



Committee: PS
Committee Review: Completed
Staff: Ludeen McCartney-Green Legislative Attorney
Purpose: Final action – vote expected

AGENDA ITEM #6A
April 28, 2026
Action

SUBJECT

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

Lead Sponsor: Councilmember Jawando

Co-Sponsors: Councilmembers Mink, Stewart, Evans, Sayles, and Glass

EXPECTED ATTENDEES

None

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- The Public Safety (PS) Committee recommended (3-0) the enactment of Bill 5-26, with amendments.
- Roll call vote expected

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

- The PS Committee recommends the enactment of Bill 5-26, with the following amendments:
 - require on-duty law enforcement officers in the County to display identification;
 - permit masks or face coverings, where necessary, as a reasonable workplace accommodation;
 - define “law enforcement officer”;
 - exempt undercover and plainclothes officers;
 - establish an online complaint process for violations of County law;
 - sunset the law upon adoption of a statewide policy on masks and identification; and
 - designate the bill as expedited.

This report contains:

Staff Report	Pages 1-5
Bill 5-26, as amended by the PS Committee	© 1
Sponsor’s Memorandum	© 5
Economic Impact Statement	© 6

Fiscal Impact Statement	©9
Climate Assessment	©10
Enrolled Senate Bill 1 (2026)	©13
Racial Equity and Social Justice Impact Statement	©25
Advisory Commission on Policing Letter	©28

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MEMORANDUM

April 23, 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: **Action** – roll call vote expected

Committee Recommendation: The Public Safety (PS) Committee recommended (3-0) the enactment of Bill 5-26, with amendments.

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 hearing was held on March 3, 2026, with 20 speakers in support of the bill.

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.” ©5

BILL SPECIFICS

Under Bill 5-26, as introduced, 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 whether Bill 5-26 would affect the County's economic conditions, 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. © 6 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 the County's economic conditions. 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.

Racial Equity and Social Justice Impact. OLO anticipates Bill 5-26 would have a positive impact on racial equity and social justice (RESJ) in the County. Amid the current immigration enforcement environment, Black and Latinx community members would disproportionately benefit from a ban on law enforcement wearing face coverings when on Duty.” While OLO does not offer any specific RESJ-related amendments, they note that to improve the RESJ impact of the Bill, the Council could “[c]onsider additional measures to improve law enforcement transparency and enforcement of Bill 5-26.”

PUBLIC HEARING

The Council held a public hearing on Bill 5-26 on March 3, 2026, where over twenty speakers testified overwhelmingly in support of the Bill. The Council also received numerous written testimonies in support of Bill 5-26. Written testimony can be found here. Specifically, support was due in part to the fear caused by the presence of masked federal officers and to the fact that the bill would enhance community members' ability to quickly identify whether someone is a Montgomery

County police officer or a federal agent. Additionally, testimony contained general themes of helping to keep our most vulnerable community members safe, holding federal agents to account, and standing in solidarity with our immigrant community.

BACKGROUND

Active Litigation – Case History on California Ban on Face Covering Ban

The California legislature enacted Senate Bill 627 (the “No Secret Police Act) on September 20, 2025,¹ which would generally prohibit law enforcement officers (federal, out-of-state police officers, and local police) from wearing facial coverings that obscure their identity while performing their duties, with limited exceptions for undercover work, SWAT, safety or environmental protections, or other legal accommodations as provided in the adopted policy. The law establishes criminal penalties and civil liability for violations to promote transparency and accountability.

In November 2025, the federal government challenged California’s authority to enforce a mask ban against federal agents under the No Secret Police Act and the Vigilante Act (a law requiring federal officers to visibly display IDs while on duty). In the *United States v. California*, No. 25-cv-10999 (C.D. Cal. Feb. 9, 2026), the U.S. argued that these laws are: 1) unconstitutionally regulate federal officers; and 2) violate the Supremacy Clause by discriminating against the federal government.

On February 9, 2026, the federal district court issued a split decision – as it relates to the mask ban – a preliminary injunction was issued to prevent California from enforcing its ban on face coverings against federal officers because it interferes with federal operations and may violate intergovernmental immunity principles, and the law did not apply to fairly to all law enforcement officers, rather it excluded California state police. However, under the Vigilante Act, the court allowed the requirement that officers identify themselves to go into effect because it was considered less intrusive and did not significantly interfere with federal duties.²

Prohibition of face mask policies in other local jurisdictions.

- **Prince George’s County** – The Prince George’s County Council enacted CB-008-2026 on April 7, 2026,³ which would prohibit face mask coverings for federal, state, and local law enforcement officers while on duty in the County, with certain exceptions. The law also requires officers to visibly wear identification while on duty.

¹ [SB 627: Law enforcement: masks. | Digital Democracy](#)

² The U.S. Court of Appeals for the Ninth Circuit on February 23, 2026, granted a temporary administrative injunction, which will remain in effect until the court rules on the government’s motion for an injunction pending appeal. Therefore, The State of California, Governor Gavin Newsom, and Attorney General Rob Bonta are enjoined, pending further order of the Court of Appeals, from applying or enforcing Section 10 of the No Vigilantes Act, S.B. 805, 2025 Gen. Assemb., Reg. Sess. (Cal. 2025) (codified at Cal. Penal Code § 13654), against federal agencies and officers. See, D.C. No. 2:25-cv-10999-CAS-AJR Central District of California, Los Angeles.

³ [CB-008-2026 – An Emergency Act Concerning Prohibition on Facial Coverings for Law Enforcement.](#)

- **Baltimore County** – The Baltimore County Council rejected a bill that would have barred law enforcement officers from wearing masks while on duty and required them to visibly display identification. Councilmembers raised concerns about constitutionality and the County’s police powers to implement a ban against a federal agency.⁴

SUMMARY OF PUBLIC SAFETY (PS) COMMITTEE WORKSESSION – APRIL 17

Participating in the discussion on behalf of the Executive Branch were Dr. Earl Stoddard, Assistant Chief Administrative Officer and Darren Francke, Chief of Patrol, Montgomery County Police Department.

