

Date of Hearing: July 15, 2025

Counsel: Ilan Zur

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Nick Schultz, Chair

SB 627 (Wiener) – As Amended July 9, 2025

UPDATED

As Proposed to be Amended in Committee

SUMMARY: Prohibits an officer of a local, state, or federal law enforcement agency (LEA) from wearing any mask or personal disguise while interacting with the public in the performance of their duties, among other things.¹ Specifically, **this bill**:

- 1) Prohibits a law enforcement officer, as defined, from wearing any mask or personal disguise while interacting with the public in the performance of their duties, except for:
 - a) Medical grade masks that are surgical or N95 respirators designed to prevent the transmission of airborne diseases, masks designed to protect against exposure to smoke during a state of emergency related to wildfires; or
 - b) Protective gear used by Special Weapons and Tactics (“SWAT”) team officers necessary to protect their faces from harm while they perform their SWAT responsibilities.
- 2) Specifies that for the purpose of the above requirement, a “mask or personal disguise” does not include a face shield that does not conceal the wearer’s face.
- 3) Provides that the above mask prohibition does not apply to an officer while they are engaged in an undercover assignment.
- 4) Punishes a violation of this mask prohibition as a misdemeanor, if committed by a person acting on behalf of a local, state or federal agency who is not a sworn peace officer or agent.
- 5) Punishes a violation of this mask prohibition as an infraction, if committed by a sworn peace officer of a local, state, or federal LEA, or an agent of a state, local, or federal agency, whereby a second or subsequent violation by such a person is punishable as an infraction or a misdemeanor.
- 6) Defines “law enforcement officer,” for the purposes of the above requirement, to mean any officer of a local, state, or federal LEA, or any person acting on behalf of a local, state, or federal LEA.

¹ Please see pages 3-5 of this analysis for a summary of the bill that reflects committee amendments.

- 7) Requires, on or before July 1, 2026, all state and local LEAs in the state to adopt policies to prohibit the use of face masks and disguises by officers, with exceptions for undercover and SWAT assignments, and appropriate face shields.
- 8) Requires state, local, and federal LEAs to provide advance notice to any other LEAs in a jurisdiction in which they will be operating if the planned operation will likely include agency personnel masking, disguising, or otherwise concealing their identities from the public for any reason.
- 9) Requires this notice to be given sufficiently in advance to prevent danger to law enforcement officers based on mistaken identities and shall include when and where they will be operating, their planned actions, and the approximate time and duration of the action.
- 10) Includes a severability clause.

EXISTING FEDERAL LAW:

- 1) Prohibits the federal government from “conscripting” the states to enforce federal regulatory programs. (U.S. Const., 10th Amend.)
- 2) Prohibits a federal, state, or local government entity or official from prohibiting, or in any way restricting, any government entity or official from sending to, or receiving from, the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual. (8 U.S.C. §§ 1373, 1644.)
- 3) 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 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. (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) Requires uniformed peace 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.)
- 4) Makes willfully wearing, exhibiting, or using the authorized uniform, insignia, emblem, device, label, certificate card, or writing, of a peace 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.)

- 5) Makes wearing any mask, false whiskers, or any personal disguise for the purpose of evading or escaping discovery, recognition, or identification in the commission of a public offense, or for concealment, flight, or escape, when charged with, or arrested for, a public offense a misdemeanor, punishable by imprisonment in county jail for up to six months, by a fine of \$1,000, or both. (Pen. Code, §§ 19, 185.)

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Author's Statement:** According to the author, “SB 627 prohibits law enforcement at all levels from covering their faces while conducting operations in the state of California unless they are wearing a medical grade mask, masks designed to protect against exposure to smoke during a wildfire, or protective gear used by SWAT officers while performing SWAT responsibilities. 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. We would not trust a masked stranger to teach our kids, treat our wounds, or enter our homes. Law enforcement officers do critically important work to keep our communities safe, and when real officers are indistinguishable from imposters, everyone is at risk – including the officers themselves. Prohibiting law enforcement officers from wearing masks or personal disguises to hide their face boosts trust in law enforcement, which makes it easier for law enforcement to do their jobs and makes California safer for all of us.”
- 2) **Committee Amendments:** As proposed to be amended SB 627 (Wiener) provides the following:
 - a) Prohibits a peace officer, as defined, and any 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 in the performance of their duties.
 - b) Makes a first violation of this prohibition an infraction, and a second or subsequent violation a misdemeanor.
 - c) Defines “facial covering” for the purposes of this bill, to mean any opaque mask, garment, helmet, 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.
 - d) Excludes the following from the definition of “facial covering”:

