

Senate Bill No. 627

Passed the Senate September 11, 2025

Secretary of the Senate

Passed the Assembly September 9, 2025

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2025, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Chapter 17.45 (commencing with Section 7289) to Division 7 of Title 1 of the Government Code, and to add Section 185.5 to the Penal Code, relating to law enforcement.

LEGISLATIVE COUNSEL'S DIGEST

SB 627, Wiener. Law enforcement: masks.

Existing law makes it a misdemeanor to wear a mask, false whiskers, or any personal disguise, as specified, with the purpose of evading or escaping discovery, recognition, or identification while committing a public offense, or for concealment, flight, evasion, or escape from arrest or conviction for any public offense.

This bill would make it a crime for a law enforcement officer to wear a facial covering in the performance of their duties, except as specified. The bill would define law enforcement officer as anyone designated by California law as a peace officer who is employed by a city, county, or other local agency, and any officer or agent of a federal law enforcement agency or law enforcement agency of another state, or any person acting on behalf of a federal law enforcement agency or agency of another state. The bill would make a violation of these provisions punishable as an infraction or a misdemeanor, as specified. By creating a new crime, this bill would impose a state-mandated local program.

The bill would require any law enforcement agency operating in California to, by July 1, 2026, maintain and publicly post a written policy limiting the use of facial coverings, as specified. The bill would exempt personnel of any agency from the crime of wearing a facial covering if an agency maintains a policy pursuant to this section no later than July 1, 2026. The bill would deem a policy consistent with these provisions for the purposes of that exception unless a member of the public, an oversight body, or a local governing authority challenges it. The bill would also impose a specified civil penalty against certain officers for tortious conduct, including, but not limited to, false imprisonment or false arrest of an individual while wearing a facial covering. The bill would, if the agency does not address deficiencies within 90 days, authorize the complaining party to proceed to a court of competent

jurisdiction for a judicial determination of the exemption, as specified. The bill would define a law enforcement agency for these purposes as any entity of a city, county, or other local agency, that employs anyone designated by California law as a peace officer, any federal law enforcement agency, or any law enforcement agency of another state.

By imposing additional duties on local law enforcement agencies, this bill would create a state-mandated local program.

This bill would declare its provisions to be severable.

This bill would make related findings and declarations.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) That the routine use of facial coverings by law enforcement officers has significant implications for public perception, officer-community interactions, and accountability.

(b) Whether intended or not, members of the public may experience fear or intimidation when approached by officers whose faces are obscured. This perception can heighten defensive behaviors and unnecessarily escalate situations.

(c) Facial coverings limit the visibility of facial expressions, which are essential components of nonverbal communication. In high-stress or emotionally charged interactions, the inability to read an officer's expression may lead to misinterpretation of tone or intent, increasing the risk of conflict escalation.

(d) The visibility of an officer's face is vital for promoting transparency, facilitating communication, and building trust between law enforcement agencies and the communities they serve.

(e) When officers are not readily identifiable, it increases the risk of impersonation by unauthorized individuals, which further undermines public trust, endangers public safety, and hinders legitimate law enforcement operations.

(f) The use of facial coverings by law enforcement should not obscure officer identity or hinder accountability, nor should those coverings be used in a manner that enables or conceals discriminatory or unlawful conduct.

SEC. 2. Chapter 17.45 (commencing with Section 7289) is added to Division 7 of Title 1 of the Government Code, to read:

CHAPTER 17.45. LAW ENFORCEMENT POLICIES

7289. (a) By July 1, 2026, a law enforcement agency operating in California shall maintain and publicly post a written policy regarding the use of facial coverings.

(b) The policy shall include, but not be limited to, each of the following:

(1) A purpose statement affirming the agency's commitment to all of the following:

(A) Transparency, accountability, and public trust.

(B) Restricting the use of facial coverings to specific, clearly defined, and limited circumstances.

(C) The principle that generalized and undifferentiated fear and apprehension about officer safety shall not be sufficient to justify the use of facial coverings.

(2) A requirement that all sworn personnel not use a facial covering when performing their duties.

(3) A list of narrowly tailored exemptions for the following:

(A) Active undercover operations or assignments authorized by supervising personnel or court order.

(B) Tactical operations where protective gear is required for physical safety.

(C) Applicable law governing occupational health and safety.

(D) Protection of identity during prosecution.

(E) Applicable law governing reasonable accommodations.

(4) Opaque facial coverings shall only be used when no other reasonable alternative exists and the necessity is documented.

(5) Pursuant to the policy, 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.

(c) A policy adopted pursuant to this section shall be deemed consistent with Section 185.5 of the Penal Code 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. 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 pursuant to subdivision (f) of Section 185.5 of the Penal Code. 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 subdivision (f) of Section 185.5 of the Penal Code and all potential appeals to higher courts have been exhausted by the agency.

(d) For the purposes of this section, the following terms have the following meanings:

(1) "Facial covering" has the same meaning as in subdivision (b) of Section 185.5 of the Penal Code.

(2) "Law enforcement agency" means any of the following:

(A) Any entity of a city, county, or other local agency, that employs a peace officer described in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code.

(B) Any law enforcement agency of another state.

(C) Any federal law enforcement agency.

SEC. 3. Section 185.5 is added to the Penal Code, to read:

185.5. (a) A law enforcement officer shall not wear a facial covering that conceals or obscures their facial identity in the performance of their duties, except as expressly authorized in this section.

(b) (1) For purposes of this section, "facial covering" means 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.

(2) A "facial covering" does not include any of the following:

(A) A translucent face shield or clear mask that does not conceal the wearer's facial identity and is used in compliance with the employing agency's policy and procedures in Section 7289 of the Government Code.

(B) A N95 medical mask or surgical mask to protect against transmission of disease or infection or any other mask, helmet, or device, including, but not limited to, air-purifying respirators, full or half masks, or self-contained breathing apparatus necessary to protect against exposure to any toxin, gas, smoke, inclement weather, or any other hazardous or harmful environmental condition.

(C) A mask, helmet, or device, including, but not limited to, a self-contained breathing apparatus, necessary for underwater use.

(D) A motorcycle helmet when worn by an officer utilizing a motorcycle or other vehicle that requires a helmet for safe operations while in the performance of their duties.

(E) Eyewear necessary to protect from the use of retinal weapons, including, but not limited to, lasers.

(c) This section does not apply to either of the following:

(1) An officer subject to one or more of the exemptions set forth in paragraph (3) of subdivision (b) of Section 7289 of the Government Code.

(2) An officer assigned to Special Weapons and Tactics (SWAT) team units while actively performing their SWAT responsibilities.

(d) A willful and knowing violation of this section is punishable as an infraction or a misdemeanor.

(e) For the purposes of this section, "law enforcement officer" means a peace officer, as defined in Section 830, 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.

(f) The criminal penalties in this section 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 July 1, 2026, a written policy pursuant to Section 7289 of the Government Code.

(g) 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 section 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 ten thousand dollars (\$10,000), whichever is greater.

SEC. 4. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Approved _____, 2025

Governor