The Public Safety Committee discussed Maryland Senate Bill 1, which was passed by the Maryland General Assembly on April 13, 2026, but not yet signed by the Governor, and how it would affect the implementation of Bill 5-26.

The Committee unanimously (3-0) recommended approval of amendments offered by Councilmember Jawando, specifically to:

1. add a sunset clause by including language that upon adoption of a uniform statewide policy by the Maryland Police Training and Standards Commission the Council’s bill would no longer be in effect; and
2. align the bill with Senate Bill 1 by requiring a law enforcement officer to wear identification on the outermost layer of clothing while performing duty; and verbally disclose identification upon request; with an exemption for plainclothes, nonuniformed, or undercover officers.

The Committee discussed alternatives approaches to enforcement mechanisms for a law enforcement officer (federal, state, or local) who violates the ban on masks or fails to display identification by establishing either a citation process similar to the SB 1 or an online complaint portal.

The Committee unanimously (3-0) recommended approval of an amendment offered by Chair Katz to allow County police officers or members of the public to report violations through an online portal, which provides that submissions may be used by the Office of the County Attorney for enforcement or referral to the Police Accountability Board.

Councilmember Luedtke requested clarification regarding the evidentiary standard that the Office of the County Attorney uses under Section 1-18 of the Montgomery County Code, if the OCA decides to pursue a violation of County law under the general enforcement procedure, particularly if it includes “probable cause.”⁵

⁴ <https://foxbaltimore.com/news/local/sun-baltimore-county-council-rejects-mask-ban-ice-law-enforcement>

⁵ For a civil citation, the burden of proof is preponderance of the evidence under Section 1-18(c)(4)(A) of the County Code. For a criminal citation, the burden of proof is beyond a reasonable doubt under Section 1-18(d) of the County Code.

The Committee unanimously approved an amendment to clarify the exceptions as to when wearing a mask or face covering is permitted. Specifically, Section 35-13E(b)(5) would include events consistent with the County’s extreme temperature plan. Section 35-13E(b)(6) would be added to include any other item worn to follow applicable laws on occupational health and safety or reasonable workplace accommodations.

Councilmember Jawando introduced an amendment to make the bill expedited, which was accepted without objection.

Clarifying amendments to define “law enforcement officer” and to provide a specific exemption for undercover or covert operations were accepted without objection.

The Public Safety Committee unanimously (3-0) recommended for enactment Bill 5-26, as amended.

The Committee worksession staff report can be found [here](#).

NEXT STEP: Roll call vote by the Council on whether to enact Bill 5-26, with amendments, as recommended by the Public Safety Committee.

<u>This packet contains:</u>	<u>Circle #</u>
Bill 5-26, as amended by PS Committee	1
Sponsor’s Memorandum	5
Economic Statement	6
Fiscal Impact Statement	9
Climate Assessment	10
Enrolled Senate Bill 1(2026)	13
Racial Equity and Social Justice Impact Statement	25
Advisory Commission on Policing Letter	28

Expedited Bill No. 5-26
Concerning: Police – Mask or Facial Coverings – Prohibited (The Unmask ICE Act)
Revised: 4/17/2026 Draft No. 5
Introduced: January 20, 2026
Expiration: December 7, 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, Sayles, and Glass

AN EXPEDITED ACT to:

- (1) prohibit federal, state, or local law enforcement agencies from wearing masks or facial coverings while on duty in the County;
- (2) require law enforcement officers to wear identification while on duty in the County; and
- (3) 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; identification – required.**

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

5 Identification means a law enforcement officer’s agency or department,
6 last name, and badge number or other identification number.

7 Law enforcement agency means a federal, state, or local agency
8 authorized to enforce criminal, civil, or immigration laws in the County.

9 Law enforcement officer means a sworn member of a law enforcement
10 agency.

11 (b) Masks or facial coverings – prohibited. A law enforcement agency
12 operating in the County must not wear a mask or facial covering while
13 interacting with the public in the performance of their duties, except for:

14 (1) medical-grade masks that are surgical or N95 respirators designed
15 to prevent the transmission of airborne diseases;

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

17 (3) masks that are necessary to perform duties during a water rescue
18 operation;

19 (4) masks related to protection against exposure to biological or
20 chemical agents during an incident where such agents may be
21 present; [[or]]

22 (5) masks designed to protect against exposure to cold weather during
23 a [[declared]] weather emergency declared by the County
24 Executive or the Governor of Maryland; or

25 (6) any other item worn to follow applicable laws on occupational
26 health and safety or reasonable workplace accommodations.

27 Reasonable workplace accommodation must be consistent with
 28 existing rules and regulations established by the Chief of Police.

29 (c) Notwithstanding subsection (b) of this Section, the Special Weapons and
 30 Tactical Team (SWAT) officers are permitted to utilize gear necessary to
 31 protect their faces from physical harm while [[they perform]] performing
 32 SWAT responsibilities.

33 (d) Identification for law enforcement officers – requirements.

34 (1) A law enforcement officer must wear identification on the
 35 outermost layer of clothing while in the performance of duty in the
 36 County.

37 (2) On request of another, a law enforcement officer must verbally
 38 disclose identification while in the performance of duty in the
 39 County.

40 (e) Reporting a violation or misconduct by a law enforcement officer. A
 41 County police officer or a member of the public who witnesses:

42 (1) a law enforcement officer wearing a mask or face covering in
 43 violation of subsection (b); or

44 (2) a law enforcement officer failing to display identification in
 45 violation of subsection (d) may file a complaint through an online
 46 platform designated by the Executive.

47 (f) A violation reported under subsection (e) should include as much
 48 information as possible, including:

49 (1) the law enforcement officer’s agency or department, last name,
 50 badge number, or other identification number;

51 (2) the date, time, and location of the alleged violation; and

52 (3) a description of what was observed.

53 (g) The information submitted through the online portal may be used by the
 54 Office of the County Attorney to assist in enforcing a violation of County
 55 law under Section 1-18 and to make any appropriate referrals to third
 56 parties, including the Police Accountability Board.

57 (h) This Section does not apply to a law enforcement officer operating in
 58 plainclothes, non-uniformed, undercover capacity, or while engaged in a
 59 covert operation.