- i) A translucent face shield or clear mask that does not conceal the wearer's facial identity.
 - ii) A N95 medical mask or surgical mask to protect against transmission of disease or infection, or any other mask 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, or any other hazardous environmental condition.
- e) Provides that the above facial covering prohibition does not apply to an officer performing their duties as an undercover operative during an active undercover operation, and defines the following terms, for purposes of the exemption for undercover officers:
- i) "Undercover operation" is a planned act, authorized by supervising agents, agencies, or court warrant that uses an undercover operative to intentionally interact with a suspected criminal violator, or others, or to obtain evidence of criminal activity.
 - ii) "Undercover operative" means a sworn peace officer using an assumed name or cover identity to interact with non-law enforcement individuals or entities to collect evidence of criminal activity.
- f) Provides that the above prohibition does not apply to protective gear used by Special Weapons and Tactics (SWAT) team officers that are necessary to protect their faces from harm while performing their SWAT responsibilities.
- g) Requires a state or local law enforcement agency, as defined, on or before July 1, 2026, to adopt policies regulating the use of facial coverings pursuant to the above requirements.
- h) Requires state, local, and federal law enforcement agencies, before undertaking operations that are reasonably likely to involve agency personnel wearing facial coverings, as defined, in the performance of their duties, to provide advance notice to the local law enforcement agency with jurisdiction over the location where the operation takes place.
- i) Requires this advance notice to be given sufficiently in advance to prevent danger to law enforcement officers based on mistaken identities, but no less than 12 hours before the operation, and shall include when and where they will be operating, their planned actions, and the approximate time and duration of the action.
- j) Provides that this advance notice requirement does not apply to:
- i) A law enforcement officer or officers performing their duty as an undercover operative during an active undercover operation, and defines the following terms:
 - (1) "Undercover operative" means a sworn peace officer using an assumed name or cover identity to interact with non-law enforcement individuals or entities to collect evidence of criminal activity.

- (2) “Undercover operation” is a planned act, authorized by supervising agents, agencies, or court warrant that uses a undercover operative to intentionally interact with a suspected criminal violator, or others, or to obtain evidence of criminal activity
 - ii) Under exigent circumstances involving an immediate danger to persons or property, or the escape of a perpetrator.
 - k) Includes an urgency clause.
- 3) **Background:**
- a) *Increased Federal Immigration Enforcement Efforts*
- President Trump has vowed to carry out the largest deportation program in U.S. history during his second term. The White House has set a goal of 1 million annual deportations.²
- On January 20, 2025, the President issued an order titled “Protecting the American People Against Invasion.” The order states 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.”³ Notable provisions of this order 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.⁴
- Immigration arrests have significantly increased since President Trump’s second term began.⁵ Just last month, protests grew in Los Angeles (L.A.) in response to widespread immigration enforcement activity throughout the area. From June 6 to June 22 federal immigration enforcement teams arrested 1,618 immigrants for deportation in Los Angeles

² Politico, *Trump got \$170 billion for immigration. Now he has to enact it* (July 5, 2025), available at: <https://www.politico.com/news/2025/07/05/trump-got-170-billion-for-immigration-now-he-has-to-enact-it-00439785>

³ The White House, *Protecting the American People Against Invasion* (Jan. 20, 2025), available at: <https://www.whitehouse.gov/presidential-actions/2025/01/protecting-the-american-people-against-invasion/>

⁴ *Ibid.*

⁵ Albert Sun, *Immigration Arrests Are Up Sharply in Every State. Here Are the Numbers*, New York Times (June 27, 2025), available at: <https://www.nytimes.com/interactive/2025/06/27/us/ice-arrests-trump.html>

and surrounding Southern California regions.⁶ In response to the protests, President Trump deployed National Guard troops and Marines to L.A. over the objection of state officials.⁷ Immigration raids have continued throughout L.A. in the weeks since the protests, prompting residents to stay home out of fear of being detained.⁸ Most of the persons arrested by ICE from June 1 to June 10 had never been charged with a crime.⁹

The recent passage of federal legislation allocating \$170 billion for border and immigration enforcement foreshadows the possibility of even more extensive immigration raids in the coming years.¹⁰

b) Masked ICE agents and Impersonation of Federal Immigration Agents:

The increasing immigration raids under the Trump Administration has been associated with numerous incidents of non-citizens being arrested by masked, non-uniformed plain clothed immigration officers, many of which took place in Los Angeles in the last month.¹¹ Proponents of these tactics claim that shielding the identity of such agents is necessary to protect the safety of those agents, and to prevent their identities from being documented and shared online (often referred to as “doxing”).¹² Others contend this is an intimidation tactic contributing to mass fear and panic in immigrant communities.¹³ Regardless, this practice creates confusion for person’s subjected to such masked arrests, who have no way of knowing whether the person seeking to detain them is operating under a legitimate authority, or is in fact a person seeking to harm them.¹⁴ 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, when several masked agents approached an undocumented man who was working in Orange County, the man panicked and ran, resulting in him being tackled and punched by the federal agents.¹⁵

⁶ Andrea Castillo, *More than 1600 immigrants detained in Southern California this month, DHS says*, Los Angeles Times (June 25, 2025), available at: <https://www.latimes.com/politics/story/2025-06-25/more-than-1-600-immigrants-detained-in-southern-california-this-month-dhs-says>

⁷ Bill Hutchinson, *LA protests timeline: How ICE raids sparked demonstrations and Trump to send in the military*, ABC News (June 11, 2025), available at: <https://abcnews.go.com/US/timeline-ice-raids-sparked-la-protests-prompted-trump/story?id=122688437>.)

