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MEMORANDUM

February 26, 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: Public Hearing – to receive public testimony

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, Sayles, and Glass, was introduced on January 20, 2026. A 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.

SUMMARY OF IMPACT STATEMENTS

Fiscal Impact. According to the Office of Management and Budget, Bill 5-26 is not expected to have an impact on County revenues or expenditures.

Economic Impact. The Office of Legislative Oversight (OLO) cannot determine if Bill 5-26 would have an impact on the economic conditions in the County, because if enacted, it is uncertain whether the County could enforce the law due to ongoing legal battles over the constitutionality of state and local mask bans. © 5 Moreover, even if the Courts decide in their favor, the Trump administration may simply not comply with mask bans, as administration officials have already signaled.

However, if the Bill is enforceable and limits federal immigration enforcement activities in the County, it would positively impact economic conditions in the County. It would support the local businesses in construction and hospitality. Further, it would reduce the risk of sudden loss of income for certain undocumented residents and protect the wages of certain U.S. residents. © 5

Climate Assessment. OLO “anticipates Bill 5-26 will have no impact on the County’s contribution to addressing climate change...” and therefore does not offer any climate-related recommendations or amendments to the bill.

<u>This packet contains:</u>	<u>Circle #</u>
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*The Racial Equity & Social Justice Impact Statement was not available at the time of publication of this staff report. It can be found at the below address when available: [Racial Equity and Social Justice, Economic, and Climate Impact Statements - Office of Legislative Oversight-Montgomery County, Maryland \(montgomerycountymd.gov\)](https://www.montgomerycountymd.gov/OLSO/Pages/Racial-Equity-and-Social-Justice-Economic-and-Climate-Impact-Statements.aspx)

Bill No. 5-26
Concerning: Police – Mask or Facial Coverings – Prohibited (The Unmask ICE Act)
Revised: 1/14/2026 Draft No. 4
Introduced: January 20, 2026
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.

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

33 **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.

Economic Impact Statement

Montgomery County, Maryland

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

Summary

The Office of Legislative Oversight (OLO) cannot determine whether Bill 5-26 would impact economic conditions in the County, as measured by the Council's priority economic indicators. The Bill proposes to prohibit federal, state, and local law enforcement officers from wearing masks or other face coverings while on duty in the County. If enacted, it is uncertain whether the County could enforce the law due to ongoing legal battles over the constitutionality of state and local mask bans.¹ Moreover, even if the Courts decide in their favor, the Trump administration may simply not comply with mask bans, as administration officials have already signaled.²

However, if the Bill is enforceable and limits federal immigration enforcement activities in the County, it would positively impact economic conditions in the County, as detailed in the [Economic Impact Statement](#) for a recently introduced legislation (Bill 3-26) that would limit ICE activity locally. In this analysis, OLO concluded that any policies that restrict these activities would:

- Reduce the risk of sudden loss of income and averting high out-of-pocket costs for certain undocumented residents, thereby supporting household incomes and preventing families from falling into deeper financial distress;
- Support local businesses—particularly in the construction and accommodation and food services/arts/entertainment industries—by preventing the loss of experienced workers, thereby helping employers avoid the high costs of recruitment and training while maintaining consistent productivity and service quality; and
- Potentially protect the wages of certain U.S.-born workers by mitigating the negative economic spillovers typically associated with large-scale deportations.

Background and Purpose of Bill 5-26

Jurisdictions and states around the country—such as the City of Denver, the State of California, and the State of Virginia—have introduced or passed legislation banning local, state, and federal law enforcement officials from wearing a mask while on duty.³ The Maryland General Assembly also recently introduced legislation that would ban law enforcement officials from wearing masks on duty.⁴

¹ Bridget Lavender, "[Explainer: Can States Prohibit Federal Law Enforcement from Masking on the Job?](#)" State Democracy Research Initiative, University of Wisconsin Law School, January 29, 2025.

² Sarah Fortinsky, "[DHS says ICE won't comply with California ban on agents wearing masks](#)," The Hill, September 22, 2025.

