CHAPTER 66

AN ACT HB 4138

Relating to limitations on the actions of public employees; creating new provisions; amending ORS 399.035; and declaring an emergency.

Whereas the Legislative Assembly affirms that law enforcement agencies in Oregon are committed to the principles of transparency, accountability and public trust; and

Whereas Oregonians expect to feel safe when interacting with law enforcement officials; and

Whereas law enforcement officers rely on trust to build legitimacy within their communities, which is accomplished by allowing the public the ability to identify officers and communicate with them openly; and

Whereas facial coverings and masks, which conceal facial identity and expression, can undermine that trust; and

Whereas interaction with law enforcement officers whose faces are visible can reduce fear and anxiety during stressful encounters; and

Whereas Oregonians expect all law enforcement agencies and officers who operate within this state to abide by the principles of transparency, accountability and public trust; and

Whereas it shall be the policy of the State of Oregon that all law enforcement officers operating in Oregon must not wear masks or any facial coverings, except for specific, limited exceptions including undercover operations, Special Weapons and Tactics (SWAT) operations, fire protection, health and safety and other necessary uses; now, therefore, **Be It Enacted by the People of the State of Oregon:**

LAW ENFORCEMENT IDENTIFIABILITY REQUIREMENTS (Identification Requirements)

SECTION 1. (1) A law enforcement agency operating within this state shall ensure that, while on duty and actively engaged in official law enforcement activities, each law enforcement officer wears a uniform clearly and visibly displaying:

(a) The last name of the officer or a unique identifying number associated with the officer in an agency record;

(b) The name of the employing agency; and

(c) An officially issued badge.

(2) This section does not apply to a law enforcement officer who:

(a) Is engaged in undercover duties as part of the regular performance of the officer's official duties.

(b) Is engaged in security or escort details as part of the regular performance of the officer's official duties.

(c) Responds to exigent circumstances, if the officer is responding to those circumstances while off duty.

(d) Is a detective assigned to and actively engaged in investigative duties, including interviewing victims and witnesses.

(3) Nothing in this section preempts a local government from enacting an ordinance requiring law enforcement agencies operating within the local government's jurisdiction to adopt requirements that are more stringent than the requirements of this section, so long as the requirements include the exceptions described in subsection (2) of this section.

(4) As used in this section:

(a) "Clearly and visibly displaying" means to wear externally in a size and location such as to be reasonably visible to a member of the public with whom the officer interacts.

(b)(A) "Law enforcement activities" means activities involving patrol, investigation, arrest, detention or other direct enforcement of criminal laws.

(B) "Law enforcement activities" does not include appearances for testimony, training or community engagement.

(c) "Law enforcement agency" includes:

(A) A law enforcement agency that employs a peace officer as defined in ORS 133.005.

(B) A federal law enforcement agency.

(C) A law enforcement agency of another state.

(d) "Law enforcement officer" means an individual employed or contracted as an officer of a law enforcement agency.

(Facial Covering Prohibition)

SECTION 2. As used in sections 3 and 4 of this 2026 Act:

(1)(a) "Facial covering" means any opaque mask, garment, helmet, headgear, balaclava, tactical mask, gaiter, ski mask or other item that conceals or obscures the facial identity of an individual.

(b) "Facial covering" does not include:

(A) A medical-grade mask or respirator, including an N95 medical mask, worn to protect against the transmission of disease or infection, or any other mask, helmet or device, including air purifying respirators, full or half masks or self-contained breathing apparatuses, necessary to protect against exposure to any toxin, gas, smoke, flame or extreme or severely inclement weather.

(B) A mask, helmet or device, including a self-contained underwater breathing apparatus, for use under water.

(C) A motorcycle or bicycle helmet when worn by a law enforcement officer utilizing a motorcycle, bicycle or other vehicle that re-

quires a helmet for safe operation while in the performance of the officer's duties.

(D) A fire helmet when worn during an arson investigation.

(E) Eyewear necessary to protect the eyes from physical objects or the use of retinal weapons, including lasers.

