

# B-Engrossed House Bill 4138

Ordered by the Senate March 2  
Including House Amendments dated February 18 and Senate Amendments  
dated March 2

Sponsored by Representatives CHAICHI, TRAN, Senator MANNING JR, Representatives ANDERSEN, CHOTZEN, JAVADI, MCLAIN, MUNOZ, NELSON, NOSSE, WISE, Senators CAMPOS, FREDERICK, PHAM K, PROZANSKI; Representatives FRAGALA, GAMBA, GOMBERG, GRAYBER, HUDSON, ISADORE, KROPF, MARSH, MCDONALD, NATHANSON, NGUYEN D, RUIZ, SOSA, WALTERS, Senators GELSER BLOUIN, GOLDEN, JAMA, NERON MISSLIN, PATTERSON, REYNOLDS (Presession filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure. The statement includes a measure digest written in compliance with applicable readability standards.

**Digest:** The Act sets police ID rules and limits the actions of public employees when working with U.S. or out-of-state law enforcement. The Act also allows a person to seek an injunction when the rules are violated. The Act goes into effect when the Governor signs it. (Flesch Readability Score: 62.5).

Requires law enforcement agencies to require officers to wear uniforms with specified identifying information. Specifies exceptions.

Requires law enforcement agencies to enact policies prohibiting the wearing of facial coverings by officers except in specified circumstances. Prohibits the wearing of facial coverings by law enforcement officers except in specified circumstances.

Prohibits employees of state and local law enforcement agencies and other public bodies in this state from participating in certain actions. Directs state and local law enforcement agencies and other public bodies to enact policies prohibiting engagement in certain actions.

Provides that volunteers in a civil defense force are agents of a public body for purposes of the Oregon Tort Claims Act.

Allows a person harmed by violations of certain provisions to seek an injunction.

Declares an emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to limitations on the actions of public employees; creating new provisions; amending ORS  
3 399.035; and declaring an emergency.

4 Whereas the Legislative Assembly affirms that law enforcement agencies in Oregon are com-  
5 mitted to the principles of transparency, accountability and public trust; and

6 Whereas Oregonians expect to feel safe when interacting with law enforcement officials; and

7 Whereas law enforcement officers rely on trust to build legitimacy within their communities,  
8 which is accomplished by allowing the public the ability to identify officers and communicate with  
9 them openly; and

10 Whereas facial coverings and masks, which conceal facial identity and expression, can under-  
11 mine that trust; and

12 Whereas interaction with law enforcement officers whose faces are visible can reduce fear and  
13 anxiety during stressful encounters; and

14 Whereas Oregonians expect all law enforcement agencies and officers who operate within this  
15 state to abide by the principles of transparency, accountability and public trust; and

16 Whereas it shall be the policy of the State of Oregon that all law enforcement officers operating  
17 in Oregon must not wear masks or any facial coverings, except for specific, limited exceptions in-

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.  
New sections are in **boldfaced** type.

1 cluding undercover operations, Special Weapons and Tactics (SWAT) operations, fire protection,  
2 health and safety and other necessary uses; now, therefore,

3 **Be It Enacted by the People of the State of Oregon:**

4  
5 **LAW ENFORCEMENT IDENTIFIABILITY REQUIREMENTS**  
6 **(Identification Requirements)**  
7

8 **SECTION 1.** (1) A law enforcement agency operating within this state shall ensure that,  
9 while on duty and actively engaged in official law enforcement activities, each law enforce-  
10 ment officer wears a uniform clearly and visibly displaying:

11 (a) The last name of the officer or a unique identifying number associated with the offi-  
12 cer in an agency record;

13 (b) The name of the employing agency; and

14 (c) An officially issued badge.

15 (2) This section does not apply to a law enforcement officer who:

16 (a) Is engaged in undercover duties as part of the regular performance of the officer's  
17 official duties.

18 (b) Is engaged in security or escort details as part of the regular performance of the  
19 officer's official duties.

20 (c) Responds to exigent circumstances, if the officer is responding to those circum-  
21 stances while off duty.

22 (d) Is a detective assigned to and actively engaged in investigative duties, including  
23 interviewing victims and witnesses.