⁸ Vives, et. al., *L.A. neighborhoods clear out as immigration raids send people underground*, Los Angeles Times (June 15, 2025), available at: <https://www.latimes.com/california/story/2025-06-15/some-l-a-neighborhoods-clear-out-as-immigration-raids-push-people-underground>

⁹ Rachel Uranga, *Most nabbed in L.A. raids were men with no criminal conviction, picked up off the street*, Los Angeles Times (June 24, 2025), available at: <https://www.latimes.com/california/story/2025-06-15/some-l-a-neighborhoods-clear-out-as-immigration-raids-push-people-underground>

¹⁰ Myah Ward, *Trump got \$170 billion for immigration. Now he has to enact it*, Politico (July 5, 2025), available at: <https://www.nytimes.com/interactive/2025/06/27/us/ice-arrests-trump.html>

¹¹ Jenny Jarvie, *ICE agents wearing masks add new levels of intimidation, confusion during L.A. raids* (July 7, 2025), available at: <https://www.latimes.com/california/story/2025-07-07/masking-of-federal-agents-very-dangerous-and-perfectly-legal>

¹² *Ibid.*

¹³ *Ibid.*

¹⁴ *Ibid.*

¹⁵ Team, FOX 11 Digital, Narciso Barranco: *DHS Says OC Gardener Detained by Ice Swung Weed Whacker at Agent*, FOX 11 Los Angeles, FOX 11 Los Angeles (June 23, 2025), available at: www.foxla.com/news/narciso-barranco-oc-gardener-arrested-ice.

This has also led to numerous incidents whereby federal immigration enforcement actions were mistaken for kidnappings.¹⁶ The Los Angeles Times summarizes a recent incident:

When a group of armed, masked men was spotted dragging a woman into an SUV in the Fashion District last week, a witness called 911 to report a kidnapping. But when Los Angeles Police Department officers arrived, instead of making arrests, they formed a line to protect the alleged abductors from an angry crowd of onlookers demanding the woman's release. The reported kidnappers, it turned out, were special agents from Immigration and Customs Enforcement.¹⁷

This also creates 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.¹⁸

Moreover, prevalence of masked or otherwise unidentified immigration agents enables individuals to impersonate ICE officers for the purposes of harassing, intimidating, or otherwise committing violence against members of the immigrant community. Earlier this year, the Los Angeles Unified School District (LAUSD) reported three incidents of individuals impersonating ICE agents.¹⁹ Recently in Burbank, two masked men impersonating federal agents, stopped a woman and asked her for her papers.²⁰ Several weeks ago, Huntington Park police arrested a man suspected of posing as a federal immigration officer.²¹ In February of this year at least three states reported arresting individuals for allegedly impersonating ICE agents.²² In one example - a South Carolina

¹⁶ Libor Jany, *Kidnappers or ICE agents? LAPD grapples with surge in calls from concerned citizens*, Los Angeles Times (July 3, 2025), available at: <https://www.latimes.com/california/story/2025-07-03/los-angeles-police-immigration-kidnappings>

¹⁷ *Ibid.*

¹⁸ Solis and Winton, *'Who are these people?' Masked immigration agents challenge local police, sow fear in L.A.*, Los Angeles Times (June 24, 2025), available at: <https://www.latimes.com/california/story/2025-06-24/masked-immigration-agents-local-law-enforcement-tension> [as of July 10, 2025].

¹⁹ Medina, Mekahlo, and Angelique Brenes, *Ice Impersonators Target Lausd Community, Sparking Fear and Protests*, NBC Los Angeles, NBC Southern California (Feb. 7, 2025), available at: www.nbclosangeles.com/news/local/ice-impersonators-target-laUSD-community/3626973/.

