



Committee: PS
Committee Review: At a future date
Staff: Ludeen McCartney-Green Legislative Attorney
Purpose: To introduce agenda item – no vote expected

AGENDA ITEM #1E
January 20, 2026
Introduction

SUBJECT

Bill 5-26, Police – Mask or Facial Coverings – Prohibited (The Unmask ICE Act)

Lead Sponsor: Councilmember Jawando

Co-sponsors: Councilmembers Mink, Stewart, Evans, and Sayles

EXPECTED ATTENDEES

None

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- N/A; introduction

DESCRIPTION/ISSUE

Bill 5-26 would:

- (1) prohibit federal, state, or local law enforcement agencies from wearing masks or facial coverings while on duty in the County; and
- (2) generally amend the law regarding policing and public safety in the County.

SUMMARY OF KEY DISCUSSION POINTS

- N/A

This report contains:

Staff Report

Bill 5-26

Sponsor's Memorandum

Pages 1-2

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© 4

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M E M O R A N D U M

January 15, 2026

TO: County Council

FROM: Ludeen McCartney-Green, Legislative Attorney

SUBJECT: Bill 5-26, Police – Mask or Facial Coverings – Prohibited (The Unmask ICE Act)

PURPOSE: Introduction – no Council votes required

Bill 5-26, Police – Mask or Facial Coverings – Prohibited, also known as the “Unmask ICE Act,” Lead Sponsor Councilmember Jawando, Co-sponsors Councilmembers Mink, Stewart, Evans, and Sayles, is scheduled for introduction on January 20, 2026. A public hearing and Public Safety (PS) committee worksession will be scheduled at a later date.

Bill 5-26 would:

- (1) prohibit federal, state, or local law enforcement agencies from wearing masks or facial coverings while on duty in the County; and
- (2) generally amend the law regarding policing and public safety in the County.

PURPOSE

In a memorandum for Bill 5-26, the sponsor explained:

“This Bill strengthens community safety by ensuring residents can clearly identify law enforcement. A federal immigration enforcement brings unprecedented violence and cruelty to our community and others across the country, these transparency measures are vital to maintaining the public trust necessary for local law enforcement to function. Recent events in Minneapolis and across the country underscore the importance and timeliness of strengthening our community resolve and legal protections.” © 4

BILL SPECIFICS

Under Bill 5-26, the bill seeks to ban federal, state, and local law enforcement officers from wearing masks or face coverings while on duty in the County, with certain exceptions. Exceptions include:

- 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 fire;

- masks that are necessary to perform duties during a water rescue operation;
- masks related to protection against exposure to biological or chemical agents during an incident where such agents may be present;
- masks designed to protect against exposure to cold during a declared weather emergency;
or
- agents on a SWAT team.

This packet contains:

Bill 5-26

Sponsor's Memorandum

Circle #

1

4

Bill No. 5-26
Concerning: Police – Mask or Facial
Coverings – Prohibited (The Unmask
ICE Act)
Revised: 1/14/2026 Draft No. 4
Introduced: _____
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: _____
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Councilmember Jawando
Co-sponsors: Councilmembers Mink, Stewart, Evans, and Sayles

AN ACT to:

- (1) prohibit federal, state, or local law enforcement agencies from wearing masks or facial coverings while on duty in the County; and
- (2) generally amend the law regarding policing and public safety in the County.

By adding

Montgomery County Code
Chapter 35, Police
Section 35-13E

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec 1. Section 35-13E is added as follows:**

2 **35-13E. Masks or facial coverings – prohibited.**

3 (a) Definitions. In this Section, the following terms have the meanings

4 indicated:

5 Law enforcement agency means a federal, state, or local agency

6 authorized to enforce criminal, civil, or immigration laws in the County.

7 (b) Masks or facial coverings – prohibited. A law enforcement agency

8 operating in the County must not wear a mask or facial covering while

9 interacting with the public in the performance of their duties, except for:

10 (1) medical-grade masks that are surgical or N95 respirators designed

11 to prevent the transmission of airborne diseases;

12 (2) masks designed to protect against exposure to smoke during a fire;

13 (3) masks that are necessary to perform duties during a water rescue

14 operation;

15 (4) masks related to protection against exposure to biological or

16 chemical agents during an incident where such agents may be

17 present; or

18 (5) masks designed to protect against exposure to cold during a

19 declared weather emergency.

20 (c) Notwithstanding subsection (b) of this Section, the Special Weapons and

21 Tactical Team (SWAT) officers are permitted to utilize gear necessary to

22 protect their faces from physical harm while they perform SWAT

23 responsibilities.

24 (d) Preemption. Nothing in this Section is to be interpreted or applied to

25 create any requirement, power, or duty in conflict with any federal or state

26 law.

(e) Severability. If any provision of this Section, or any application thereof
to any person or circumstance, is found to be unconstitutional or
otherwise invalid by a decision of a court of competent jurisdiction, such
decision will not affect the validity of the remaining provisions of this
Section, which can be implemented without the invalid provisions and,
to this end, the provisions of this Section are declared to be severable.

Sec 2. Short Title. This Section is known as “The Unmask ICE Act.”



Montgomery County Council

MEMORANDUM

January 13, 2026

TO: Montgomery County Councilmembers

FROM: Will Jawando, Councilmember

SUBJECT: Unmask ICE bill

On January 20, 2026, I will introduce a bill to prohibit masking by law enforcement operating in Montgomery County, with exceptions for public health and key operational needs. I anticipate tremendous community support, and welcome co-sponsors, with hopes that the Council will unanimously pass this bill.

This bill strengthens community safety by ensuring residents can clearly identify law enforcement. As federal immigration enforcement brings unprecedented violence and cruelty to our community and others across the country, these transparency measures are vital to maintaining the public trust necessary for local law enforcement to function. Recent events in Minneapolis and across the country underscore the importance and timeliness of strengthening our community resolve and legal protections.

I have greatly appreciated dialogue with residents, the Montgomery County Police Department (MCPD), the Montgomery County FOP Lodge 35, and the Executive Branch about the impact of federal immigration law enforcement activities for the last several months. Chief Yamada gave salient recent comments in the context of the introduction of the Trust Act about the importance of community trust in local law enforcement in order to prevent crime and other dangerous situations.

I hope that we can unanimously support this bill, as we have done with the Trust Act, which I am grateful to our Council President Fani-González for introducing. I view this as a companion bill to the Trust Act and to the County Values Act. Please let Ludeen and Marisa know by 5pm on January 14th if you would like to be listed a co-sponsor when the bill is introduced.