(F) A translucent face shield or clear mask that does not conceal the wearer's facial identity and is used in compliance with the employing law enforcement agency's policy.

(2) "Law enforcement agency" includes:

(a) Any law enforcement agency that employs a peace officer as defined in ORS 133.005.

(b) Any federal law enforcement agency.

(c) Any law enforcement agency of another state.

(3) "Law enforcement officer" means an individual employed or contracted as an officer of a law enforcement agency.

SECTION 3. (1) A law enforcement agency operating within this state shall maintain and publicly post a written policy on the use of facial coverings by all sworn law enforcement officers performing official duties for the agency.

(2) The policy must include, at a minimum, the following:

(a) A restriction on the use of facial coverings to specific, clearly defined and limited circumstances;

(b) A requirement that all sworn law enforcement officers performing official duties for the agency not wear a facial covering while performing official duties; and

(c) A list of narrowly tailored exceptions from the facial covering prohibition as described in section 4 (2) of this 2026 Act.

(3) A supervisor may not knowingly allow a law enforcement officer under the supervisor's supervision to violate state law or agency policy limiting the use of facial coverings.

(4) A member of the public, a law enforcement oversight body or a local governing authority may object to a policy adopted under this section, on the grounds that the policy does not conform with the requirements of this section, by submitting a written objection to the head of the law enforcement agency. The agency shall have 180 days to correct any deficiencies in the policy. If, after 180 days, the agency fails to adequately address the objection, the objecting party may seek an injunction against the law enforcement agency, in the circuit court for any county in which an office of the agency is located, to restrain an actual or threatened violation of the requirements of this section.

(5) Nothing in this section or section 4 of this 2026 Act preempts a local government from enacting an ordinance requiring law enforcement agencies operating within the local government's jurisdiction to adopt a policy that is more stringent than the requirements of this section, so long as the policy includes the exceptions from the facial covering prohibition as described in section 4 (2) of this 2026 Act.

SECTION 4. (1) A law enforcement officer may not wear a facial covering that conceals or obscures the officer's facial identity while performing official duties except as described in subsection (2) of this section.

(2) Subsection (1) of this section does not apply to a law enforcement officer:

(a) Engaged in undercover duties in the regular performance of the officer's official duties.

(b) Assigned to a tactical response team, while actively performing tactical duties, if a facial covering is necessary to protect the officer's face from physical harm while performing such duties. For purposes of this paragraph, "tactical response team" includes:

(A) A Special Weapons and Tactics (SWAT) team.

(B) A hazardous device, bomb or explosive ordnance disposal unit.

(C) A chemical, biological, radiological, nuclear or explosive (CBRNE) response unit.

(D) A tactical K-9 unit assigned to support high-risk warrant service, hostage rescue, armed barricade response or active shooter response.

(c) Working in extreme or severely inclement weather, including freezing temperatures, high wind or highly dusty conditions.

(3) Notwithstanding subsection (2) of this section, during any time period in which votes for any state or federal election are being collected or tabulated, a law enforcement officer may not, under any circumstances, wear a facial covering while performing official duties within 250 feet of:

(a) A place of deposit for ballots cast in an election described in ORS 254.470;

(b) A compartment, shelf or table for the marking of ballots described in ORS 254.472; or

(c) A voting booth provided under ORS 254.474.

SECTION 5. A law enforcement agency, as defined in section 2 of this 2026 Act, operating within this state shall adopt the policy described in section 3 of this 2026 Act no later than 180 days after the effective date of this 2026 Act.

SECTION 6. Section 4 of this 2026 Act becomes operative 180 days after the effective date of this 2026 Act.

ASSISTANCE WITH FEDERAL OR OUT-OF-STATE LAW ENFORCEMENT OPERATIONS

SECTION 7. As used in sections 8 to 10 of this 2026 Act:

(1) "Public body" means a public body, as defined in ORS 174.109, and the Oregon Health and Science University.

(2) "State or local law enforcement agency" means an entity that employs a peace officer as defined in ORS 133.005.