²⁰ Jenny Jarvie, *ICE agents wearing masks add new levels of intimidation, confusion during L.A. raids* (July 7, 2025), available at: <https://www.latimes.com/california/story/2025-07-07/masking-of-federal-agents-very-dangerous-and-perfectly-legal>

²¹ Jose Olivares, *US sees spate of arrests of civilians impersonating ICE officers*, The Guardian (June 28, 2025), available at: <https://www.theguardian.com/us-news/2025/jun/28/civilians-impersonating-ice-officers>

²² Moshtaghian, et. al., *Multiple ICE impersonation arrests made during nationwide immigration crackdown*, CNN (Feb. 5, 2025), available at: <https://www.cnn.com/2025/02/04/us/ice-impersonators-on-the-rise-arrests-made-as-authorities-issue-national-warning>

man was charged with kidnapping and impersonating a police officer after allegedly detaining a group of Latino men.²³ 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.²⁴

In response, multiple pieces of federal legislation have been introduced that would impose specified mask prohibitions and identification requirements on federal immigration officers.²⁵ It is against this backdrop that this bill seeks to strengthen California's laws pertaining to when law enforcement officers may wear masks or otherwise conceal their identities.

4) **Effect of this Bill:** SB 627 contains two primary provisions.

a) Prohibiting Law Enforcement Officers from Wearing Masks or Personal Disguises

California law does not prohibit peace officers from wearing masks. Instead, peace officers are subject to certain identification requirements. Penal Code section 830.1 states that “[a]ny uniformed peace officer shall 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.) This requirement applies to “peace officers,” a designation that encompasses police officers, county sheriffs, harbor police, members of CHP whose primary duty is the enforcement of laws relating to the use and operation of vehicles, members of the UC or CSU police departments, specified members of CDCR, specified superior court marshals, specified port officers, and specified District Attorney investigators with, among state agency personnel. (Pen. Code, § 830 et. seq.) This does not apply to other law enforcement employees that do not have peace officer status. 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. (Pen. Code, § 830.8.)

Additionally, California LEAs are statutorily required to issue badges to their officers, although the statutes are silent as to, if, and when, such badges must be worn. (See Gov. Code, § 26690 [requiring Board of Supervisors to furnish sheriffs and deputy sheriffs with badges inscribed with “Sheriff” or “Deputy Sheriff”; Veh. Code, § 2257 [requiring the Commissioner of the California Highway Patrol to issue badges with the California state seal, the words “California Highway Patrol”, and the particular officers designation.]) CDCR regulations require CDCR peace officer personnel to wear uniforms and insignia, unless specifically exempted, and require such uniformed personnel to wear the official department badge as a standard item of uniform attire and to wear a clearly displayed nameplate as a standard item of uniform attire. (Cal. Code Regs., tit. 15, § 3393.) Similarly, in the context of masks, LEAs employing peace officers are simply authorized to provide such peace officers “an appropriate portable manual mask and airway assembly for use when applying cardiopulmonary resuscitation” for purposes of preventing the spread of communicable diseases. (Pen. Code, § 13518.1.) In terms of uniform prohibitions, peace officers are

²³ *Ibid.*

²⁴ *Ibid.*

²⁵ H.R.4004 (Velazquez), 119th Congress (2025-2026), available at: <https://www.congress.gov/bill/119th-congress/house-bill/4004> [accessed July 10, 2025]; H.R.4176 (Goldman), 119th Congress (2025-2026), available at: <https://www.congress.gov/bill/119th-congress/house-bill/4176> [accessed July 10, 2025]; See also <https://www.booker.senate.gov/imo/media/doc/visible-act-070725.pdf>

prohibited from wearing uniforms substantially similar to that of the U.S. Armed Forces or a uniform made from camouflage material. (Pen. Code, § 13655.)

In sum, as long as a uniformed peace officer visibly wears an identification number or name of the officer, that officer generally may wear a face mask, baklava, or other type of opaque face cover when interacting with the public. Such an officer would, however, still be subject to the more general prohibition against a person wearing a disguise or otherwise hiding their identity during certain criminal conduct. Specifically, existing law makes it a misdemeanor to wear any mask, false whiskers, or any personal disguise for the purpose of evading or escaping discovery, recognition, or identification in the commission of a public offense or of concealment, flight, or escape, when charged with, or arrested for, any public offense. (Pen. Code, § 185.) As such, to the extent a peace officer or other law enforcement employee wears a mask for the purposes of hiding their face while they participate in unlawful activity, that person could be charged with a misdemeanor.

In addition to the above, there are also numerous penalties for impersonation of specified law enforcement officers, among other persons. For example, existing law makes willfully wearing, exhibiting, or using the authorized uniform, insignia, emblem, device, label, certificate card, or writing, of a peace 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.)

