

# SENATE BILL REPORT

## SB 5855

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As of January 13, 2026

**Title:** An act relating to the use of face coverings by law enforcement officers.

**Brief Description:** Concerning the use of face coverings by law enforcement officers.

**Sponsors:** Senators Valdez, Chapman, Lovick, Trudeau, Wellman, Slatter, Bateman, Frame, Cortes, Saldaña, Robinson, Stanford, Kauffman, Cleveland, Nobles, Lovelett, Orwall, Hasegawa, Pedersen, Riccelli, Shewmake, Alvarado, Wilson, C., Hunt, Conway, Dhingra and Salomon.

**Brief History:**

**Committee Activity:** Law & Justice: 1/13/26.

| Brief Summary of Bill                                                                                                                                                                                                                                                                                                           |
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| <ul style="list-style-type: none"><li>• Prohibits local, state, and federal law enforcement officers from wearing masks while interacting with the public, with certain exceptions.</li><li>• Allows a person detained by an unlawfully masked local or state officer to sue that officer in their official capacity.</li></ul> |



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### SENATE COMMITTEE ON LAW & JUSTICE

**Staff:** Maya Itah (786-7087)

**Background:** Federal Law on Officer Identification. In January 2021, Congress passed a law requiring any member of the armed forces and any member of federal law enforcement responding to a civil disturbance to visibly display a name or other individual identifier and the name of their employer. The law makes exceptions for individuals who do not wear uniforms in the regular performance of their duties, as well as individuals engaged in undercover operations.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

Washington Law on Officer Identification. In April 2021, the Legislature passed a law requiring Washington law enforcement agencies to adopt policies and procedures ensuring that uniformed peace officers are reasonably identifiable while on duty. Under the law, a peace officer is reasonably identifiable when their uniform clearly displays their name or other information members of the public can use to identify them. A peace officer is an officer working for a unit of local government or a division of state government whose primary function is detecting and apprehending individuals committing infractions or crimes, as well as any employee of a jail, correctional facility, or detention facility who is responsible for the custody of individuals confined in those facilities. Neither federal law nor Washington law prohibits law enforcement officers from wearing facial coverings.

**Summary of Bill:** Peace officers and federal law enforcement officers are prohibited from wearing facial coverings while interacting with the public in the performance of their duties. Officers may wear facial coverings while acting as undercover operatives. Officers may also use protective gear that covers their faces while acting as members of a special weapons and tactics (SWAT) team.

A facial covering is defined as any opaque mask, garment, or other item that conceals or obscures a person's facial identity, including, but not limited to, balaclavas, tactical masks, gator masks, or ski masks. This definition excludes the following items:

- clear face shields or masks;
- N95 medical masks or surgical masks that protect against disease transmission;
- masks or other devices, such as air-purifying respirators, that are necessary to protect against exposure to hazardous environmental conditions; and
- helmets used to protect wearers' heads during transportation on a bicycle or motorized vehicle.

A person detained by an unlawfully masked peace officer may sue that officer in their official capacity. A successful plaintiff can recover compensatory damages, punitive damages, attorneys' fees, injunctive relief, and any other relief deemed appropriate by the court.

**Appropriation:** None.

**Fiscal Note:** Requested on January 8, 2026.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: We need to make sure officers are identifiable. Making sure officers are identifiable enhances public safety and community trust; prohibiting masks addresses the risk of people impersonating law enforcement

officers. Prohibiting masks makes officers reflect the values of protecting the vulnerable, protecting dignity, and repairing harm. We have the right to know who is exercising authority over us. Masks evoke fear and trauma and harken back to the era of the Ku Klux Klan. The bill contains appropriate exceptions to the prohibition on masks. Prohibiting masks will reduce escalations, misunderstandings, and harm. Survivors of violence must be able to identify and trust the officers they encounter, and allowing and normalizing masked law enforcement officers creates real risks for survivors. There is no practical reason for law enforcement officers to hide their identities.

CON: This bill poses constitutional issues, as the Supremacy Clause provides that states have no authority to govern how the federal government acts. Additionally, under the the intergovernmental immunity doctrine, states cannot regulate the federal government. Tthis bill recklessly endangers officers and their families, as there has been an increase in doxxing and death threats against officers and their families. Officers, and especially ICE officers, have been threatened for simply doing their jobs. This bill strips officers of a basic protective option. Every officer in the state must wear clear identification, and face coverings have never prevented members of the public from knowing who an officer is. Instead of making Washington safer, the bill makes public servants more vulnerable. There needs to be more exceptions to the prohibition on masking. The provisions should only be applicable when an officer is not already reasonably identifiable.

OTHER: This bill will only impact local and state agencies, and those officers are already readily identifiable. Officers might fear civil liability for simply doing their jobs. The bill is missing exemptions to the masking prohibition. The uncapped private right of action could lead to potentially unlimited liability for cities who have limited resources.

**Persons Testifying:** PRO: Senator Javier Valdez, Prime Sponsor; Cassie Clayton, Northwest Progressive Institute; Paula Fillmore-Sardinas, FMSGs/WBBA; Kristin Ang, Faith Action Network (FAN); Steve Albrecht; Carolina Mejia; Nathan Olson, Governor's Office; Elizabeth Hendren, Sexual Violence Law Center; Lydia Zepeda, League of Women Voters.

CON: Anthony Mixer, Citizen Volunteer Lobbyist; WA-08 Candidate Andres Valleza; Pete Serrano, United States Department of Justice; Christian BIANES-Delrosario; James McMahan, WA Assoc Sheriffs & Police Chiefs.

OTHER: Jeff DeVere, WACOPS; Derrick Nunnally, Association of Washington Cities.

**Persons Signed In To Testify But Not Testifying:** PRO: Tracy Styles; Kristin Wall; Rachael Snell.

CON: Teagan Levine; Sharon Damoff.