

Requested by Representative CHAICHI

**PROPOSED AMENDMENTS TO
HOUSE BILL 4138**

1 On page 1 of the printed bill, line 3, delete “162.367,” and delete “,
2 181A.702”.

3 Delete lines 5 through 16 and delete pages 2 through 10 and insert:
4

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

8 **“SECTION 1. (1) A law enforcement agency operating within this**
9 **state shall maintain and publicly post a written policy on the visible**
10 **identification of all sworn officers performing official duties for the**
11 **agency.**

12 **“(2) The policy must include, at a minimum, the following:**

13 **“(a) A purpose statement affirming the agency’s commitment to:**

14 **“(A) Transparency, accountability and public trust; and**

15 **“(B) Restricting situations in which sworn officers do not visibly**
16 **display identification to specific, clearly defined and limited circum-**
17 **stances.**

18 **“(b) A requirement that all sworn officers visibly display identifi-**
19 **cation that includes the officer’s agency and either a name or badge**
20 **number, or both name and badge number, when performing official**
21 **duties.**

1 “(c) An exception for officers engaged in undercover duties as part
2 of the regular performance of the officer’s official duties.

3 “(d) An exception for officers engaged in security or escort details
4 as part of the regular performance of the officer’s official duties.

5 “(3) A member of the public, a law enforcement oversight body or
6 a local governing authority may object to a policy adopted under this
7 section, on the grounds that the policy does not conform with the re-
8 quirements of this section, by submitting a written objection to the
9 head of the law enforcement agency. The agency shall have 180 days
10 to correct any deficiencies in the policy. If, after 180 days, the agency
11 fails to adequately address the objection, the objecting party may bring
12 a cause of action in the circuit court for any county in which an office
13 of the agency is located for a judicial determination of whether the
14 policy conforms with the requirements of this section.

15 “(4) Nothing in this section preempts a local government from en-
16 acting an ordinance requiring law enforcement agencies operating
17 within the local government’s jurisdiction to adopt a policy that is
18 more stringent than the requirements of this section, so long as the
19 policy includes the exceptions described in subsection (2) of this sec-
20 tion.

21 “(5) As used in this section:

22 “(a) ‘Law enforcement agency’ includes:

23 “(A) A law enforcement agency that employs a peace officer as de-
24 fined in ORS 133.005.

25 “(B) A federal law enforcement agency.

26 “(C) A law enforcement agency of another state.

27 “(b) ‘Visibly display identification’ means to wear externally on the
28 uniform in a size and location such as to be reasonably visible to a
29 member of the public with whom the officer interacts.

30 “SECTION 2. A law enforcement agency operating within this state

1 **shall adopt the policy described in section 1 of this 2026 Act no later**
2 **than 180 days after the effective date of this 2026 Act or 30 days before**
3 **commencing operations within this state, whichever is later.**

4 **“SECTION 3.** ORS 181A.700 is amended to read:

5 “181A.700. As used in ORS 181A.702 and 181A.704:

6 “(1) ‘Crowd management’ means a public security practice in which large
7 crowds of 50 persons or more are managed to prevent the outbreak of crowd
8 crushes, affrays, fights or riots.

9 “(2) ‘Law enforcement agency’ [*means*] **includes:**

10 “(a) The Oregon State Police, a county sheriff’s office, a municipal police
11 department or a police department established by a university under ORS
12 352.121 or 353.125.

13 “(b) **A federal law enforcement agency.**

14 “(c) **A law enforcement agency of another state.**

15 “(3) ‘Law enforcement officer’ [*means*] **includes:**

16 “(a) A member of the Oregon State Police, a sheriff or deputy sheriff, a
17 municipal police officer or a police officer commissioned by a university
18 under ORS 352.121 or 353.125.