While California statutes are relatively silent on the degree to which law enforcement officers may hide their faces, in the context of the California Public Records Act (CPRA) courts emphasized the strong public interest in identifying peace officers. As stated by the California Supreme Court:

We find no well-established social norm that recognizes a need to protect the identity of all peace officers. Peace officers operate in the public realm on a daily basis, and identify themselves to the members of the public with whom they deal. Indeed, uniformed peace officers are required to wear a badge or nameplate with the officer's name or identification number. (*Commission on Peace Officer Standards & Training v. Superior Court*, 42 Cal.4th 278, 301 (2007))

This interest, however, must give way when an officer's particular duties, such as an undercover officer, demand anonymity to perform their duties effectively or protect their own safety. (*Commission on Peace Officer Standards & Training v. Superior Court*, 42 Cal.4th 278, 301 (2007))

Setting aside this bill's application to federal law enforcement officers (discussed in the immediately subsequent subheading), this bill would establish a general prohibition against law enforcement officers wearing masks while interacting with the public. Particularly it would prohibit a law enforcement officer from wearing any mask or personal disguise while interacting with the public in the performance of their duties, except for medical grade masks that are surgical or N95 respirators designed to prevent the transmission of airborne diseases,

masks designed to protect against exposure to smoke during a state of emergency related to wildfires; or protective gear used by SWAT team officers necessary to protect their faces from harm while they perform their SWAT responsibilities. A “mask or personal disguise” does not include face shield that does not conceal the wearer’s face. Additionally, this prohibition does not apply to an officer while they are engaged in an undercover assignment.

This bill makes a violation of this mask prohibition as a misdemeanor, if committed by a person acting on behalf of a local, state or federal agency who is not a sworn peace officer or agent. A first violation of this prohibition by a sworn peace officer of a local, state, or federal LEA, or an agent of a state, local, or federal agency is punishable as a misdemeanor, and a second or subsequent violation by such a person is punishable as an infraction or a misdemeanor. Additionally, it would require state and local LEAs, by July 1, 2026, to adopt policies to prohibit the use of face masks and disguises by officers, with exceptions for undercover and SWAT assignments, and appropriate face shields.

Notably, this bill broadly defines “law enforcement officer,” for the purposes of the above requirement, to mean any officer of a local, state, or federal law enforcement agency, or any person acting on behalf of a local, state, or federal law enforcement agency.

The author may wish to clarify several aspects of this proposed mask prohibition. *First*, it may be helpful to expand upon what it means to “interact[] with the public in the performance of their duties.” Is this intended to apply to a direct physical interaction between an officer and a particular person (e.g. an arrest or “stop”²⁶)? Or would this apply more broadly to prohibit an officer from wearing a mask in any public setting even with no other persons present?

Second, the author may wish to broaden the exception for “masks designed to protect against exposure to smoke during a state of emergency related to wildfires” and for personal protective gear. An officer may be justified in wearing a mask to protect against smoke during a structure fire or a small wildfire even if no state of emergency is declared. Similarly, while the bill exempts SWAT personal protective gear from the mask prohibition, there may be situations whereby non-SWAT officers also utilize personal protective gear for their safety.

Third, it is unclear what it means to be “engaged in an undercover assignment” for purposes of the exemption for undercover officers. The duties of an undercover officer may vary drastically. While some officers spend years infiltrating dangerous criminal organizations whereby maintaining a personal disguise is necessary for their safety, others may simply contribute to occasional sting operations at restaurants as part of efforts to crack down on underage drinking. Is this undercover exemption intended to narrowly apply to undercover officers actively wearing a disguise in a public setting? Or is this intended to apply more broadly to all officers associated with undercover operations at all times?

²⁶ See Gov. Code, § 12525.5, subd. (g)(2) (defining “stop” for purposes of the Racial and Identity Profiling Act to mean “any detention by a peace officer of a person, or any peace officer interaction with a person in which the peace officer conducts a search, including a consensual search, of the person’s body or property in the person’s possession or control.”)

Fourth, the author may wish to clarify what it means for a person to “act[] on behalf of a local, state, or federal law enforcement agency.” This appears intended to encompass private actors (e.g. “bounty hunters”) that have rumored to have been deputized by federal immigration officers. However, the meaning and scope of this phrase is unclear.

Fifth, as drafted, it is not clear whether the policies required to be adopted by proposed Section 13653.1 (requiring state and local LEAs to adopt policies prohibiting masks) are subject to the same mask prohibition and associated exemptions outlined in proposed Section 185.5. That appears to be the intent, however, proposed Section 13653.1 does not cross reference the proposed mask prohibition in proposed Section 185.5, uses slightly different terminology, and does not reference the same exemptions. For example, proposed Section 13653.1 refers to exemptions for undercover officers, and SWAT officers, and “appropriate face shields” but does not reference masks to protect against airborne diseases or smoke, which are exempt from the general mask prohibition in proposed Section 185.5. Adding a cross reference to proposed section 185.5 may promote consistency between these two provisions.

b) *Requiring LEAs to Provide Advanced Notice to Other LEAs About Masked Operations*

This bill also requires state, local, and federal LEAs to provide advance notice to any other LEAs in a jurisdiction in which they will be operating if the planned operation will likely include agency personnel masking, disguising, or otherwise concealing their identities from the public for any reason. This notice must be given sufficiently in advance to prevent danger to law enforcement officers based on mistaken identities and shall include when and where they will be operating, their planned actions, and the approximate time and duration of the action