24 (3) Nothing in this section preempts a local government from enacting an ordinance re-  
25 quiring law enforcement agencies operating within the local government's jurisdiction to  
26 adopt requirements that are more stringent than the requirements of this section, so long  
27 as the requirements include the exceptions described in subsection (2) of this section.

28 (4) As used in this section:

29 (a) "Clearly and visibly displaying" means to wear externally in a size and location such  
30 as to be reasonably visible to a member of the public with whom the officer interacts.

31 (b)(A) "Law enforcement activities" means activities involving patrol, investigation, ar-  
32 rest, detention or other direct enforcement of criminal laws.

33 (B) "Law enforcement activities" does not include appearances for testimony, training  
34 or community engagement.

35 (c) "Law enforcement agency" includes:

36 (A) A law enforcement agency that employs a peace officer as defined in ORS 133.005.

37 (B) A federal law enforcement agency.

38 (C) A law enforcement agency of another state.

39 (d) "Law enforcement officer" means an individual employed or contracted as an officer  
40 of a law enforcement agency.

41  
42 **(Facial Covering Prohibition)**  
43

44 **SECTION 2.** As used in sections 3 and 4 of this 2026 Act:

45 (1)(a) "Facial covering" means any opaque mask, garment, helmet, headgear, balaclava,

1 tactical mask, gaiter, ski mask or other item that conceals or obscures the facial identity  
2 of an individual.

3 (b) "Facial covering" does not include:

4 (A) A medical-grade mask or respirator, including an N95 medical mask, worn to protect  
5 against the transmission of disease or infection, or any other mask, helmet or device, in-  
6 cluding air purifying respirators, full or half masks or self-contained breathing apparatuses,  
7 necessary to protect against exposure to any toxin, gas, smoke, flame or extreme or severely  
8 inclement weather.

9 (B) A mask, helmet or device, including a self-contained underwater breathing apparatus,  
10 for use under water.

11 (C) A motorcycle or bicycle helmet when worn by a law enforcement officer utilizing a  
12 motorcycle, bicycle or other vehicle that requires a helmet for safe operation while in the  
13 performance of the officer's duties.

14 (D) A fire helmet when worn during an arson investigation.

15 (E) Eyewear necessary to protect the eyes from physical objects or the use of retinal  
16 weapons, including lasers.

17 (F) A translucent face shield or clear mask that does not conceal the wearer's facial  
18 identity and is used in compliance with the employing law enforcement agency's policy.

19 (2) "Law enforcement agency" includes:

20 (a) Any law enforcement agency that employs a peace officer as defined in ORS 133.005.

21 (b) Any federal law enforcement agency.

22 (c) Any law enforcement agency of another state.

23 (3) "Law enforcement officer" means an individual employed or contracted as an officer  
24 of a law enforcement agency.

25 **SECTION 3.** (1) A law enforcement agency operating within this state shall maintain and  
26 publicly post a written policy on the use of facial coverings by all sworn law enforcement  
27 officers performing official duties for the agency.

28 (2) The policy must include, at a minimum, the following:

29 (a) A restriction on the use of facial coverings to specific, clearly defined and limited  
30 circumstances;

31 (b) A requirement that all sworn law enforcement officers performing official duties for  
32 the agency not wear a facial covering while performing official duties; and

33 (c) A list of narrowly tailored exceptions from the facial covering prohibition as described  
34 in section 4 (2) of this 2026 Act.

35 (3) A supervisor may not knowingly allow a law enforcement officer under the  
36 supervisor's supervision to violate state law or agency policy limiting the use of facial cov-  
37 erings.

38 (4) A member of the public, a law enforcement oversight body or a local governing au-  
39 thority may object to a policy adopted under this section, on the grounds that the policy does  
40 not conform with the requirements of this section, by submitting a written objection to the  
41 head of the law enforcement agency. The agency shall have 180 days to correct any defi-  
42 ciencies in the policy. If, after 180 days, the agency fails to adequately address the objection,  
43 the objecting party may seek an injunction against the law enforcement agency, in the cir-  
44 cuit court for any county in which an office of the agency is located, to restrain an actual  
45 or threatened violation of the requirements of this section.