³ [WUSA9, "Maryland lawmakers propose ban on police masks amid immigration crackdown", January 15, 2026.](#); [California Legislative Information, SB-627 Law enforcement: masks, Effective September 20, 2025.](#); [PBS, "Q&A: Denver Councilmember on the Effort to Unmask ICE Agents", January 26, 2026.](#); [WRIC, "State lawmaker introduces bill to unmask ICE in Virginia", November 25, 2025.](#)

⁴ [Maryland General Assembly, SB001 - Public Safety - Law Enforcement Officers - Prohibition on Face Coverings, Introduced January 14, 2026.](#)

According to its lead sponsor, the purpose of Bill 5-26 is to “strengthen community safety by ensuring residents can clearly identify law enforcement.”⁵ Bill 5-26 would ban federal, state, and local law enforcement officers from wearing masks or other face coverings while on duty in the County. Exceptions to this ban 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.⁶

The County Council introduced Bill 5-26, Police – Mask or Facial Coverings – Prohibited (The Unmask ICE Act), on January 20, 2026.⁷

Information Sources, Methodologies, and Assumptions

As required by Section 2-81B of the Montgomery County Code, this Economic Impact Statement evaluates the impacts of Bill 5-26 on residents and private organizations, using the Council’s priority economic indicators as the measure. In doing so, it examines whether the Bill would have a net positive or negative impact on overall economic conditions in the County.⁸

As explained above, if the Council enacts the ban on federal, state, and local law enforcement officers from wearing masks or other face coverings while on duty in the County, it is uncertain whether the County could enforce the law. There are ongoing legal battles over the constitutionality of state and local mask bans,⁹ and, even if the Courts decide in their favor, the Trump administration may simply not comply with mask bans, as administration officials have already signaled.¹⁰ As a result, OLO cannot determine whether the Bill would impact local economic conditions.

Variables

Not applicable

⁵ [Introduction Staff Report for Bill 5-26, Police - Mask or Facial Coverings - Prohibited \(The Unmask ICE Act\), Montgomery County Council, Introduced January 20, 2026.](#)

⁶ [Ibid.](#)

⁷ [Ibid.](#)

⁸ Montgomery County Code, “[Sec. 2-81B, Economic Impact Statements.](#)”

⁹ Bridget Lavender, “[Explainer: Can States Prohibit Federal Law Enforcement from Masking on the Job?](#)” State Democracy Research Initiative, University of Wisconsin Law School, January 29, 2025.

¹⁰ Sarah Fortinsky, “[DHS says ICE won’t comply with California ban on agents wearing masks,](#)” The Hill, September 22, 2025.

Impacts

WORKFORCE ▪ TAXATION POLICY ▪ PROPERTY VALUES ▪ INCOMES ▪ OPERATING COSTS ▪ PRIVATE SECTOR CAPITAL INVESTMENT ▪ ECONOMIC DEVELOPMENT ▪ COMPETITIVENESS

Residents

Not applicable

Businesses, Non-Profits, Other Private Organizations

Not applicable

Net Impact

Not applicable

Discussion Items

Not applicable

Caveats

Two caveats to the economic impact analysis conducted here should be noted. First, predicting the economic impacts of legislation is a challenging analytical endeavor due to data limitations, the multitude of causes of economic outcomes, economic shocks, uncertainty, and other factors. Second, the analysis performed here is intended to *inform* the legislative process, not determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the Bill under consideration.

Contributions

Stephen Roblin, PhD (OLO) prepared this report.



Fiscal Impact Statement

Office of Management and Budget

Bill 5-26

Police - Mask or Facial Coverings - Prohibited (The Unmask ICE Act)

Bill Summary

Bill 5-26 prohibits federal, state, and local law enforcement agencies from wearing facial coverings while on duty in the County with exceptions for masks that protect against exposure to airborne diseases, biological or chemical agents, smoke, or cold during a weather emergency. The bill also makes an exception for SWAT, and for masks that are necessary to perform lifesaving duties.