60 (i) Preemption. Nothing in this Section is to be interpreted or applied to
 61 create any requirement, power, or duty in conflict with any federal or state
 62 law.

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

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

70 **Sec 3. Sunset.** Section 1 of this Act must sunset and be of no further force and
 71 effect upon the adoption of a uniform policy by the Maryland Police Training and
 72 Standards Commission prohibiting the use of face coverings or requiring identification
 73 for law enforcement officers, as required by Senate Bill 1 (2026) (cross-filed as House
 74 Bill 155 (2026)), enacted by the Maryland General Assembly on April 13, 2026.

75 **Sec 4. Expedited Effective Date.** The Council declares that this legislation is
 76 necessary for the immediate protection of the public interest. This Act takes effect on
 77 the date on which it becomes law.



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 adaptive 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 adaptive 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

SENATE BILL 1

E4

(6lr0842)

ENROLLED BILL

— Judicial Proceedings/Judiciary —

Introduced by **Senators Augustine, Love, Beidle, Brooks, Feldman, Ferguson, Guzzone, Hettleman, Kagan, King, Kramer, Lam, Lewis Young, Muse, Rosapepe, Smith, Sydnor, and Zucker**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Public Safety – Law Enforcement Officers – ~~Prohibition on~~ Face Coverings and**
3 **Identification**

4 FOR the purpose of requiring the Maryland Police Training and Standards Commission to
5 develop a certain ~~model~~ uniform policy prohibiting the use of a face covering by a law
6 enforcement officer in the course of duty; requiring the Commission to develop a
7 certain uniform policy requiring the use of worn identification by a law enforcement
8 officer in the course of duty; ~~requiring a law enforcement agency to adopt a policy~~
9 ~~consistent with the model policy developed by the Commission;~~ prohibiting a certain
10 law enforcement officer from wearing a certain face covering while in the
11 performance of duty in the State, with a certain exception; requiring a certain law
12 enforcement officer to wear identification while in the performance of duty in the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 State, with a certain exception; establishing certain procedural requirements
 2 applicable to violations of this Act; and generally relating to law enforcement officers.

3 BY repealing and reenacting, without amendments,
 4 Article – Public Safety
 5 Section 3–201(a) and (b)
 6 Annotated Code of Maryland
 7 (2022 Replacement Volume and 2025 Supplement)

8 BY adding to
 9 Article – Public Safety
 10 Section 3–207(p) and (q), 3–535, and 3–536
 11 Annotated Code of Maryland
 12 (2022 Replacement Volume and 2025 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 14 That the Laws of Maryland read as follows:

15 **Article – Public Safety**

16 3–201.

17 (a) In this subtitle the following words have the meanings indicated.

18 (b) “Commission” means the Maryland Police Training and Standards
 19 Commission.

20 3–207.

21 **(P) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE**
 22 **MEANINGS INDICATED.**

23 **(II) “FACE COVERING” HAS THE MEANING STATED IN § 3–535 OF**
 24 **THIS TITLE.**

25 **(III) “LAW ENFORCEMENT AGENCY” HAS THE MEANING STATED**
 26 **IN § 3–535 OF THIS TITLE.**

27 **(IV) “LAW ENFORCEMENT OFFICER” HAS THE MEANING STATED**
 28 **IN § 3–535 OF THIS TITLE.**

29 **(2) (I) THE COMMISSION SHALL DEVELOP A ~~MODEL~~ UNIFORM**
 30 **POLICY, TO BE USED BY EACH LAW ENFORCEMENT AGENCY, PROHIBITING THE USE**
 31 **OF A FACE COVERING BY A LAW ENFORCEMENT OFFICER IN THE COURSE OF DUTY**
 32 **CONSISTENT WITH § 3–535 OF THIS TITLE.**

1 (II) ~~THE MODEL~~ UNIFORM POLICY DEVELOPED UNDER THIS
2 SUBSECTION SHALL INCLUDE LANGUAGE AFFIRMING:

3 1. THE LAW ENFORCEMENT AGENCY'S COMMITMENT TO
4 TRANSPARENCY, ACCOUNTABILITY, AND PUBLIC TRUST;

5 2. THAT THE AUTHORIZED USE OF FACE COVERINGS
6 SHALL BE LIMITED TO SPECIFIC AND CLEARLY DEFINED CIRCUMSTANCES; AND

7 3. THAT GENERALIZED AND UNDIFFERENTIATED FEAR
8 AND APPREHENSION ABOUT LAW ENFORCEMENT OFFICER SAFETY IS NOT
9 SUFFICIENT TO JUSTIFY THE USE OF FACE COVERINGS.

10 (III) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE
11 UNIFORM POLICY MAY ALLOW FOR USES OF FACE COVERINGS UNDER
12 CIRCUMSTANCES ABSOLUTELY NECESSARY TO PROTECT THE HEALTH OR SAFETY OF
13 LAW ENFORCEMENT OFFICERS WHILE PERFORMING PUBLIC SAFETY FUNCTIONS,
14 INCLUDING THE USE OF FACE COVERINGS DURING INCLEMENT WEATHER.

15 ~~(3) A LAW ENFORCEMENT AGENCY WITH LAW ENFORCEMENT~~
16 ~~OFFICERS OPERATING IN THE STATE SHALL ADOPT A POLICY CONSISTENT WITH THE~~
17 ~~MODEL POLICY DEVELOPED BY THE COMMISSION UNDER PARAGRAPH (2) OF THIS~~
18 ~~SUBSECTION.~~

19 (3) A COUNTY, A MUNICIPALITY, OR A LAW ENFORCEMENT AGENCY
20 OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE MAY NOT ADOPT A
21 POLICY, OTHER THAN THE UNIFORM POLICY DEVELOPED BY THE COMMISSION,
22 REGARDING THE USE OF FACE COVERINGS BY LAW ENFORCEMENT OFFICERS.

23 (Q) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE
24 MEANINGS INDICATED.

25 (II) "IDENTIFICATION" HAS THE MEANING STATED IN § 3-536 OF
26 THIS TITLE.

27 (III) "LAW ENFORCEMENT AGENCY" HAS THE MEANING STATED
28 IN § 3-535 OF THIS TITLE.