19 “(b) **A federal officer as defined in ORS 133.005.**

20 “(c) **A law enforcement officer of another state.**

21 **“SECTION 4. The amendments to ORS 181A.700 by section 3 of this**
22 **2026 Act become operative 180 days after the effective date of this 2026**
23 **Act.**

24

25 **“(Facial Covering Prohibition)**

26

27 **“SECTION 5. (1) A law enforcement agency operating within this**
28 **state shall maintain and publicly post a written policy on the use of**
29 **facial coverings by all sworn officers performing official duties for the**
30 **agency.**

1 **“(2) The policy must include, at a minimum, the following:**
2 **“(a) A purpose statement affirming the agency’s commitment to:**
3 **“(A) Transparency, accountability and public trust;**
4 **“(B) Restricting the use of facial coverings to specific, clearly de-**
5 **fin ed and limited circumstances; and**
6 **“(C) The principle that generalized and undifferentiated fear and**
7 **apprehension about officer safety are not sufficient to justify the use**
8 **of facial coverings.**
9 **“(b) A requirement that all sworn officers performing official duties**
10 **for the agency not wear a facial covering while performing official**
11 **duties.**
12 **“(c) A list of narrowly tailored exceptions from the facial covering**
13 **prohibition for the following:**
14 **“(A) An officer engaged in undercover duties in the regular per-**
15 **formance of the officer’s official duties.**
16 **“(B) An officer assigned to a Special Weapons and Tactics (SWAT)**
17 **team unit, while actively performing SWAT duties, if a facial covering**
18 **is necessary to protect the officer’s face from physical harm while**
19 **performing such duties.**
20 **“(3) A supervisor may not knowingly allow a law enforcement offi-**
21 **cer under the supervisor’s supervision to violate state law or agency**
22 **policy limiting the use of facial coverings.**
23 **“(4) A member of the public, a law enforcement oversight body or**
24 **a local governing authority may object to a policy adopted under this**
25 **section, on the grounds that the policy does not conform with the re-**
26 **quirements of this section, by submitting a written objection to the**
27 **head of the law enforcement agency. The agency shall have 180 days**
28 **to correct any deficiencies in the policy. If, after 180 days, the agency**
29 **fails to adequately address the objection, the objecting party may bring**
30 **a cause of action in the circuit court for any county in which an office**

1 of the agency is located for a judicial determination of whether the
2 policy conforms with the requirements of this section.

3 “(5) Nothing in this section preempts a local government from en-
4 acting an ordinance requiring law enforcement agencies operating
5 within the local government’s jurisdiction to adopt a policy that is
6 more stringent than the requirements of this section, so long as the
7 policy includes the exceptions described in subsection (2) of this sec-
8 tion.

9 “(6) As used in this section:

10 “(a) ‘Facial covering’ has the meaning given that term in section 6
11 of this 2026 Act.

12 “(b) ‘Law enforcement agency’ includes:

13 “(A) Any law enforcement agency that employs a peace officer as
14 defined in ORS 133.005.

15 “(B) Any federal law enforcement agency.

16 “(C) Any law enforcement agency of another state.

17 **“SECTION 6. (1) A law enforcement officer may not wear a facial
18 covering that conceals or obscures the officer’s facial identity while
19 performing official duties except as expressly authorized by this sec-
20 tion.**

21 “(2) This section does not apply to:

22 “(a) An officer engaged in undercover duties in the regular per-
23 formance of the officer’s official duties.

24 “(b) An officer assigned to a Special Weapons and Tactics (SWAT)
25 team unit, while actively performing SWAT duties, if a facial covering
26 is necessary to protect the officer’s face from physical harm while
27 performing such duties.

28 “(3) As used in this section:

29 “(a) ‘Facial covering’ means any opaque mask, garment, helmet,
30 headgear, balaclava, tactical mask, gaiter, ski mask or other item that

1 conceals or obscures the facial identity of an individual.

2 “(b) ‘Facial covering’ does not include:

3 “(A) A medical-grade mask or respirator, including an N95 medical
4 mask, worn to protect against the transmission of disease or infection,
5 or any other mask, helmet or device, including but not limited to air
6 purifying respirators, full or half masks or self-contained breathing
7 apparatuses, necessary to protect against exposure to any toxin, gas,
8 smoke or extreme or severely inclement weather.

9 “(B) A mask, helmet or device, including but not limited to a self-
10 contained underwater breathing apparatus, for use under water.