Fiscal Impact Summary

Bill 5-26 is not estimated to impact revenues or expenditures. The Montgomery County Police Department (MCPD) does not require new positions to implement the bill.

Fiscal Impact Analysis

The mask and facial covering restrictions outlined in Bill 5-26 are not expected to have an expenditure or revenue impact on MCPD.

Staff Impact

The bill is not expected to impact staff time or duties.

Actuarial Analysis

The bill is not expected to impact retiree pension or group insurance costs.

Information Technology Impact

The bill is not expected to impact the County Information Technology (IT) or Enterprise Resource Planning (ERP) systems.

Other Information

Later actions that may impact revenue or expenditures if future spending is projected

The bill does not authorize future spending.

Contributors

Taman Morris, Montgomery County Police Department
Amy Costanza, Montgomery County Police Department
Dale Philips, Montgomery County Police Department
Hamza Ahmed, Office of Management and Budget



Climate Assessment

Office of Legislative Oversight

BILL 5-26: POLICE – MASK OR FACIAL COVERINGS – PROHIBITED (THE UNMASK ICE ACT)

SUMMARY

The Office of Legislative Oversight (OLO) anticipates Bill 5-26 will have no impact on the County's contribution to addressing climate change as the Bill proposes a ban on law enforcement officials wearing masks while on duty.

BACKGROUND AND PURPOSE OF BILL 5-26

Aggressive federal immigration enforcement in the County and throughout the United States has created a heightened sense of fear and further eroded public trust in law enforcement. Immigration and Custom Enforcement (ICE) officers are now routinely masking and wearing plainclothes without visible law enforcement identification while on duty. According to a letter from twenty-one State Attorney Generals to members of Congress, this practice poses "significant public safety risks".¹

Other jurisdictions and states around the country – such as the City of Denver, the State of California, and the State of Virginia - have introduced or passed legislation banning local, state, and federal law enforcement officials from wearing a mask while on duty.² The Maryland General Assembly recently introduced legislation that would ban law enforcement officials from wearing masks on duty.³

According to its lead sponsor, the purpose of Bill 5-26 is to "strengthen community safety by ensuring residents can clearly identify law enforcement."⁴ Bill 5-26 would ban federal, state, and local law enforcement officers from wearing masks or other face coverings while on duty in the County. Exceptions to this ban 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.⁵

The County Council introduced Bill 5-26, Police – Mask or Facial Coverings – Prohibited (The Unmask ICE Act), on January 20, 2026.⁶

ANTICIPATED IMPACTS

There is some emerging research which shows local policies that promote safety and protection for immigrants can help local immigrant communities feel safer and allow for trust to be built between local governments and immigrant communities.⁷ This can aid in increasing access to local resources, especially for immigrants with insecure citizenship status that face structural barriers in accessing government services.⁸ However, research is unclear on the overall impact on how these policies affect immigrants' access to resources – such as food, affordable housing, stable employment, and healthcare, which would increase capacity to respond to natural disasters and storms.⁹

Community resilience includes housing, healthcare, infrastructure, and the well-being of community members – the more resources a community has, the better a community can respond to natural disasters and storms.¹⁰ However, as the Bill proposes a ban on law enforcement officials wearing a mask or other facial covering while on duty and would not provide further protections to immigrant communities against federal immigration enforcement, OLO anticipates Bill 5-26 will have no impact on the County's contribution to addressing climate change, including the reduction and/or sequestration of greenhouse gas emissions, community resilience, and adaptative capacity.

RECOMMENDED AMENDMENTS

The Climate Assessment Act requires OLO to offer recommendations, such as amendments or other measures to mitigate any anticipated negative climate impacts.¹¹ OLO does not offer recommendations or amendments as Bill 5-26 is likely to have no impact on the County's contribution to addressing climate change, including the reduction and/or sequestration of greenhouse gas emissions, community resilience, and adaptative capacity.