Given the jurisdictional overlap between local, state, and federal law enforcement agencies this will impose extensive notice obligations on a given law enforcement agency that is engaged in an operation involving masked officers. This is particularly true given that this requirement applies to *any operation involving masks or concealed identities*, and does not exempt undercover officers, or officers wearing masks to prevent against diseases or smoke. For context, there are hundreds of LEAs in California, not including federal agencies.²⁷ These include local police departments, county sheriff offices, special district LEAs, various state LEAs such as the Department of Justice (DOJ), California Highway Patrol (CHP), CDCR, and the California Office of Emergency Services, among others, as well as education-related LEAs such as University of California, California State University, Community College, and School District police departments.²⁸ Requiring advance notice to be provided to “any other law enforcement agencies in a jurisdiction in which they will be operating” may require a given LEA to notify many different other LEAs before engaging in any masked operation. For example, before a local police department engages in an undercover operation this bill would require them to send advanced notice to every federal, state, or county LEA “in [the] jurisdiction in which [the police officers] will be operating.”

²⁷ Commission on Peace Officer Standards and Training, *California Law Enforcement Agencies*, available at: <https://post.ca.gov/le-agencies> [as of July 10, 2025].

²⁸ *Ibid*.

The author may wish to exempt from this requirement the same persons and types of masks that this bill exempts from the general mask prohibition. Currently, this bill requires an LEA to provide advance notice to all applicable LEAs before permitting an officer to wear a mask or disguise even if it is to prevent disease, or as part of an undercover operation. Additionally, the author may wish to add another exemption that permits LEAs to engage in masked operations without providing such advanced notice in those situations where exigency and rapid response is required. Currently, this bill would require a local LEA, before directing a SWAT team wearing protective face gear to respond to a life-threatening hostage situation, to provide sufficiently advanced notice to all other LEAs in the applicable jurisdiction, which may create an obstacle to rapid emergency law enforcement responses.

Other questions raised by this provision include: How much time is “sufficiently in advance”? Through what process should this notice be provided? What degree of detail regarding “planned actions” must be shared?

- 5) **Constitutional Concerns: Intergovernmental Immunity and Federal Preemption:** Two of SB 627’s provisions explicitly apply to federal LEAs. The prohibition against an officer wearing a mask or personal while interacting with the public applies to “any officer of a local, state, or *federal law enforcement agency*, or any person acting on behalf of a local, state, or *federal law enforcement agency*.” (emphasis added). Similarly, the requirement that LEAs provide advance notice to other agencies when their operation will likely require personnel to utilize masks or otherwise conceal their identities applies to “state, local, and *federal law enforcement agencies*” (emphasis added).

These provisions make this bill vulnerable to a legal challenge.

State laws that conflict with federal laws or attempt to regulate the federal government may be invalidated for several reasons. The Supremacy Clause of the United States 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.” (USCS Const. Art. VI, Cl 2.) The doctrine of intergovernmental immunity is derived from the Supremacy Clause of the Constitution. Intergovernmental immunity demands that “the activities of the Federal Government are free from regulation by any state.” (*United States v. California* (9th Cir. 2019) 921 F.3d 865, 879 (citations omitted).) 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.” (*N.D. v. United States* (1990) 495 U.S. 423, 435) (emphasis added). A related doctrine is conflict preemption, whereby state laws that conflict with federal law are preempted. (*U.S. v. California, supra*, F.3d at pp. 878-879.) “This includes cases where compliance with both federal and state regulations is a physical impossibility, and those instances where the challenged state law stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress.” (*Arizona v. United States*, 567 U.S. 387, 399 (2012).)

For example, in *United States v. California* (2019) 921 F.3d 865, the Ninth Circuit Court of Appeals upheld the provisions of the California Values Act relating to law enforcement cooperation with ICE. The court of appeals had “no doubt that SB 54 makes the jobs of federal immigration authorities more difficult.” (*Id.* at 886.) But the court concluded that “this frustration does not constitute obstacle preemption,” because federal law “does not require any particular action on the part of California or its political subdivisions.” (*Id.* at

889.) “Even if SB 54 obstructs federal immigration enforcement,” the court stated, “the United States’ position that such obstruction is unlawful runs directly afoul of the Tenth Amendment and the anticommandeering rule.” (*Id.* at 888.) “California has the right, pursuant to the anticommandeering rule, to refrain from assisting with federal efforts.” (*Id.* at 891.) The court concluded that SB 54 does not violate the United States’ intergovernmental immunity for similar reasons. (*Ibid.*)

The likelihood of this bill surviving legal scrutiny under the intergovernmental immunity doctrine and federal preemption is more dubious. Unlike the Values Act, which limited state and local cooperation with federal immigration authorities in certain circumstances, this bill directly: 1) prohibits federal law enforcement officers or any person acting on their behalf from wearing masks or disguises while interacting with the public; and 2) requires federal LEAs to provide advance notice to state or local law enforcement before engaging in an operation involving masked officers in their jurisdiction. Explicitly imposing these prohibitions on federal law enforcement officers, and making a violation of the mask prohibition an infraction or misdemeanor, can reasonably be expected to be considered a direct regulation of the federal government in violation of the Supremacy Clause.