11 “(C) A motorcycle or bicycle helmet when worn by an officer uti-
12 lizing a motorcycle, bicycle or other vehicle that requires a helmet for
13 safe operation while in the 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
16 or the use of retinal weapons, including but not limited to lasers.

17 **“SECTION 7. (1) A law enforcement agency operating within this**
18 **state shall adopt the policy described in section 5 of this 2026 Act no**
19 **later than 180 days after the effective date of this 2026 Act.**

20 **“(2) Section 6 of this 2026 Act becomes operative 180 days after the**
21 **effective date of this 2026 Act.**

22

23 **“ASSISTANCE WITH FEDERAL OR OUT-OF-STATE**

24 **LAW ENFORCEMENT OPERATIONS**

25

26 **“SECTION 8. (1) An employee of a public body within this state is**
27 **prohibited from, within the scope of the person’s employment, inten-**
28 **tionally assisting a federal law enforcement agency or a law enforce-**
29 **ment agency of another state in investigating, apprehending or**
30 **arresting individuals if the employee knows that the investigation,**

1 apprehension or arrest is occurring:

2 “(a) On the basis of an individual’s conduct protected by Article I,
3 section 8 or 26, of the Oregon Constitution, or the First Amendment
4 to the United States Constitution;

5 “(b) On the basis of an individual’s membership in a class of per-
6 sons protected under the Oregon or United States Constitution or
7 other state or federal law, including classes based on race, color, reli-
8 gion, sex, sexual orientation, gender identity, national origin, marital
9 status, disability or age; or

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

14 “(2) For purposes of this section, ‘public body’ means a public body
15 as defined in ORS 174.109 and the Oregon Health and Science Univer-
16 sity.

17 **“SECTION 9. (1) All public bodies within this state shall establish**
18 **policies prohibiting any person acting in the person’s capacity as an**
19 **employee or agent of the public body from assisting or cooperating**
20 **with, or allowing any time, money, facilities, property, equipment,**
21 **personnel or other resources to be used to assist, cooperate with or**
22 **facilitate, any operation executed in whole or in part by a federal law**
23 **enforcement agency or a law enforcement agency of another state if**
24 **the operation is intended to:**

25 “(a) Identify, or impose civil or criminal liability upon, any indi-
26 vidual, group, association, organization, corporation, business or
27 partnership based on participation in activities protected by Article I,
28 section 8 or 26, of the Oregon Constitution, or the First Amendment
29 to the United States Constitution;

30 “(b) Identify, or impose civil or criminal liability upon, any indi-

1 **vidual, group, association, organization, corporation, business or**
2 **partnership based on membership in, or support of persons who are**
3 **members of, a class of persons protected under the Oregon or United**
4 **States Constitution or other state or federal law, including classes**
5 **based on race, color, religion, sex, sexual orientation, gender identity,**
6 **national origin, marital status, disability or age; or**

7 **“(c) Identify, or impose civil or criminal liability upon, any indi-**
8 **vidual, group, association, organization, corporation, business or**
9 **partnership based on political, religious or social views, associations**
10 **or activities.**

11 **“(2) For purposes of this section, ‘public body’ means a public body**
12 **as defined in ORS 174.109 and the Oregon Health and Science Univer-**
13 **sity.**

14 **“SECTION 10. All public bodies within this state shall adopt a policy**
15 **described in section 9 of this 2026 Act no later than 180 days after the**
16 **effective date of this 2026 Act.**

17 **“SECTION 11. Notwithstanding sections 8 and 9 of this 2026 Act, a**
18 **public body, or an employee or agent of a public body, may upon re-**
19 **quest provide assistance or cooperate with, or allow time, money, fa-**
20 **ilities, property, equipment, personnel or other resources to be used**
21 **to assist, cooperate with or facilitate, an operation executed in whole**
22 **or in part by a federal law enforcement agency or a law enforcement**
23 **agency of another state if the requesting federal or out-of-state law**
24 **enforcement agency includes in the request an attestation, made un-**
25 **der penalty of perjury, stating that the request does not relate to an**
26 **operation or other activity prohibited by section 8 of this 2026 Act or**
27 **a policy adopted pursuant to section 9 of this 2026 Act.**