CAVEATS

OLO notes two caveats to this climate assessment. First, predicting the impacts of legislation upon climate change is a challenging analytical endeavor due to data limitations, uncertainty, and the broad, global nature of climate change. Second, the analysis performed here is intended to inform the legislative process, not determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

PURPOSE OF CLIMATE ASSESSMENTS

The purpose of the Climate Assessments is to evaluate the anticipated impact of legislation on the County's contribution to addressing climate change. These climate assessments will provide the Council with a more thorough understanding of the potential climate impacts and implications of proposed legislation, at the County level. The scope of the Climate Assessments is limited to the County's contribution to addressing climate change, specifically upon the County's contribution to greenhouse gas emissions and how actions suggested by legislation could help improve the County's adaptive capacity to climate change, and therefore, increase community resilience.

While co-benefits such as health and cost savings may be discussed, the focus is on how proposed County bills may impact GHG emissions and community resilience.

CONTRIBUTIONS

OLO staffer Kaitlyn Simmons drafted this assessment.

¹ [Letter from State Attorney Generals to Members of Congress, RE- Ice Masking Legislation, Sent July 15, 2025.](#); [Office of the New York State Attorney General, "Press Release: Attorney General James Leads Coalition Urging Congress to Protect Americans from Masked ICE Agents", July 15, 2025.](#)

² [WUSA9, "Maryland lawmakers propose ban on police masks amid immigration crackdown", January 15, 2026.](#); [California Legislative Information, SB-627 Law enforcement: masks, Effective September 20, 2025.](#); [PBS, "Q&A: Denver Councilmember on the Effort to Unmask ICE Agents", January 26, 2026.](#); [WRIC, "State lawmaker introduces bill to unmask ICE in Virginia", November 25, 2025.](#)

³ [Maryland General Assembly, SB001 - Public Safety - Law Enforcement Officers - Prohibition on Face Coverings, Introduced January 14, 2026.](#)

⁴ [Introduction Staff Report for Bill 5-26, Police - Mask or Facial Coverings - Prohibited \(The Unmask ICE Act\), Montgomery County Council, Introduced January 20, 2026.](#)

⁵ [Ibid.](#)

⁶ [Ibid.](#)

⁷ [Houston, A. R., Salhi, C., and Lincoln, A. K., "Messaging inclusion with consequence: U.S. sanctuary cities and immigrant wellbeing", Journal of Migration and Health, July 23, 2023.](#); [Bruce, B. and Crettex, L., "The Invisible Boundaries of Sanctuary Cities: Local Policies Towards Undocumented Migrants in Los Angeles During COVID-19", Urban Migrant Inclusion and Refugee Protection - Volume 2, August 2, 2025.](#); [Houston, A. R., et. al., "Challenging federal exclusion: Immigrant safety, health, and healthcare access in sanctuary cities", Health & Place Journal, May 2022.](#)

⁸ [Houston, A. R., Salhi, C., and Lincoln, A. K., "Messaging inclusion with consequence: U.S. sanctuary cities and immigrant wellbeing", Journal of Migration and Health, July 23, 2023.](#); [Bruce, B. and Crettex, L., "The Invisible Boundaries of Sanctuary Cities: Local Policies Towards Undocumented Migrants in Los Angeles During COVID-19", Urban Migrant Inclusion and Refugee Protection - Volume 2, August 2, 2025.](#)

⁹ [Kaiser Family Foundation, "Understanding the U.S. Immigrant Experience: The 2023 KFF/LA Times Survey of Immigrants, September 17, 2023.](#); [Houston, A. R., Salhi, C., and Lincoln, A. K., "Messaging inclusion with consequence: U.S. sanctuary cities and immigrant wellbeing", Journal of Migration and Health, July 23, 2023.](#); [Fabi, R. and Cervantes, L., "Undocumented Immigrants and COVID-19: A Call for Federally Funded Health Care", Jama Health Forum, September 3, 2021.](#)

¹⁰ [National Institute of Standards and Technology, "Community Resilience", Accessed 1/30/2026.](#); [FEMA, "National Resilience Guide: A Collaborative Approach to Building Resilience", August 2024.](#)

¹¹ Bill 3-22, Legislative Branch – Climate Assessments – Required, Montgomery County Council, Effective date October 24, 2022