1 (5) Nothing in this section or section 4 of this 2026 Act preempts a local government from  
2 enacting an ordinance requiring law enforcement agencies operating within the local  
3 government's jurisdiction to adopt a policy that is more stringent than the requirements of  
4 this section, so long as the policy includes the exceptions from the facial covering prohibition  
5 as described in section 4 (2) of this 2026 Act.

6 **SECTION 4.** (1) A law enforcement officer may not wear a facial covering that conceals  
7 or obscures the officer's facial identity while performing official duties except as described  
8 in subsection (2) of this section.

9 (2) Subsection (1) of this section does not apply to a law enforcement officer:

10 (a) Engaged in undercover duties in the regular performance of the officer's official du-  
11 ties.

12 (b) Assigned to a tactical response team, while actively performing tactical duties, if a  
13 facial covering is necessary to protect the officer's face from physical harm while performing  
14 such duties. For purposes of this paragraph, "tactical response team" includes:

15 (A) A Special Weapons and Tactics (SWAT) team.

16 (B) A hazardous device, bomb or explosive ordnance disposal unit.

17 (C) A chemical, biological, radiological, nuclear or explosive (CBRNE) response unit.

18 (D) A tactical K-9 unit assigned to support high-risk warrant service, hostage rescue,  
19 armed barricade response or active shooter response.

20 (c) Working in extreme or severely inclement weather, including freezing temperatures,  
21 high wind or highly dusty conditions.

22 (3) Notwithstanding subsection (2) of this section, during any time period in which votes  
23 for any state or federal election are being collected or tabulated, a law enforcement officer  
24 may not, under any circumstances, wear a facial covering while performing official duties  
25 within 250 feet of:

26 (a) A place of deposit for ballots cast in an election described in ORS 254.470;

27 (b) A compartment, shelf or table for the marking of ballots described in ORS 254.472;  
28 or

29 (c) A voting booth provided under ORS 254.474.

30 **SECTION 5.** A law enforcement agency, as defined in section 2 of this 2026 Act, operating  
31 within this state shall adopt the policy described in section 3 of this 2026 Act no later than  
32 180 days after the effective date of this 2026 Act.

33 **SECTION 6.** Section 4 of this 2026 Act becomes operative 180 days after the effective date  
34 of this 2026 Act.

35  
36 **ASSISTANCE WITH FEDERAL OR OUT-OF-STATE**  
37 **LAW ENFORCEMENT OPERATIONS**  
38

39 **SECTION 7.** As used in sections 8 to 10 of this 2026 Act:

40 (1) "Public body" means a public body, as defined in ORS 174.109, and the Oregon Health  
41 and Science University.

42 (2) "State or local law enforcement agency" means an entity that employs a peace officer  
43 as defined in ORS 133.005.

44 **SECTION 8.** (1) An employee of a state or local law enforcement agency or any other  
45 public body within this state is prohibited from, within the scope of the person's employment,

1 intentionally assisting a federal law enforcement agency or a law enforcement agency of  
2 another state in investigating, apprehending or arresting individuals if the employee knows  
3 that the investigation, apprehension or arrest is occurring:

4 (a) On the basis of an individual's conduct protected by Article I, section 8 or 26, of the  
5 Oregon Constitution, or the First Amendment to the United States Constitution, including  
6 speech, expression, association or assembly;

7 (b) On the basis of an individual's membership in, or support of another individual based  
8 on the other individual's membership in, a class of persons protected under the Oregon or  
9 United States Constitution or other state or federal law, including classes based on race,  
10 color, religion, sex, sexual orientation, gender identity, national origin, marital status, disa-  
11 bility or age; or

12 (c) As part of an unlawful search or seizure or other surveillance activity conducted in  
13 violation of Article I, section 9, of the Oregon Constitution, or the Fourth Amendment to the  
14 United States Constitution.

15 (2) The following do not violate subsection (1) of this section:

16 (a) Any action or conduct required by state or federal law.

17 (b) Any action or conduct required by a judicial subpoena issued as part of a court pro-  
18 ceeding or by another compulsory court-issued legal process.