29 (IV) "LAW ENFORCEMENT OFFICER" HAS THE MEANING STATED
30 IN § 3-535 OF THIS TITLE.

31 (2) (I) THE COMMISSION SHALL DEVELOP A UNIFORM POLICY, TO
32 BE USED BY EACH LAW ENFORCEMENT AGENCY, REQUIRING THE USE OF

1 IDENTIFICATION BY A LAW ENFORCEMENT OFFICER IN THE COURSE OF DUTY
 2 CONSISTENT WITH § 3-536 OF THIS TITLE.

3 (II) THE UNIFORM POLICY DEVELOPED UNDER THIS
 4 SUBSECTION SHALL INCLUDE LANGUAGE AFFIRMING THE STATE'S INTEREST IN:

5 1. PROMOTING PUBLIC SAFETY;

6 2. PREVENTING LAW ENFORCEMENT IMPERSONATION;

7 AND

8 3. PROMOTING TRANSPARENCY AND ACCOUNTABILITY.

9 (III) THE UNIFORM POLICY DEVELOPED UNDER THIS
 10 SUBSECTION SHALL ADDRESS:

11 1. THE SIZE, PLACEMENT, CONTRAST, AND LEGIBILITY
 12 OF IDENTIFICATION, INCLUDING REQUIREMENTS TO ENSURE VISIBILITY OF THE
 13 IDENTIFICATION FROM A REASONABLE DISTANCE;

14 2. THE WAY IDENTIFICATION MUST BE DISPLAYED ON
 15 DIFFERENT TYPES OF UNIFORMS, OUTERWEAR, AND PROTECTIVE CLOTHING,
 16 INCLUDING JACKETS, VESTS, AND RAIN GEAR;

17 3. NARROWLY TAILORED CIRCUMSTANCES IN WHICH
 18 IDENTIFICATION MAY BE TEMPORARILY OBSCURED DUE TO AN IMMEDIATE THREAT
 19 TO LAW ENFORCEMENT OFFICER SAFETY OR PUBLIC SAFETY AND ANY
 20 DOCUMENTATION OR AFTER-ACTION REPORTING REQUIRED FOR DEVIATIONS; AND

21 4. TRAINING REQUIREMENTS FOR NEW AND CURRENT
 22 LAW ENFORCEMENT OFFICERS ON THE IDENTIFICATION REQUIREMENTS
 23 ESTABLISHED UNDER § 3-536 OF THIS TITLE.

24 (3) A COUNTY, A MUNICIPALITY, OR A LAW ENFORCEMENT AGENCY OF
 25 THE STATE OR A POLITICAL SUBDIVISION OF THE STATE MAY NOT ADOPT A POLICY,
 26 OTHER THAN THE UNIFORM POLICY DEVELOPED BY THE COMMISSION, REQUIRING
 27 THE USE OF IDENTIFICATION BY LAW ENFORCEMENT OFFICERS.

28 **3-535.**

29 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
 30 **INDICATED.**

1 **(2) (I) “FACE COVERING” MEANS ANY OPAQUE MASK, GARMENT,**
2 **HELMET, HEADGEAR, OR OTHER ITEM THAT CONCEALS OR OBSCURES THE FACE OF**
3 **AN INDIVIDUAL.**

4 **(II) “FACE COVERING” INCLUDES A BALACLAVA, SKI MASK,**
5 **NECK GAITER, OR TACTICAL MASK.**

6 **(III) “FACE COVERING” DOES NOT INCLUDE:**

7 **1. A TRANSLUCENT FACE SHIELD OR CLEAR MASK THAT**
8 **DOES NOT CONCEAL THE WEARER’S FACE;**

9 **2. A MEDICAL-GRADE OR SURGICAL MASK WORN TO**
10 **PROTECT AGAINST THE TRANSMISSION OF DISEASE OR INFECTION;**

11 **3. A MASK OR AN APPARATUS, SUCH AS A**
12 **SELF-CONTAINED BREATHING APPARATUS, NECESSARY TO PROTECT AGAINST**
13 **EXPOSURE TO ANY TOXINS, GAS, SMOKE, OR OTHER HAZARDOUS OR HARMFUL**
14 **ENVIRONMENTAL CONDITION;**

15 **4. A MASK, HELMET, SELF-CONTAINED BREATHING**
16 **APPARATUS, OR OTHER DEVICE NECESSARY FOR UNDERWATER USE;**

17 **5. A MOTORCYCLE HELMET WHEN WORN BY AN**
18 **INDIVIDUAL UTILIZING A MOTORCYCLE OR OTHER VEHICLE THAT REQUIRES A**
19 **HELMET FOR SAFE OPERATIONS;**

20 **6. EYEWEAR NECESSARY TO PROTECT AN INDIVIDUAL**
21 **FROM THE USE OF RETINAL WEAPONS AND LASERS;**

22 **7. A GARMENT WORN FOR RELIGIOUS PURPOSES;**

23 **8. PROTECTIVE GEAR WORN DURING TACTICAL**
24 **OPERATIONS FOR PURPOSES OF PHYSICAL SAFETY; OR**

25 **9. ANY OTHER ITEM WORN TO FOLLOW APPLICABLE**
26 **LAWS ON OCCUPATIONAL HEALTH AND SAFETY OR REASONABLE WORKPLACE**
27 **ACCOMMODATIONS.**

28 **(3) “LAW ENFORCEMENT AGENCY” INCLUDES A LAW ENFORCEMENT**
29 **AGENCY OF:**

30 **(I) THE STATE;**

1 (II) ANOTHER STATE;

2 (III) A POLITICAL SUBDIVISION OF THE STATE OR ANOTHER
3 STATE; OR

4 (IV) THE FEDERAL GOVERNMENT.

5 (4) "LAW ENFORCEMENT OFFICER" MEANS A SWORN MEMBER OF A
6 LAW ENFORCEMENT AGENCY.

7 (B) THIS SECTION DOES NOT APPLY TO A LAW ENFORCEMENT OFFICER
8 ACTIVELY ENGAGED IN AN UNDERCOVER OPERATION.