In addition, this bill also creates new prohibitions and obligations on federal law enforcement officers that are not currently required under federal law. Federal regulations require designated immigration officers involved in immigration enforcement to identify themselves as an immigration officer authorized to execute an arrest “at the time of the arrest,” and as soon as it is practical arrest to do so.” 8 C.F.R. § 287.8 (c)(2)(iii).) An immigration officer is not generally prohibited from wearing a mask. Here, prohibiting federal law enforcement officers from wearing masks, whereby violations may be punished as an infraction misdemeanor, may be considered to conflict with the narrower federal regulatory requirement that immigration officers simply identify themselves at the time of arrest. Moreover, given that this bill’s mask prohibition and notice requirement apply to all federal law enforcement officers, not only federal immigration officers, these provisions may conflict with other federal statutes that similarly do not prohibit the use of masks, or otherwise require advanced notification before masked operations.

Additionally, the extensive notice obligations this bill places on federal agencies seeking to engage in operations involving masked agents in California, may amount to obstacle preemption. Requiring a federal agency to provide advanced notice to California state and local LEAs before conducting undercover operations or other masked operations is reasonably likely to “stand[] as an obstacle” to federal law. (*Arizona v. United States*, 567 U.S. 387, 399 (2012).) Whether prohibiting a federal officer from wearing a mask constitutes an obstacle to federal immigration enforcement, for purposes of obstacle preemption, is less clear.

Further, unlike SB 805 (Pérez), which is also being heard in this committee today, this bill seeks to impose its provisions on all federal law enforcement agencies and officers more generally, rather than only those federal actions taking place in California. While SB 805 (Pérez) similarly applies its law enforcement identification requirements to federal officers, it is slightly narrower in that it limits its application to federal personnel “operating in California.” Ordinarily, it need not be said that the Legislature’s authority does not extend beyond the borders of this state, however, this is worth noting given this bill’s proposed application to the federal government.

However, this bill does contain a severability clause. This may preserve the application of the rest of this bill's provisions in the event that the provisions of this bill applying to federal law enforcement officers are found unconstitutional.

- 6) **Argument in Support:** According to *Prosecutors Alliance Action*, “[SB 627] will ensure federal, state, and local law enforcement officers are accountable to the communities they serve and cannot conceal their identities behind masks while policing our streets. This critical bill will strengthen transparency and trust in law enforcement, protect against bad actors seeking to impersonate the police, and promote public safety.

“In a democratic society, those who wield the power to detain, arrest, and use force must do so openly, not from behind a mask. Yet, across California and the country, we’re witnessing, with horror, as members of our communities are being taken by masked and anonymous federal agents – no name, no face, no badge, no accountability.

“This creates dangerous conditions for the public and for law enforcement. Without visible identification, there’s no way for the public to verify whether someone is a legitimate officer or an imposter – a vulnerability that has already been exploited by violent actors dressed up in camo, tactical gear, and masks. And when officers engage in misconduct while concealing their identities, there’s no meaningful path to accountability and justice.

“Similarly, for law enforcement officers to do their jobs effectively, their safety often depends upon members of the public recognizing and trusting them, especially in high-stress, high-risk situations. This is why genuine law enforcement officers typically wear uniforms, with name and badge visible, and ride in marked vehicles.

“When masked individuals grab people off the street and load them into unmarked vehicles, witnesses have no way of knowing whether they’re watching a lawful arrest or a violent crime in progress. In that chaos, someone will eventually get hurt – including officers themselves.

“SB 627 is a common-sense safeguard to protect both the public and law enforcement, and it strengthens the foundation of trust that is essential to keeping communities safe.”

- 7) **Argument in Opposition:** According to the *Peace Officers Research Association of California (PORAC)*, “While we understand the bill’s stated goal of promoting transparency, SB 627 is ultimately misguided, unnecessary, and counterproductive. It could interfere with critical undercover operations, create redundant requirements for officer identification, impose vague and overbroad language, and attempt to address concerns with federal actions through state legislation. By forcing officers to choose between protecting themselves or risking a misdemeanor, this bill jeopardizes both officer safety and public safety.

