says.” *Sacramento Bee*. 2 October 2024. <https://www.sacbee.com/news/politics-government/capitol-alert/article293359389.html>

<sup>3</sup> Proclamation 10888. 20 January 2025. 90 Fed. Register 8333-8336; U.S. Const. Art. IV, Section 4.

<sup>4</sup> Executive Order 14159. 20 January 2025. 90 Fed. Register 8443. <https://www.whitehouse.gov/presidential-actions/2025/01/protecting-the-american-people-against-invasion/>

<sup>5</sup> *Ibid.*

On January 25, 2025, ICE field offices were told that each office must detain at least 75 noncitizens every day, or more than 1,800 per day nationwide.<sup>6</sup> To hold more detainees, the Trump Administration opened Guantanamo Bay and sent detained individuals there in February, and has also started sending detained individuals to a mega-prison in El Salvador, in many cases before their due process rights can be vindicated.<sup>7</sup> On July 4, 2025, President Trump signed the One Big Beautiful (OBB) Act, a gargantuan domestic policy bill that, among other provisions, allocates more than \$170 billion for immigration enforcement through 2029. The OBB Act increases the annual budget of Immigration and Customs Enforcement (ICE) from \$8.7 billion to approximately \$27.7 billion, with \$75 billion appropriated to the agency over the next four years. With this unprecedented budget increase, ICE is slated to have a higher annual budget than the militaries of Italy, Brazil, Israel, and nearly 20 other countries in the top 40 of military spenders.<sup>8</sup> This funding will go almost exclusively toward immigration enforcement, detention and deportation operations.<sup>9</sup>

A week after the OBB was signed, on July 11, 2025, a judge of the United States District Court for the Central District of California blocked the Trump Administration's "roving" immigration arrests amid immigration crackdowns in the Los Angeles, ruling that federal agents were coordinating arrests without "reasonable suspicion" and were relying on improper factors like race, accent and line of work.<sup>10</sup> However, on September 8, 2025, the United States Supreme Court, in a 6-3 ruling along ideological lines, overturned the lower court judge's order, allowing the Trump Administration to continue using those factors to stop and detain people for questioning in immigration enforcement actions. The Court did not issue an opinion explaining its ruling.<sup>11</sup>

### *Masked Federal Agents and Impersonation Issues*

The increasing immigration raids under the Trump Administration have been associated with numerous incidents of individuals, including both citizens and non-citizens, being arrested by masked, non-uniformed, plain-clothed federal agents. Often, these agents will wear no visible identification except for the word "police" or the acronym of a federal agency affixed to a tactical vest. According to one former ICE official, this practice of masking and wearing little in the way of identifying markings is harmful and dangerous to the communities being policed: "If somebody comes up to you with a mask and a T-shirt and no badge, why would you think that they are exercising a legitimate authority, as opposed to being a violent criminal trying to do you harm?" Shuchart said. 'How do you know that you need to not resist to avoid arrest, as opposed

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<sup>6</sup> Washington Post, *Trump Officials Issue Quotas to ICE Officers to Ramp up Arrests*, January 26, 2025, <https://www.washingtonpost.com/immigration/2025/01/26/ice-arrests-raids-trump-quota>

<sup>7</sup> M. Lee, AP News, *Immigration Officials Defend Authority to Hold Migrants at Guantanamo Bay*, March 10, 2025, <https://apnews.com/article/us-immigration-detention-guantanamo-bay-d4fe8f0d051e0cd7e3f04ce02c8e7564>; M. Aleman, AP News, *Venezuelan Migrants Deported by the US Ended up in a Salvadoran Prison. This is Their Legal Status*, March 25, 2025, <https://apnews.com/article/el-salvador-trump-tren-de-aragua-venezuela-dde4259e5dcd502101b7b8fbd3c03659>

<sup>8</sup> "ICE Budget Now Bigger Than Most of the World's Militaries." *Newsweek*. 2 July 2025. <https://www.newsweek.com/immigration-ice-bill-trump-2093456>

<sup>9</sup> "Explainer: One Big Beautiful Bill Act: Immigration Provisions." *Immigration Forum*. 7 July 2025. <https://forumtogether.org/article/one-big-beautiful-bill-act-immigration-provisions/>

<sup>10</sup> *Perdomo et. al. v. Noem et. al.*, Case No. 2:25-cv-05605 (C.D. Cal., 2025), <https://storage.courtlistener.com/recap/gov.uscourts.cacd.975351/gov.uscourts.cacd.975351.87.0.pdf>