9 (C) A LAW ENFORCEMENT OFFICER MAY NOT WEAR A FACE COVERING
10 WHILE IN THE PERFORMANCE OF DUTY IN THE STATE, EXCEPT AS AUTHORIZED IN A
11 ~~POLICY ADOPTED UNDER § 3-207(P)(3) OF THIS TITLE~~ THE UNIFORM POLICY
12 ADOPTED BY THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION
13 UNDER § 3-207 OF THIS TITLE.

14 (D) (1) A LAW ENFORCEMENT OFFICER WHO VIOLATES THIS SECTION:

15 ~~(H) IS GUILTY OF A MISDEMEANOR CIVIL OFFENSE AND ON~~
16 ~~CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE~~
17 ~~NOT EXCEEDING \$2,000 OR BOTH; AND~~

18 ~~(H) WAIVES ALL IMMUNITY IN A CIVIL ACTION BASED ON THE~~
19 ~~VIOLATION \$1,500.~~

20 (2) A VIOLATION OF THIS SECTION CONSTITUTES POLICE
21 MISCONDUCT FOR PURPOSES OF SUBTITLE 1 OF THIS TITLE.

22 (E) (1) A POLICE OFFICER MAY ISSUE A CITATION TO A LAW
23 ENFORCEMENT OFFICER WHO THE POLICE OFFICER HAS PROBABLE CAUSE TO
24 BELIEVE IS COMMITTING OR HAS COMMITTED A VIOLATION OF THIS SECTION.

25 (2) ADJUDICATION UNDER THIS SECTION:

26 (I) IS NOT A CRIMINAL CONVICTION FOR ANY PURPOSE; AND

27 (II) DOES NOT IMPOSE ANY OF THE CIVIL DISABILITIES THAT
28 MAY RESULT FROM A CRIMINAL CONVICTION.

1 **(3) A CITATION ISSUED UNDER THIS SECTION SHALL BE SIGNED BY**
2 **THE POLICE OFFICER WHO ISSUED THE CITATION AND SHALL CONTAIN:**

3 **(I) THE NAME AND ADDRESS OF THE LAW ENFORCEMENT**
4 **OFFICER CHARGED;**

5 **(II) THE STATUTE ALLEGEDLY VIOLATED;**

6 **(III) THE DATE, LOCATION, AND TIME THAT THE VIOLATION**
7 **OCCURRED;**

8 **(IV) THE FINE THAT MAY BE IMPOSED;**

9 **(V) A NOTICE STATING THAT PREPAYMENT OF THE FINE IS**
10 **ALLOWED; AND**

11 **(VI) A NOTICE THAT STATES THAT THE DISTRICT COURT SHALL**
12 **PROMPTLY SEND THE LAW ENFORCEMENT OFFICER A SUMMONS TO APPEAR FOR**
13 **TRIAL.**

14 **(4) (I) THE FORM OF THE CITATION SHALL BE UNIFORM**
15 **THROUGHOUT THE STATE AND SHALL BE PRESCRIBED BY THE DISTRICT COURT.**

16 **(II) THE CHIEF JUDGE OF THE DISTRICT COURT SHALL**
17 **ESTABLISH A SCHEDULE FOR THE PREPAYMENT OF A FINE FOR A VIOLATION OF THIS**
18 **SECTION.**

19 **(5) (I) THE LAW ENFORCEMENT AGENCY OF THE POLICE OFFICER**
20 **WHO ISSUED THE CITATION SHALL FORWARD TO THE DISTRICT COURT HAVING**
21 **VENUE A COPY OF THE CITATION AND A REQUEST FOR TRIAL.**

22 **(II) THE DISTRICT COURT SHALL PROMPTLY SCHEDULE THE**
23 **CASE FOR TRIAL AND SUMMON THE DEFENDANT TO APPEAR.**

24 **(6) IN ANY PROCEEDING FOR A CIVIL OFFENSE UNDER THIS SECTION:**

25 **(I) THE STATE HAS THE BURDEN TO PROVE THE GUILT OF THE**
26 **DEFENDANT BY A PREPONDERANCE OF THE EVIDENCE;**

27 **(II) THE COURT SHALL APPLY THE EVIDENTIARY STANDARDS AS**
28 **PRESCRIBED BY LAW OR RULE FOR THE TRIAL OF CRIMINAL CAUSES;**

1 (III) THE COURT SHALL ENSURE THAT THE DEFENDANT HAS
2 RECEIVED A COPY OF THE CHARGES AGAINST THE DEFENDANT AND THAT THE
3 DEFENDANT UNDERSTANDS THOSE CHARGES;

4 (IV) THE DEFENDANT IS ENTITLED TO CROSS-EXAMINE ALL
5 WITNESSES WHO APPEAR AGAINST THE DEFENDANT, TO PRODUCE EVIDENCE OR
6 WITNESSES ON BEHALF OF THE DEFENDANT, OR TO TESTIFY ON THE DEFENDANT'S
7 OWN BEHALF, IF THE DEFENDANT CHOOSES TO DO SO;

8 (V) THE DEFENDANT IS ENTITLED TO BE REPRESENTED BY
9 COUNSEL OF THE DEFENDANT'S CHOICE AND AT THE EXPENSE OF THE DEFENDANT;
10 AND

11 (VI) THE DEFENDANT MAY ENTER A PLEA OF GUILTY OR NOT
12 GUILTY, AND THE VERDICT OF THE COURT IN THE CASE SHALL BE:

13 1. GUILTY OF A CIVIL OFFENSE; OR

14 2. NOT GUILTY OF A CIVIL OFFENSE.

15 (7) WHEN A DEFENDANT HAS BEEN FOUND GUILTY OF A CIVIL
16 OFFENSE UNDER THIS SECTION AND A FINE HAS BEEN IMPOSED BY THE COURT, THE
17 COURT MAY DIRECT THAT THE PAYMENT OF THE FINE BE SUSPENDED OR DEFERRED
18 UNDER CONDITIONS THAT THE COURT MAY ESTABLISH.

