

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
Enacted: April 28, 2026
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.

Approved:



April 28, 2026

Natali Fani-González, President, County Council

Date

Approved:

Marc Elrich, County Executive

Date

This is a correct copy of Council action.

Sara R. Tenenbaum, Clerk of the Council

Date