SECTION 8. (1) An employee of a state or local law enforcement agency or any other public body within this state is prohibited from, within the scope of the person's employment, intentionally assisting a federal law enforcement agency or a law enforcement agency of another state in investigating, apprehending or arresting individuals if the employee knows that the investigation, apprehension or arrest is occurring:

(a) On the basis of an individual's conduct protected by Article I, section 8 or 26, of the Oregon Constitution, or the First Amendment to the United States Constitution, including speech, expression, association or assembly;

(b) On the basis of an individual's membership in, or support of another individual based on the other individual's membership in, a class of persons protected under the Oregon or United States Constitution or other state or federal law, including classes based on race, color, religion, sex, sexual orientation, gender identity, national origin, marital status, disability or age; or

(c) As part of an unlawful search or seizure or other surveillance activity conducted in violation of Article I, section 9, of the Oregon Constitution, or the Fourth Amendment to the United States Constitution.

(2) The following do not violate subsection (1) of this section:

(a) Any action or conduct required by state or federal law.

(b) Any action or conduct required by a judicial subpoena issued as part of a court proceeding or by another compulsory court-issued legal process.

(c) The provision of information, to the extent that the information is available to the general public and is provided under the same terms and conditions as the information is available to the general public.

SECTION 9. (1) All state or local law enforcement agencies and other public bodies within this state shall establish policies prohibiting any person acting in the person's capacity as an employee or agent of the agency or public body from intentionally assisting or intentionally cooperating with, or intentionally allowing any time, money, facilities, property, equipment, personnel or other resources to be used to assist, cooperate with or facilitate, any operation executed in whole or in part by a federal law enforcement agency or a law enforcement agency of another state, if the person is aware that the operation is intended to:

(a) Identify, or impose civil or criminal liability upon, any individual, group, association, organization, corporation, business or partnership based on participation in activities protected by Article I, section 8 or 26, of the Oregon Constitution, or the First Amendment to the United States Constitution;

(b) Identify, or impose civil or criminal liability upon, any individual, group, association, organization, corporation, business or partnership based on membership in, or support of a person based on the person's membership in, a class of persons protected under the Oregon or United States Constitution or other state or federal law, including classes based on race, color, religion, sex, sexual orientation, gender identity, national origin, marital status, disability or age; or

(c) Identify, or impose civil or criminal liability upon, any individual, group, association, organization, corporation, business or partnership based on political, religious or social views, associations or activities.

(2) The policies described in this section must be based on existing procedures used by the state or local law enforcement agency or other public body to evaluate and respond to external information or assistance requests from outside entities, including governmental requests for information or assistance.

SECTION 10. (1) Prior to providing assistance or cooperating with, or allowing time, money, facilities, property, equipment, personnel or other resources to be used to assist, cooperate with or facilitate, an operation executed in whole or in part by a federal law enforcement agency or a law enforcement agency of another state, a state or local law enforcement agency or other public body, or an employee or agent of a state or local law enforcement agency or other public body, may obtain from the federal or out-of-state law enforcement agency an attestation, made under penalty of perjury, stating that the request does not relate to an operation or other activity prohibited by section 8 of this 2026 Act or a policy adopted pursuant to section 9 of this 2026 Act.

(2) Notwithstanding section 8 of this 2026 Act or any policy adopted pursuant to section 9 of this 2026 Act, a state or local law enforcement agency or other public body, or an employee or agent of a state or local law enforcement agency or other public body, that provides any assistance or cooperation to a federal law enforcement agency or law enforcement agency of another state, does not violate section 8 of this 2026 Act, or any policy established under section 9 of this 2026 Act, if the assistance or cooperation is provided after receiving an attestation described in subsection (1) of this section.

(3) Nothing in this section requires a state or local law enforcement agency or other public

body, or an employee or agent of a state or local law enforcement agency or other public body, to obtain the attestation described in subsection (1) of this section prior to, during or after providing any assistance to or cooperating with a federal law enforcement agency or a law enforcement agency of another state.