<sup>11</sup> *Noem et. al. v. Perdomo et. al.*, 606 U.S. \_\_\_\_ (2025), [https://www.supremecourt.gov/opinions/24pdf/25a169\\_5h25.pdf](https://www.supremecourt.gov/opinions/24pdf/25a169_5h25.pdf)

to resist arrest to possibly survive the encounter?”<sup>12</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. For example, on June 21, 2025, when several masked agents approached an undocumented man in Orange County, the man panicked and ran, resulting in him being tackled and punched by the federal agents pursuing him.<sup>13</sup>

Masking practices also create 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 and where immigration enforcement actions are taking place. As noted by the *Los Angeles Times*:

Increasingly aggressive immigration raids carried out by masked federal agents, sometimes using unmarked vehicles, are creating problems for local law enforcement agencies. Police have little or no insight into where the federal enforcement actions are taking place but often have to deal with the aftermath, including protests and questions from residents about what exactly happened. In some cases, local cops have been mistaken for federal agents, eroding years of work to have immigrant communities trust the police.<sup>14</sup>

The prevalence of masked or otherwise unidentifiable federal agents also enables non-law enforcement personnel to impersonate ICE officers for the purposes of harassing, intimidating, or otherwise committing violence against members of the immigrant community. In early 2025, the Los Angeles Unified School District (LAUSD) reported three incidents of individuals impersonating ICE agents.<sup>15</sup> Recently in Burbank, two masked men impersonating federal agents, stopped a woman and asked her for her papers.<sup>16</sup> Later that year, Huntington Park police arrested a man suspected of posing as a federal immigration officer.<sup>17</sup> Additionally, at least three states last year reported arresting individuals for allegedly impersonating ICE agents.<sup>18</sup> In a particularly shocking example - a South Carolina man was charged with kidnapping and impersonating a police officer after allegedly detaining a group of Latino men.<sup>19</sup> In another, a man allegedly impersonating an ICE officer sexually assaulted a woman and threatened to deport her if he did not have sex with him.<sup>20</sup>

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<sup>12</sup> Jarvie, Jenny. “ICE agents wearing masks add new levels of intimidation, confusion during L.A. raids.” *LA Times*. <https://www.latimes.com/california/story/2025-07-07/masking-of-federal-agents-very-dangerous-and-perfectly-legal>

<sup>13</sup> “DHS Says OC Gardener Detained by ICE Swung Weed Whacker at Agent.” *FOX 11 Los Angeles*. June 23, 2025. <https://www.foxla.com/news/narciso-barranco-oc-gardener-arrested-ice>

<sup>14</sup> “‘Who are these people?’ Masked immigration agents challenge local police, sow fear in L.A.” *LA Times*. 24 June 2025. <https://www.latimes.com/california/story/2025-06-24/masked-immigration-agents-local-law-enforcement-tension>

<sup>15</sup> “ICE Impersonators Target LAUSD Community, Sparking Fear and Protests.” *NBC Los Angeles, NBC Southern California*. Feb. 7, 2025. <https://www.nbclosangeles.com/news/local/ice-impersonators-target-lausd-community/3626973/>

<sup>16</sup> Jarvie, see fn. 11 for link.

<sup>17</sup> “US sees spate of arrests of civilians impersonating ICE officers.” *The Guardian*. 28 June 2025. <https://www.theguardian.com/us-news/2025/jun/28/civilians-impersonating-ice-officers>

<sup>18</sup> “Multiple ICE impersonation arrests made during nationwide immigration crackdown.” *CNN*. 5 February 2025. <https://www.cnn.com/2025/02/04/us/ice-impersonators-on-the-rise-arrests-made-as-authorities-issue-national-warning>

<sup>19</sup> *Ibid.*

<sup>20</sup> *Ibid.*

Proponents of officer masking claim that the shielding of the officers' identities is necessary to protect their safety and prevent their identities and personal information from being documented and shared online, a practice known as "doxxing." Despite criticism of the practice, the head of ICE, Todd Lyons, said in July that he would continue to allow his officers to be masked during their arrest raids, stating that although he is "not a proponent of the masks [...] if that's a tool that the men and women of ICE use to keep themselves and their families safe, I will allow it."<sup>21</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>22</sup>

### 3. Prior Legislation – Senate Bill 627 (Wiener), Chapter 125, Statutes of 2025

In an effort to restrict the use of identity-obscuring face masks by immigration authorities, the author of this bill introduced the No Secret Police Act (Senate Bill 626 [Wiener], Chapter 125, Statutes of 2025) last year, which required federal and local law enforcement agencies to establish formal policies regarding facial coverings and prohibited federal and local law enforcement officers from wearing facial coverings that conceal or obscure their identities.