“Let’s be clear: California’s peace officers are not ICE. We do not enforce federal immigration policy— state law already prevents that. Using local officers as a stand-in for frustrations with federal operations is both unfair and unproductive. Our key concerns include:

- **Redundant and Unnecessary Provisions:** Despite recent amendments, SB 627 remains unnecessary. California Penal Code § 830.10 already requires all uniformed officers to wear a badge, nameplate, or clearly visible ID number. Officers are not hiding their identities, nor is there evidence of a widespread problem. This bill continues to legislate accountability measures that are already well established in California law and practice.
- **Officer and Public Safety:** While SB 627 includes exceptions for medical-grade masks, wildfire smoke protection, and SWAT gear, it lacks flexibility for other real-world scenarios where protective equipment may be warranted. This could discourage officers from using necessary gear in fast-moving or unpredictable situations, putting both officers and the public at risk. Additionally, requiring visible facial identity in all other public interactions increases the risk of doxing and personal targeting by anti-police activists—threatening the safety of officers and their families.
- **Disruption of Undercover Operations:** The bill includes an exemption for undercover operations, but its failure to clearly define terms such as ‘personal disguise’ and provide detailed guidance on the scope of the exemption could still create confusion and risk discouraging routine tactics used to combat local crime. Officers infiltrating drug cartels, human trafficking rings, or gang networks depend on anonymity to avoid detection and ensure their safety. Without absolute clarity, departments may scale back these operations, allowing criminals to operate unchecked and endangering communities.
- **Lack of Authority Over Federal Officers:** California has no jurisdiction over federal law enforcement agencies. SB 627 misdirects local frustration with federal immigration enforcement and creates expectations that cannot be fulfilled at the state level.
- **Vague and Overbroad Language:** The bill’s failure to define “interacting with the public” leaves departments guessing. Routine duties, tactical operations, or even undercover work could inadvertently be swept in—creating unnecessary legal exposure for officers simply doing their jobs.

“California already has some of the strongest accountability measures in the country. SB 627 is political theater at the expense of the very officers who, just these past few weeks, have been out protecting Californians’ right to peacefully protest. Where is the evidence that California officers are routinely or intentionally concealing their identities in violation of the law? This legislation attempts to solve a problem that doesn’t exist—and in doing so, puts public safety at risk for the sake of optics.”

8) **Related Legislation:**

- a) SB 805 (Pérez) requires federal, state, and local law enforcement personnel operating in California to visibly display identification to the public when performing their duties, and makes a violation of this requirement a misdemeanor, among other changes. SB 805 is being heard in this committee today.

9) Prior Legislation:

- a) SB 480 (Archuleta), Chapter 336, Statutes of 2020, prohibits law enforcement agencies from authorizing employees to wear a uniform that is made from camouflage material or a uniform that is substantially similar to a uniform of the U.S. Armed Forces or state active militia.
- b) SB 54 (De Leon), Chapter 495, Statutes of 2017, limited the involvement of state and local law enforcement agencies in federal immigration enforcement.

REGISTERED SUPPORT / OPPOSITION:

Support

ACLU California Action
Alliance for Boys and Men of Color
Asian Americans Advancing Justice Southern California
Bend the Arc: Jewish Action California
California Alliance for Youth and Community Justice
California Attorneys for Criminal Justice
California Business Properties Association
California Civil Liberties Advocacy
California Faculty Association
California Public Defenders Association
California Rural Legal Assistance Foundation, INC.
California School Employees Association
Californians for Safety and Justice (CSJ)
City of Monterey Park
City of Paramount
Comite Civico Del Valle, INC
Courage California
Culver City Democratic Club
Drug Policy Alliance
Electronic Frontier Foundation
Ella Baker Center for Human Right
Felony Murder Elimination Project
Friends Committee on Legislation of California
Ikar
Indivisible CA Statestrong
Indivisible Westside Los Angeles
Initiate Justice
Initiate Justice Action
Justice2jobs Coalition
LA Defensa
Latino Community Foundtion
Los Angeles County Democratic Party
Mexican-american Legal Defense and Ed Fund [maldef]
National Union of Healthcare Workers (NUHW)

Partnership for Los Angeles Schools
Prosecutors Alliance of California, a Project of Tides Advocacy
San Francisco Public Defender's Office
Santa Monica Democratic Club
Seiu California
Sister Warriors Freedom Coalition
Smart Justice California, a Project of Tides Advocacy
The W. Haywood Burns Institute
Vision Y Compromiso (UNREG)
West Hollywood/hernan Molina, Governmental Affairs Liaison
Western Center on Law & Poverty

Opposition

Association for Los Angeles Deputy Sheriffs (ALADS)
Association of Orange County Deputy Sheriffs
California Association of Highway Patrolmen
California Fraternal Order of Police
California Peace Officers Association
California Police Chiefs Association
California State Sheriffs' Association
California Statewide Law Enforcement Association
Carlsbad Citizens for Community Oversight (C2O)
City of Torrance
Long Beach Police Officers Association
Peace Officers Research Association of California (PORAC)
Sacramento County Deputy Sheriffs Association
San Bernardino County Sheriff's Department
San Diego County Sheriff's Office
Sheriff's Employee Benefits Association (SEBA)

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