SECTION 11. All state or local law enforcement agencies and other public bodies, as those terms are defined in section 7 of this 2026 Act, within this state shall adopt a policy described in section 9 of this 2026 Act no later than 180 days after the effective date of this 2026 Act.

STATUS OF VOLUNTEERS IN CIVIL DEFENSE FORCE

SECTION 12. ORS 399.035 is amended to read:

399.035. (1) In addition to the federally recognized Oregon National Guard subject to call or order to federal service under laws of the United States, there shall be organized within the state a National Guard Reserve force. Such force shall be known as the Oregon Civil Defense Force, and shall be composed principally of officers, warrant officers and enlisted persons not eligible for general service under federal selective service laws.

(2) In time of peace the Oregon Civil Defense Force shall be maintained at cadre strength in numbers to be determined by the Governor.

(3) In time of peace the mission of the Oregon Civil Defense Force shall be to augment the Oregon National Guard as an internal security force. In time of war, it shall replace the Oregon National Guard as a force when the National Guard is ordered into federal service.

(4) Whenever laws of the United States authorize the organization of such forces under federal recognition, the Governor shall promulgate such regulations as are necessary to comply with such federal laws and obtain federal recognition for the force authorized by this section.

(5) Notwithstanding subsections (1) to (4) of this section:

(a) The Superintendent of State Police may form a volunteer Oregon State Police Civil Defense Force for the purpose of providing emergency response and communications, medical assistance, logistical support and other aid authorized by the superintendent. The superintendent, in collaboration with the Adjutant General, may assign delegate members of the Oregon State Police Civil Defense Force to command centers throughout this state.

(b) The sheriff of a county in this state may form a volunteer County Civil Defense Force for the purpose of providing emergency response and communications, medical assistance, logistical support and other aid authorized by the sheriff.

(6) Volunteers in the Oregon State Police Civil Defense Force or a County Civil Defense Force must possess and demonstrate experience or training in the military, law enforcement, communications, rescue operations or logistical support.

(7)(a) Volunteers in the Oregon State Police Civil Defense Force or a County Civil Defense Force are not, by virtue of volunteering in the force, considered:

(A) Members of the Oregon Civil Defense Force;

(B) Employees or volunteers of the state; **or**

(C) In "state service," as that term is defined in ORS 240.015[*; or*]**.**

[*(D) Agents of a public body under ORS 30.260 to 30.300 (Oregon Tort Claims Act) for the purpose of acts and omissions of the volunteer that are within the course and scope of the volunteer's duties.*]

(b) Volunteers in the Oregon State Police Civil Defense Force or a County Civil Defense Force are agents of a public body under ORS 30.260 to 30.300 for the purpose of acts and omissions of the volunteer that are within the course and scope of the volunteer's duties.

[*(b)*] **(c)** Unless entitled to compensation, reimbursement, benefits or coverage under any other provision of law, volunteers in the Oregon State Police Civil Defense Force or a County Civil Defense Force are not entitled to compensation, reimbursement for expenses, workers' compensation or other insurance coverage, public employment benefits or entitlements from the Oregon Military Department, the Oregon Department of Emergency Management or any other state or local agency or government.

CAUSE OF ACTION

SECTION 13. (1) Any person may seek an injunction against a law enforcement agency, as defined in section 1 of this 2026 Act, operating in this state to restrain a threatened or actual violation of section 1, 3, 4 or 5 of this 2026 Act.

(2) Any person may seek an injunction against a public body or a state or local law enforcement agency, as those terms are defined in section 7 of this 2026 Act, operating in this state to restrain a threatened or actual violation of section 8, 9, 10 or 11 of this 2026 Act.

(3) A defendant in an action under this section may assert as a defense that the defendant is or was compelled to provide prohibited information or assistance, including information or assistance as may be required by a judicial subpoena issued as part of a court proceeding or by another compulsory court-issued legal process.

CAPTIONS

SECTION 14. The unit captions used in this 2026 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2026 Act.

EMERGENCY CLAUSE

SECTION 15. This 2026 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2026 Act takes effect on its passage.

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