19 (c) The provision of information, to the extent that the information is available to the  
20 general public and is provided under the same terms and conditions as the information is  
21 available to the general public.

22 **SECTION 9.** (1) All state or local law enforcement agencies and other public bodies within  
23 this state shall establish policies prohibiting any person acting in the person's capacity as  
24 an employee or agent of the agency or public body from intentionally assisting or inten-  
25 tionally cooperating with, or intentionally allowing any time, money, facilities, property,  
26 equipment, personnel or other resources to be used to assist, cooperate with or facilitate,  
27 any operation executed in whole or in part by a federal law enforcement agency or a law  
28 enforcement agency of another state, if the person is aware that the operation is intended  
29 to:

30 (a) Identify, or impose civil or criminal liability upon, any individual, group, association,  
31 organization, corporation, business or partnership based on participation in activities pro-  
32 tected by Article I, section 8 or 26, of the Oregon Constitution, or the First Amendment to  
33 the United States Constitution;

34 (b) Identify, or impose civil or criminal liability upon, any individual, group, association,  
35 organization, corporation, business or partnership based on membership in, or support of a  
36 person based on the person's membership in, a class of persons protected under the Oregon  
37 or United States Constitution or other state or federal law, including classes based on race,  
38 color, religion, sex, sexual orientation, gender identity, national origin, marital status, disa-  
39 bility or age; or

40 (c) Identify, or impose civil or criminal liability upon, any individual, group, association,  
41 organization, corporation, business or partnership based on political, religious or social  
42 views, associations or activities.

43 (2) The policies described in this section must be based on existing procedures used by  
44 the state or local law enforcement agency or other public body to evaluate and respond to  
45 external information or assistance requests from outside entities, including governmental

1 requests for information or assistance.

2 **SECTION 10.** (1) Prior to providing assistance or cooperating with, or allowing time,  
3 money, facilities, property, equipment, personnel or other resources to be used to assist,  
4 cooperate with or facilitate, an operation executed in whole or in part by a federal law  
5 enforcement agency or a law enforcement agency of another state, a state or local law  
6 enforcement agency or other public body, or an employee or agent of a state or local law  
7 enforcement agency or other public body, may obtain from the federal or out-of-state law  
8 enforcement agency an attestation, made under penalty of perjury, stating that the request  
9 does not relate to an operation or other activity prohibited by section 8 of this 2026 Act or  
10 a policy adopted pursuant to section 9 of this 2026 Act.

11 (2) Notwithstanding section 8 of this 2026 Act or any policy adopted pursuant to section  
12 9 of this 2026 Act, a state or local law enforcement agency or other public body, or an em-  
13 ployee or agent of a state or local law enforcement agency or other public body, that provides  
14 any assistance or cooperation to a federal law enforcement agency or law enforcement  
15 agency of another state, does not violate section 8 of this 2026 Act, or any policy established  
16 under section 9 of this 2026 Act, if the assistance or cooperation is provided after receiving  
17 an attestation described in subsection (1) of this section.

18 (3) Nothing in this section requires a state or local law enforcement agency or other  
19 public body, or an employee or agent of a state or local law enforcement agency or other  
20 public body, to obtain the attestation described in subsection (1) of this section prior to,  
21 during or after providing any assistance to or cooperating with a federal law enforcement  
22 agency or a law enforcement agency of another state.

23 **SECTION 11.** All state or local law enforcement agencies and other public bodies, as  
24 those terms are defined in section 7 of this 2026 Act, within this state shall adopt a policy  
25 described in section 9 of this 2026 Act no later than 180 days after the effective date of this  
26 2026 Act.

27  
28 **STATUS OF VOLUNTEERS IN CIVIL DEFENSE FORCE**

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30 **SECTION 12.** ORS 399.035 is amended to read:

31 399.035. (1) In addition to the federally recognized Oregon National Guard subject to call or  
32 order to federal service under laws of the United States, there shall be organized within the state  
33 a National Guard Reserve force. Such force shall be known as the Oregon Civil Defense Force, and  
34 shall be composed principally of officers, warrant officers and enlisted persons not eligible for gen-  
35 eral service under federal selective service laws.

