

## **SJR 203 -1, -3 STAFF MEASURE SUMMARY**

### **Senate Committee On Judiciary**

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**Prepared By:** Jules Dellinger, LPRO Analyst

**Sub-Referral To:** Senate Committee On Rules

**Meeting Dates:** 2/11, 2/16

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#### **WHAT THE MEASURE DOES:**

The measure amends the Oregon Constitution, Article I, adding a section to prohibit secret police, to prohibit law enforcement officers performing official duties in the state from wearing masks, and to require such law enforcement officers to wear an official uniform with certain identifying markers unless the officer is undercover or part of a special weapons and tactics team (SWAT) response. The measure refers the amendment to the people for approval or rejection at the next statewide regular general election.

#### **ISSUES DISCUSSED:**

##### **EFFECT OF AMENDMENT:**

- 1 The amendment adds "at risk of being exposed to smoke, an infectious disease or a biological hazard" to the mask prohibition exceptions.
- 3 The amendment replaces the proposed addition to the Oregon Constitution, article 1, with the statement that "The people of Oregon have a right to be free from enforcement of the law by secret police."

##### **BACKGROUND:**

Article XVII, section 1 of the Oregon Constitution provides the method for amending the Constitution. The Legislative Assembly may propose an amendment, which then is referred to the people of Oregon for approval or rejection. If approved by a majority, the amendment becomes part of the Constitution.

Federal law enforcement operations in Oregon have recently come under increased scrutiny, in part because of the federalization and deployment of members of the Oregon National Guard in Portland in 2025 and increased immigration enforcement operations by Immigrations and Customs Enforcement. [Reports](#) have raised concerns about Immigration and Customs Enforcement officers wearing face masks and failing to identify themselves to the people they have arrested. Several jurisdictions have proposed laws to regulate the masking and identification of law enforcement officers, including California ([SB627](#), passed) ([SB 805](#), passed), New York ([S08462](#)), Tennessee ([SB2011](#)), and the U.S. Congress ([H.R. 4004](#), [S.2212](#)).

The federal government challenged the California laws in federal court in November 2025. The court granted a preliminary injunction, stopping just the facial covering prohibition from going into effect, holding that the federal government was likely to succeed on its claim that the facial covering prohibition violates the Supremacy Clause of the U.S. Constitution because, by applying to federal law enforcement officers but not to state law enforcement, it impermissibly discriminates against the federal government by treating a state entity more favorably than the federal one. The decision granted the preliminary injunction on the facial covering prohibition but allowed the other enacted provisions to go into effect while the case is pending. The court case is ongoing, and the court has not yet issued a final ruling.