19 (8) THE DEFENDANT MAY BE LIABLE FOR THE COSTS OF THE
20 PROCEEDINGS IN THE DISTRICT COURT AND FOR PAYMENT TO THE CRIMINAL
21 INJURIES COMPENSATION FUND.

22 (9) (I) A DEFENDANT WHO HAS BEEN FOUND GUILTY OF A CIVIL
23 OFFENSE UNDER THIS SECTION HAS THE SAME RIGHT TO APPEAL OR TO FILE A
24 MOTION FOR A NEW TRIAL OR A MOTION FOR A REVISION OF A JUDGMENT PROVIDED
25 BY LAW IN THE TRIAL OF A CRIMINAL CASE.

26 (II) A MOTION SHALL BE MADE IN THE SAME MANNER AS
27 PROVIDED IN THE TRIAL OF CRIMINAL CASES, AND THE COURT, IN RULING ON THE
28 MOTION, HAS THE SAME AUTHORITY PROVIDED IN THE TRIAL OF CRIMINAL CASES.

29 (10) THE STATE'S ATTORNEY FOR A COUNTY MAY PROSECUTE A CIVIL
30 OFFENSE UNDER THIS SECTION IN THE SAME MANNER AS PROSECUTION OF A
31 VIOLATION OF THE CRIMINAL LAWS OF THE STATE.

32 (11) IN A CIVIL OFFENSE CASE UNDER THIS SECTION, THE STATE'S
33 ATTORNEY MAY:

1 (I) ENTER A NOLLE PROSEQUI IN OR PLACE THE CASE ON THE
2 STET DOCKET; AND

3 (II) EXERCISE AUTHORITY IN THE SAME MANNER AS
4 PRESCRIBED BY LAW FOR VIOLATION OF THE CRIMINAL LAWS OF THE STATE.

5 3-536.

6 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
7 INDICATED.

8 (2) “IDENTIFICATION” MEANS A LAW ENFORCEMENT OFFICER’S
9 AGENCY OR DEPARTMENT, LAST NAME, AND BADGE NUMBER OR OTHER
10 IDENTIFICATION NUMBER.

11 (3) “LAW ENFORCEMENT AGENCY” HAS THE MEANING STATED IN §
12 3-535 OF THIS SUBTITLE.

13 (4) “LAW ENFORCEMENT OFFICER” HAS THE MEANING STATED IN §
14 3-535 OF THIS SUBTITLE.

15 (B) THIS SECTION DOES NOT APPLY TO A LAW ENFORCEMENT OFFICER
16 WORKING IN A PLAINCLOTHES, NONUNIFORMED, OR UNDERCOVER CAPACITY.

17 (C) (1) A LAW ENFORCEMENT OFFICER SHALL WEAR IDENTIFICATION ON
18 THE LAW ENFORCEMENT OFFICER’S OUTERMOST LAYER OF CLOTHING WHILE IN THE
19 PERFORMANCE OF DUTY IN THE STATE.

20 (2) ON REQUEST OF ANOTHER, A LAW ENFORCEMENT OFFICER SHALL
21 VERBALLY DISCLOSE IDENTIFICATION WHILE IN THE PERFORMANCE OF DUTY IN THE
22 STATE.

23 (D) (1) A LAW ENFORCEMENT OFFICER WHO VIOLATES THIS SECTION IS
24 GUILTY OF A CIVIL OFFENSE AND ON CONVICTION IS SUBJECT TO A FINE NOT
25 EXCEEDING \$1,500.

26 (2) A VIOLATION OF THIS SECTION CONSTITUTES POLICE
27 MISCONDUCT FOR PURPOSES OF SUBTITLE 1 OF THIS TITLE.

28 (E) (1) A POLICE OFFICER MAY ISSUE A CITATION TO A LAW
29 ENFORCEMENT OFFICER WHO THE POLICE OFFICER HAS PROBABLE CAUSE TO
30 BELIEVE IS COMMITTING OR HAS COMMITTED A VIOLATION OF THIS SECTION.

1 **(2) ADJUDICATION UNDER THIS SECTION:**

2 **(I) IS NOT A CRIMINAL CONVICTION FOR ANY PURPOSE; AND**

3 **(II) DOES NOT IMPOSE ANY OF THE CIVIL DISABILITIES THAT**
4 **MAY RESULT FROM A CRIMINAL CONVICTION.**

5 **(3) A CITATION ISSUED UNDER THIS SECTION SHALL BE SIGNED BY**
6 **THE POLICE OFFICER WHO ISSUED THE CITATION AND SHALL CONTAIN:**

7 **(I) THE NAME AND ADDRESS OF THE LAW ENFORCEMENT**
8 **OFFICER CHARGED;**

9 **(II) THE STATUTE ALLEGEDLY VIOLATED;**

10 **(III) THE DATE, LOCATION, AND TIME THAT THE VIOLATION**
11 **OCCURRED;**

12 **(IV) THE FINE THAT MAY BE IMPOSED;**

13 **(V) A NOTICE STATING THAT PREPAYMENT OF THE FINE IS**
14 **ALLOWED; AND**

15 **(VI) A NOTICE THAT STATES THAT THE DISTRICT COURT SHALL**
16 **PROMPTLY SEND THE LAW ENFORCEMENT OFFICER A SUMMONS TO APPEAR FOR**
17 **TRIAL.**

18 **(4) (I) THE FORM OF THE CITATION SHALL BE UNIFORM**
19 **THROUGHOUT THE STATE AND SHALL BE PRESCRIBED BY THE DISTRICT COURT.**

20 **(II) THE CHIEF JUDGE OF THE DISTRICT COURT SHALL**
21 **ESTABLISH A SCHEDULE FOR THE PREPAYMENT OF A FINE FOR A VIOLATION OF THIS**
22 **SECTION.**

23 **(5) (I) THE LAW ENFORCEMENT AGENCY OF THE POLICE OFFICER**
24 **WHO ISSUED THE CITATION SHALL FORWARD TO THE DISTRICT COURT HAVING**
25 **VENUE A COPY OF THE CITATION AND A REQUEST FOR TRIAL.**