Specifically, 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, which must include a "purpose statement," as specified, a requirement that all sworn personnel not use a facial covering when performing their duties, and a list of narrowly tailored exemptions.<sup>23</sup> The facial covering policy must also state that facial coverings can only be used when no other reasonable alternative exists, and that a supervisor must not knowingly allow a peace officer to violate the policy or other state law regarding facial coverings. SB 627 also 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. 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.

A second major component of SB 627 was a provision prohibiting law enforcement officers from wearing facial coverings that conceal or obscure their facial identity in the performance of their duties, where facial covering is defined 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." The bill specified that certain types of medical/hazard masks, headwear, eyewear do not constitute "facial coverings."<sup>24</sup> Critically, SB 627 created both a criminal and civil penalty for a violation of this facial covering prohibition, providing that a willful and knowing violation is punishable as an infraction or a misdemeanor. As mentioned above, this criminal penalty does not apply to a law enforcement officer acting in their capacity as an employee of an agency that is in compliance with the bill's facial covering policy requirement. However, SB 627 also imposed civil liability on any person found to have engaged in specified conduct while wearing a facial covering in violation of this provision.

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<sup>21</sup>"ICE chief says he will continue to allow agents to wear masks during arrest raids." 20 July 2025. *The Guardian*. <https://www.theguardian.com/us-news/2025/jul/20/ice-agents-masks>

<sup>22</sup> "In ICE masking debate, these former officers say take them off." *The Hill*. 11 March 2026. <https://thehill.com/homenews/state-watch/5774858-ice-masking-law-enforcement-identity-debate/>

<sup>23</sup> See p. 3 of this analysis for the list of exemptions.

<sup>24</sup> See pp. 3-4 of this analysis.

When the Governor signed SB 627 on September 20, 2025, he issued a signing statement affirming the importance of preventing law enforcement agents from donning identity-obscuring masks, and providing, in relevant part, that:

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>25</sup>

The day after the bill was signed, Bill Essayli, a former state legislator and the United States Attorney for the Central District of California, issued a memorandum ordering federal officials to ignore SB 627 and reiterating that any officials or individuals who attempt to impede or interfere with federal operations will be prosecuted by his office.<sup>26</sup>

Although California was the first state to ban federal and local law enforcement officers from wearing face coverings with SB 627, several states have since enacted or are considering enacting similar bans, including Alaska, Arizona, Connecticut, Florida, Georgia, Hawaii, Idaho, Illinois, Kansas, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New York, Oklahoma, Oregon, Pennsylvania, Tennessee, Utah, Vermont, Virginia, Wisconsin, Rhode Island, and Massachusetts.<sup>27</sup>

#### **4. *The United States of America v. State of California et al.***

In November 2025, the Trump Administration filed a lawsuit in federal court seeking to enjoin the State of California from enforcing SB 627 and a companion bill, SB 805 (Perez), Chapter 126, Statutes of 2025, which imposed various identification requirements on federal law enforcement officers, alleging 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.

To provide some legal context, 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.”<sup>28</sup> The doctrine of intergovernmental immunity is derived from the Supremacy Clause of the Constitution, and demands that “the activities of the Federal Government are free from

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<sup>25</sup> Signing Statement for Senate Bill 627. Issued by Governor Gavin Newsom. 20 September 2025. <https://www.gov.ca.gov/wp-content/uploads/2025/09/SB-627-Signing-Message.pdf>

<sup>26</sup> “Trump Administration tells federal officers to ignore California’s mask ban SB 627.” *KTXL-TV*. 26 September 2025. <https://www.msn.com/en-us/politics/government/trump-administration-tells-federal-officers-to-ignore-california-s-mask-ban-sb-627/ar-AA1NtGyi>

<sup>27</sup> “Map Shows All States Now Banning ICE from Wearing Masks.” *Newsweek*. 26 March 2026. <https://www.newsweek.com/map-shows-all-states-now-banning-ice-from-wearing-masks-11738533>

<sup>28</sup> U.S. Const., art. VI, cl 2.

regulation by any state.”<sup>29</sup> 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.”<sup>30</sup> “A state or local law discriminates against the federal government if it treats someone else better than it treats the government.”<sup>31</sup> However, it is well settled that generally applicable state laws can apply to federal entities.<sup>32</sup> In its lawsuit against California, the Trump Administration argued that the obligations of SB 627, if enforced, “directly regulate” the federal government in that they would substantially burden the federal government’s operations, and alternatively, that they unlawfully discriminate against the federal government.