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29

“JOINT TASK FORCES AND DEPUTIZATIONS

30

1 **“SECTION 12. (1) As used in this section, ‘joint task force’ means**
2 **a collaboration, engagement or partnership between at least one**
3 **Oregon law enforcement agency and at least one federal law enforce-**
4 **ment agency, for the purpose of investigating federal or state crimes.**

5 **“(2) Except as provided in subsection (3) of this section, a public**
6 **body within this state, or any person employed by the public body,**
7 **may not enter into an agreement with a federal law enforcement**
8 **agency or a law enforcement agency of another state, or seek to enter**
9 **such an agreement, involving the sharing of information for, provision**
10 **of assistance in or participation in surveillance, investigations, prose-**
11 **cution or immigration enforcement operations, including surveillance,**
12 **investigations, prosecution or operations through or for a joint**
13 **federal-state operation such as a Department of Homeland Security**
14 **Task Force, Fusion Center, Joint Terrorism Task Force or other task**
15 **force, if the public body or person has reason to believe the agreement**
16 **would result in:**

17 **“(a) Requests made by a federal law enforcement agency or a law**
18 **enforcement agency of another state to engage in conduct constituting**
19 **a violation of individual liberties or rights guaranteed by the Oregon**
20 **or United States Constitution, including but not limited to conduct**
21 **constituting racial profiling, unlawful surveillance or investigation,**
22 **excessive use of force or unlawful detention;**

23 **“(b) Requests made by a federal law enforcement agency or a law**
24 **enforcement agency of another state:**

25 **“(A) Seeking to identify, apprehend, arrest or impose civil or crim-**
26 **inal liability or other penalties upon a person or entity for:**

27 **“(i) Engaging in activities protected by Article I, section 8, of the**
28 **Oregon Constitution, or the First Amendment to the United States**
29 **Constitution;**

30 **“(ii) The provision of humanitarian assistance, legal assistance or**

1 other aid to benefit an individual, if the provision would have been
2 lawful had it occurred within this state; or

3 “(iii) Offenses related to immigration status, including but not
4 limited to violations of 8 U.S.C. 1253, 1301 et seq., 1304(e), 1306(a) or (b),
5 1324, 1325 or 1326, or 18 U.S.C. 1028A or 1546; or

6 “(B) Subjecting a person to civil immigration detention, removal
7 or deportation proceedings;

8 “(c) Requests made by a federal law enforcement agency or a law
9 enforcement agency of another state to obtain data from an Oregon
10 public body or conduct surveillance or investigation in furtherance of
11 the objectives of National Security Presidential Memorandum 7
12 (NSPM-7), dated September 25, 2025, including surveillance or investi-
13 gation pursuant to a Joint Terrorism Task Force request or agreement
14 made in furtherance of the objectives of National Security Presidential
15 Memorandum 7 (NSPM-7); or

16 “(d) Any other violation of the Oregon Constitution or state law,
17 including but not limited to a violation of ORS 181A.250, 181A.820 or
18 181A.822 to 181A.829.

19 “(3) The following do not violate subsection (2) of this section:

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

21 “(b) Any action or conduct required by a judicial subpoena issued
22 as part of a court proceeding or by another compulsory court-issued
23 legal process.

24 “(c) The provision of information, to the extent that the informa-
25 tion is available to the general public and is provided under the same
26 terms and conditions as the information is available to the general
27 public.

28 “(4) A state or local law enforcement officer who is deputized as a
29 federal agent may not exercise federal law enforcement authority in
30 a manner that causes the law enforcement officer to be in violation

1 of Oregon law.

2 “(5) A memorandum of understanding, cross-deputization agree-
3 ment or policy of a public body may not immunize a cross-deputized
4 law enforcement officer employed by the public body from violations
5 of state or local law.