26 **(II) THE DISTRICT COURT SHALL PROMPTLY SCHEDULE THE**
27 **CASE FOR TRIAL AND SUMMON THE DEFENDANT TO APPEAR.**

28 **(6) IN ANY PROCEEDING FOR A CIVIL OFFENSE UNDER THIS SECTION:**

1 (I) THE STATE HAS THE BURDEN TO PROVE THE GUILT OF THE
2 DEFENDANT BY A PREPONDERANCE OF THE EVIDENCE;

3 (II) THE COURT SHALL APPLY THE EVIDENTIARY STANDARDS AS
4 PRESCRIBED BY LAW OR RULE FOR THE TRIAL OF CRIMINAL CASES;

5 (III) THE COURT SHALL ENSURE THAT THE DEFENDANT HAS
6 RECEIVED A COPY OF THE CHARGES AGAINST THE DEFENDANT AND THAT THE
7 DEFENDANT UNDERSTANDS THOSE CHARGES;

8 (IV) THE DEFENDANT IS ENTITLED TO CROSS-EXAMINE ALL
9 WITNESSES WHO APPEAR AGAINST THE DEFENDANT, TO PRODUCE EVIDENCE OR
10 WITNESSES ON BEHALF OF THE DEFENDANT, OR TO TESTIFY ON THE DEFENDANT'S
11 OWN BEHALF, IF THE DEFENDANT CHOOSES TO DO SO;

12 (V) THE DEFENDANT IS ENTITLED TO BE REPRESENTED BY
13 COUNSEL OF THE DEFENDANT'S CHOICE AND AT THE EXPENSE OF THE DEFENDANT;
14 AND

15 (VI) THE DEFENDANT MAY ENTER A PLEA OF GUILTY OR NOT
16 GUILTY, AND THE VERDICT OF THE COURT IN THE CASE SHALL BE:

17 1. GUILTY OF A CIVIL OFFENSE; OR

18 2. NOT GUILTY OF A CIVIL OFFENSE.

19 (7) WHEN A DEFENDANT HAS BEEN FOUND GUILTY OF A CIVIL
20 OFFENSE UNDER THIS SECTION AND A FINE HAS BEEN IMPOSED BY THE COURT, THE
21 COURT MAY DIRECT THAT THE PAYMENT OF THE FINE BE SUSPENDED OR DEFERRED
22 UNDER CONDITIONS THAT THE COURT MAY ESTABLISH.

23 (8) THE DEFENDANT MAY BE LIABLE FOR THE COSTS OF THE
24 PROCEEDINGS IN THE DISTRICT COURT AND FOR PAYMENT TO THE CRIMINAL
25 INJURIES COMPENSATION FUND.

26 (9) (I) A DEFENDANT WHO HAS BEEN FOUND GUILTY OF A CIVIL
27 OFFENSE UNDER THIS SECTION HAS THE SAME RIGHT TO APPEAL OR TO FILE A
28 MOTION FOR A NEW TRIAL OR A MOTION FOR A REVISION OF A JUDGMENT PROVIDED
29 BY LAW IN THE TRIAL OF A CRIMINAL CASE.

30 (II) A MOTION SHALL BE MADE IN THE SAME MANNER AS
31 PROVIDED IN THE TRIAL OF CRIMINAL CASES, AND THE COURT, IN RULING ON THE
32 MOTION, HAS THE SAME AUTHORITY PROVIDED IN THE TRIAL OF CRIMINAL CASES.

1 (10) THE STATE’S ATTORNEY FOR A COUNTY MAY PROSECUTE A CIVIL
2 OFFENSE UNDER THIS SECTION IN THE SAME MANNER AS PROSECUTION OF A
3 VIOLATION OF THE CRIMINAL LAWS OF THE STATE.

4 (11) IN A CIVIL OFFENSE CASE UNDER THIS SECTION, THE STATE’S
5 ATTORNEY MAY:

6 (I) ENTER A NOLLE PROSEQUI IN OR PLACE THE CASE ON THE
7 STET DOCKET; AND

8 (II) EXERCISE AUTHORITY IN THE SAME MANNER AS
9 PRESCRIBED BY LAW FOR VIOLATION OF THE CRIMINAL LAWS OF THE STATE.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2026.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.

Racial Equity and Social Justice (RESJ) Impact Statement

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 would have a positive impact on racial equity and social justice (RESJ) in the County. Amid the current immigration enforcement environment, Black and Latinx community members would disproportionately benefit from a ban on law enforcement wearing face coverings while on duty.

PURPOSE OF RESJ IMPACT STATEMENTS

RESJ impact statements (RESJIS) evaluate the anticipated impact of legislation on racial equity and social justice in the County. RESJ is a **process** that focuses on centering the needs, leadership, and power of Black, Indigenous, and other People of Color (BIPOC) and communities with low incomes. RESJ is also a **goal** of eliminating racial and social inequities. Applying a RESJ lens is essential to achieve RESJ.¹ This involves seeing, thinking, and working differently to address the racial and social inequities that cause racial and social disparities.²

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.”³

Other jurisdictions and states around the country – such as the City of Denver, State of California, and State of Virginia – have introduced or passed legislation banning local, state, and federal law enforcement officials from wearing a mask while on duty.^{4,5,6} The Maryland General Assembly also recently introduced legislation that would ban law enforcement officials from wearing masks on duty.⁷

According to its lead sponsor, the purpose of Bill 5-26 is to “strengthen community safety by ensuring residents can clearly identify law enforcement.”⁸ 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:⁹

- 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 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.

RESJ Impact Statement

Bill 5-26

The County Council introduced Bill 5-26, Police – Mask or Facial Coverings – Prohibited (The Unmask ICE Act), on January 20, 2026.

This RESJIS builds on the ones for:

- Expedited Bill 26-24, Police - U visa Law Enforcement Certification Policy, published in December 2024;¹⁰
- Expedited Bill 30-25, Noise Control – Leaf Removal Equipment – Enforcement Procedures, published in October 2025;¹¹
- Expedited Bill 35-25, County Administration - Immigrant Protection, published in January 2026;¹² and
- Bill 3-26, Administration – Immigration Enforcement Guidance – Required, published in March 2026.¹³

Please refer to the RESJISs for Bills 26-24 and 3-26 for background on undocumented community members, U.S. immigration and racial equity.