36 (2) In time of peace the Oregon Civil Defense Force shall be maintained at cadre strength in  
37 numbers to be determined by the Governor.

38 (3) In time of peace the mission of the Oregon Civil Defense Force shall be to augment the  
39 Oregon National Guard as an internal security force. In time of war, it shall replace the Oregon  
40 National Guard as a force when the National Guard is ordered into federal service.

41 (4) Whenever laws of the United States authorize the organization of such forces under federal  
42 recognition, the Governor shall promulgate such regulations as are necessary to comply with such  
43 federal laws and obtain federal recognition for the force authorized by this section.

44 (5) Notwithstanding subsections (1) to (4) of this section:

45 (a) The Superintendent of State Police may form a volunteer Oregon State Police Civil Defense

1 Force for the purpose of providing emergency response and communications, medical assistance, lo-  
2 gistical support and other aid authorized by the superintendent. The superintendent, in collaboration  
3 with the Adjutant General, may assign delegate members of the Oregon State Police Civil Defense  
4 Force to command centers throughout this state.

5 (b) The sheriff of a county in this state may form a volunteer County Civil Defense Force for  
6 the purpose of providing emergency response and communications, medical assistance, logistical  
7 support and other aid authorized by the sheriff.

8 (6) Volunteers in the Oregon State Police Civil Defense Force or a County Civil Defense Force  
9 must possess and demonstrate experience or training in the military, law enforcement, communi-  
10 cations, rescue operations or logistical support.

11 (7)(a) Volunteers in the Oregon State Police Civil Defense Force or a County Civil Defense  
12 Force are not, by virtue of volunteering in the force, considered:

13 (A) Members of the Oregon Civil Defense Force;

14 (B) Employees or volunteers of the state; **or**

15 (C) In “state service,” as that term is defined in ORS 240.015[; *or*].

16 *[(D) Agents of a public body under ORS 30.260 to 30.300 (Oregon Tort Claims Act) for the purpose*  
17 *of acts and omissions of the volunteer that are within the course and scope of the volunteer’s duties.]*

18 **(b) Volunteers in the Oregon State Police Civil Defense Force or a County Civil Defense**  
19 **Force are agents of a public body under ORS 30.260 to 30.300 for the purpose of acts and**  
20 **omissions of the volunteer that are within the course and scope of the volunteer’s duties.**

21 *[(b)]* (c) Unless entitled to compensation, reimbursement, benefits or coverage under any other  
22 provision of law, volunteers in the Oregon State Police Civil Defense Force or a County Civil De-  
23 fense Force are not entitled to compensation, reimbursement for expenses, workers’ compensation  
24 or other insurance coverage, public employment benefits or entitlements from the Oregon Military  
25 Department, the Oregon Department of Emergency Management or any other state or local agency  
26 or government.

27  
28 **CAUSE OF ACTION**

29  
30 **SECTION 13. (1) Any person may seek an injunction against a law enforcement agency,**  
31 **as defined in section 1 of this 2026 Act, operating in this state to restrain a threatened or**  
32 **actual violation of section 1, 3, 4 or 5 of this 2026 Act.**

33 **(2) Any person may seek an injunction against a public body or a state or local law**  
34 **enforcement agency, as those terms are defined in section 7 of this 2026 Act, operating in**  
35 **this state to restrain a threatened or actual violation of section 8, 9, 10 or 11 of this 2026**  
36 **Act.**

37 **(3) A defendant in an action under this section may assert as a defense that the defend-**  
38 **ant is or was compelled to provide prohibited information or assistance, including informa-**  
39 **tion or assistance as may be required by a judicial subpoena issued as part of a court**  
40 **proceeding or by another compulsory court-issued legal process.**

41  
42 **CAPTIONS**

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44 **SECTION 14. The unit captions used in this 2026 Act are provided only for the conven-**  
45 **ience of the reader and do not become part of the statutory law of this state or express any**

1 **legislative intent in the enactment of this 2026 Act.**

2

3

**EMERGENCY CLAUSE**

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5 **SECTION 15. This 2026 Act being necessary for the immediate preservation of the public**  
6 **peace, health and safety, an emergency is declared to exist, and this 2026 Act takes effect**  
7 **on its passage.**

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