On February 9, 2026, Judge Christina Snyder of the United States District Court for the Central District of California handed down a ruling in the case of *United States v. California*, granting 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.<sup>33</sup> However, in reaching its decision, the court analyzed both arguments proffered by the federal government as to why SB 627 violated the intergovernmental immunity doctrine - that SB 627 both “directly regulated” and “discriminated against” the federal government. The court reasoned that while the requirements of SB 627 did not threaten to interfere with or control federal law enforcement operations and thus did not “directly regulate” the federal government, the measure discriminates against the federal government in that it treats federal law enforcement officers different than similarly situated state law enforcement officers, who are not included in the bill’s definition of “law enforcement officers.”<sup>34</sup> Accordingly, the court concluded that such discrimination violates the Supremacy Clause, and necessitates enjoining the enforcement of the facial covering prohibition.<sup>35</sup>

This bill seeks to respond to the court’s ruling in *United States v. California* by expanding the definition of law enforcement agency with regard to SB 627’s facial covering policy requirement and the definition of “law enforcement officer” with regard to the prohibition against the use of facial coverings to include state entities that employ peace officers and peace officers employed by state agencies, respectively. The bill also delays, to January 1, 2027, the operative date of the written facial covering policy requirement and, relatedly, the date by which law enforcement agencies must implement such policies in order to be exempt from the facial covering prohibition. It should be noted that in many respects the bill is not responsive to the Governor’s signing statement for SB 627: it does not “create additional exemptions for legitimate law enforcement activities” or limit liability “for officers who carry out their duties in good faith.”

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<sup>29</sup> *United States v. California* (9th Cir. 2019) 921 F.3d 865, 879.

<sup>30</sup> *N.D. v. United States* (1990) 495 U.S. 423, 435; *Boeing Co. v. Movassaghi* (9th Cir. 2014) 768 F.3d 832, 839

<sup>31</sup> *Boeing, supra*, 768 F.3d at p. 842, quoting *United States v. City of Arcata* (9th Cir. 2010) 629 F.3d 986, 991.

<sup>32</sup> See *United States ex rel. Drury v. Lewis*, 200 U.S. 1, 7-8 (1906); *Johnson v. Maryland*, 254 U.S. 51, 56 (1920).

<sup>33</sup> *The United States of America v. State of California et al* (2026) Case No. 2:25-cv-10999-CAS-AJRx.  
gov.uscourts.cacd.995805.63.0\_29.pdf

<sup>34</sup> *Id.* at pp. 21-22, citing *Geo Grp., Inc. v. Inslee*, 151 F.4th 1107, 1118 (9th Cir. 2025) [“A state law or regulation impermissibly discriminates against the federal government if it treats a state entity more favorably than it treats a comparable federal entity.”] and *Boeing Co. v. Movassaghi*, 768 F.3d 832, 842 (9th Cir. 2014) [A state law may not single out the federal government for greater burdens than that which applies elsewhere in the state.].

<sup>35</sup> *Id.* at p. 30.

## 5. Argument in Support

According to the Mexican-American Legal Defense and Education Fund:

IC4IJ, MALDEF, and Prosecutors Alliance Action are the original cosponsors of SB 627, and SEIU California was a proud supporter of this bill. All of our organizations serve communities that continue to experience the violence caused by masked agents that act with impunity. Throughout California, we've seen masked agents routinely violate the rights of individuals, including U.S. citizens, as they unlawfully detain them, use excessive force, and physically harm them. These abuses have not stopped since the beginning of the Trump administration, and we've seen them escalate to the deaths of multiple individuals. This is why we are proud to co-sponsor SB 1004, to ensure these harmful acts cannot be carried out in secrecy in California and that these protections are fully implemented.

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.

## 6. Argument in Opposition

According to the Association for Los Angeles Deputy Sheriffs:

Deputy sheriffs serve on the front lines of public safety, routinely responding to volatile and unpredictable situations with the primary goal of protecting lives. SB 1004 fails to account for these operational realities and, as drafted, would unnecessarily expose deputies to increased personal risk while offering little in the way of meaningful policy improvement.

By broadly restricting the use of facial coverings, the bill disregards the legitimate safety concerns officers face in today's environment. Deputies are increasingly subject to targeted harassment, doxxing, and retaliation—risks that extend beyond the individual officer to their families. Removing the ability to maintain anonymity in certain high-risk contexts only heightens these threats and further complicates recruitment and retention in a profession already experiencing significant staffing shortages.

Additionally, concerns raised by Governor Newsom in his 2025 signing message on SB 627 remain directly relevant. The Governor cautioned against policies that create unnecessary liability for officers acting in good faith and emphasized the importance of maintaining a balance between transparency and safety. SB 1004, however, does not strike that balance. Instead, it introduces ambiguity and potential liability while failing to provide clear, workable standards for officers in the field. Public trust and accountability are critical, and ALADS supports policies that advance both. However, those efforts must be grounded in practical realities and must not compromise the safety of the men and women tasked with protecting our communities.

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