ANTICIPATED RESJ IMPACTS

To consider the anticipated impact of Bill 5-26 on RESJ in the County, OLO recommends the consideration of two related questions:

- Who would primarily benefit or be burdened by this bill?
- What racial and social inequities could passage of this bill weaken or strengthen?

All community members, regardless of race or ethnicity, could benefit from a ban on law enforcement wearing face coverings while on duty. This could help improve transparency during law enforcement interactions and prevent further confusion and fear among community members. Amid the current immigration enforcement environment, where masked ICE agents are targeting Black and Latinx communities with indiscriminate and violent immigration enforcement,^{14,15} Black and Latinx community members would disproportionately benefit from this ban.

Therefore, OLO anticipates Bill 5-26 would have a positive impact on RESJ in the County.

RECOMMENDED AMENDMENTS

The County's RESJ Act requires OLO to consider whether to recommend amendments to bills that could reduce racial and social inequities and advance RESJ.¹⁶ OLO anticipates Bill 5-26 would have a positive impact on RESJ in the County. As such, OLO does not offer recommended amendments. However, should the Council seek to improve the RESJ impact of this bill, OLO offers one policy option for Council consideration:

- **Consider additional measures to improve law enforcement transparency and enforcement of Bill 5-26.** For example, in Denver, Colorado, a proposed ban on face coverings for law enforcement would also require law enforcement to wear identification during interactions. The proposed law would also enable the Denver Police Department to cite or arrest law enforcement officers who do not comply.¹⁷ Measures such as these could better ensure community members are able to properly identify law enforcement and that law enforcement officers comply with the law.

RESJ Impact Statement

Bill 5-26

CAVEATS

Two caveats to this RESJIS should be noted. First, predicting the impact of bills on RESJ is challenging due to data limitations, uncertainty, and other factors. Second, this RESJIS is intended to inform the Council's decision-making process rather than determine it. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

¹ Definition of racial equity and social justice adopted from [Marlysa Gamblin et al., "Applying Racial Equity to U.S. Federal Nutrition Programs," Bread for the World](#) and [Racial Equity Tools](#).

² Ibid.

³ [Letter from State Attorney Generals to Members of Congress RE- Ice Masking Legislation](#), Office of the New York State Attorney General, July 15, 2025.

⁴ [SB-627 Law enforcement: masks](#), California Legislative Information, Effective September 20, 2025

⁵ ["Q&A: Denver Councilmember on the Effort to Unmask ICE Agents"](#), PBS, January 26, 2026.

⁶ ["State lawmaker introduces bill to unmask ICE in Virginia,"](#) WRIC, November 25, 2025

⁷ [SB001 - Public Safety - Law Enforcement Officers - Prohibition on Face Coverings](#), Maryland General Assembly, Introduced January 14, 2026.

⁸ [Introduction Staff Report for Bill 5-26](#), Montgomery County Council, introduced January 20, 2026.

⁹ Ibid.

¹⁰ [RESJIS for Expedited Bill 26-24](#), Office of Legislative Oversight, December 17, 2024.

¹¹ [RESJIS for Expedited Bill 30-25](#), Office of Legislative Oversight, October 21, 2025.

¹² [RESJIS for Expedited Bill 35-25](#), Office of Legislative Oversight, January 12, 2026.

¹³ [RESJIS for Bill 3-26](#), Office of Legislative Oversight, March 2, 2026.

¹⁴ M. Hellmann, ["It's like they're hunting': US citizens and legal residents report increase in racial profiling by ICE,"](#) The Guardian, January 22, 2026.

¹⁵ N. Foy, ["We Found That More Than 170 U.S. Citizens Have Been Held by Immigration Agents. They've Been Kicked, Dragged and Detained for Days,"](#) ProPublica, October 16, 2025.

¹⁶ [Bill 27-19, Administration – Human Rights – Office of Racial Equity and Social Justice – Racial Equity and Social Justice Advisory Committee – Established, Montgomery County Council.](#)

¹⁷ K. Harris, ["Denver advances ban on masks for immigration agents and police with strong support,"](#) Denverite, February 23, 2026.



ADVISORY COMMISSION ON POLICING

March 9, 2026

The Honorable Natali Fani-González
President, Montgomery County Council
100 Maryland Avenue
Rockville, MD 20850

Subject: Advisory Commission on Policing (ACP) Analysis and Recommendations on Bill 5-26, Police – Mask or Facial Coverings – Prohibited (The Unmask ICE Act)

Dear Council President Fani-González and Members of the County Council:

Pursuant to its charter, the Advisory Commission on Policing (ACP) would like to convey our analysis and advice regarding Bill 5-26, Police – Mask or Facial Coverings – Prohibited (The Unmask ICE Act).¹

The ACP welcomes the bill's intent to enhance transparency and accountability in public safety, as well as ensuring that residents can clearly identify law enforcement officers. Despite the bill's potential benefits, some Commissioners expressed concerns regarding its timing and effectiveness, as there is a similar initiative already underway in the state legislature and the provisions related to federal agents may not be enforceable. Nonetheless, the consensus is that the use face coverings intended to hide a law enforcement officer's identity or to intimidate the public is a sharp break with the American historical tradition in policing and have no place in law enforcement.²

In this context we make the following recommendations to enhance the positive outcomes expected from the bill, we recommend:

¹ For text of the bill see:

[https://www2.montgomerycountymd.gov/mcgportalapps/Press_Detail.aspx?Item_ID=48132&Dept=1#:~:text=Balcombe%20\(District%202\).-,The%20Unmask%20ICE%20Act,-%2C%20Bill%205%2D26](https://www2.montgomerycountymd.gov/mcgportalapps/Press_Detail.aspx?Item_ID=48132&Dept=1#:~:text=Balcombe%20(District%202).-,The%20Unmask%20ICE%20Act,-%2C%20Bill%205%2D26)

² On February 3, 2026, the Maryland Senate passed SB-1 prohibiting law enforcement officers from wearing a certain face covering while in the performance of duty in the State. The bill is now with the Maryland General Assembly. See: <https://www.billtrack50.com/billdetail/1926209>