6 “SECTION 13. Notwithstanding section 12 of this 2026 Act, a public
7 body, or an employee or agent of a public body, may upon request
8 provide assistance or cooperate with a federal law enforcement agency
9 or a law enforcement agency of another state as part of a joint task
10 force or cross-deputization agreement, if the requesting federal or
11 out-of-state law enforcement agency includes in the request an
12 attestation, made under penalty of perjury, stating that the request
13 does not relate to an operation, investigation or other activity pro-
14 hibited by section 12 of this 2026 Act.

15 “SECTION 14. Section 12 of this 2026 Act applies to agreements or
16 memoranda of understanding entered into or renewed on or after the
17 effective date of this 2026 Act.

18 “SECTION 15. (1)(a) All state and local law enforcement agencies
19 within this state shall regularly release, on a publicly accessible
20 website, all agreements or memoranda of understanding concerning
21 membership by the agency, or any officer employed by the agency, on
22 a joint task force with a federal law enforcement agency or a law
23 enforcement agency of another state, or the entry into a cross-
24 deputization agreement with a federal law enforcement agency or a
25 law enforcement agency of another state.

26 “(b) A state or local law enforcement agency within this state shall
27 release on the website any new agreements or memoranda of under-
28 standing concerning joint task force memberships or cross-
29 deputization agreements entered into by the agency, or any officer
30 employed by the agency, with a federal law enforcement agency or a

1 law enforcement agency of another state, within 14 days of the effective date of the agreement or memorandum.

3 “(2) A law enforcement agency may decline to release on the website specific information concerning a joint task force or cross-deputization agreement if public disclosure would endanger the life or physical safety of any individual. The agency shall note on the website the fact that the agency has not disclosed specific information under this subsection and the justification for the nondisclosure.

9 “(3) As used in this section:

10 “(a) ‘Joint task force’ has the meaning given that term in section 11 12 of this 2026 Act.

12 “(b) ‘Law enforcement agency’ means an entity that employs a peace officer as defined in ORS 133.005.

14 “SECTION 16. A state or local law enforcement agency shall release on a publicly accessible website, within 120 days after the effective date of this 2026 Act, all agreements and memoranda of understanding described in section 15 (1) of this 2026 Act that are in effect on the effective date of this 2026 Act.

19

20 “STATUS OF VOLUNTEERS IN CIVIL DEFENSE FORCE

21

22 “SECTION 17. ORS 399.035 is amended to read:

23 “399.035. (1) In addition to the federally recognized Oregon National Guard subject to call or order to federal service under laws of the United States, there shall be organized within the state a National Guard Reserve force. Such force shall be known as the Oregon Civil Defense Force, and shall be composed principally of officers, warrant officers and enlisted persons not eligible for general service under federal selective service laws.

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

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

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

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

10 “(a) The Superintendent of State Police may form a volunteer Oregon
11 State Police Civil Defense Force for the purpose of providing emergency re-
12 sponse and communications, medical assistance, logistical support and other
13 aid authorized by the superintendent. The superintendent, in collaboration
14 with the Adjutant General, may assign delegate members of the Oregon State
15 Police Civil Defense Force to command centers throughout this state.

16 “(b) The sheriff of a county in this state may form a volunteer County
17 Civil Defense Force for the purpose of providing emergency response and
18 communications, medical assistance, logistical support and other aid au-
19 thorized by the sheriff.

20 “(6) Volunteers in the Oregon State Police Civil Defense Force or a
21 County Civil Defense Force must possess and demonstrate experience or
22 training in the military, law enforcement, communications, rescue operations
23 or logistical support.

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

27 “(A) Members of the Oregon Civil Defense Force;

28 “(B) Employees or volunteers of the state; **or**

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

30 “[*D*] Agents of a public body under ORS 30.260 to 30.300 (*Oregon Tort*

1 *Claims Act) for the purpose of acts and omissions of the volunteer that are*
2 *within the course and scope of the volunteer's duties.]*

3 **“(b) Volunteers in the Oregon State Police Civil Defense Force or**
4 **a County Civil Defense Force are agents of a public body under ORS**
5 **30.260 to 30.300 for the purpose of acts and omissions of the volunteer**
6 **that are within the course and scope of the volunteer’s duties.**

7 “[*(b)*] (c) Unless entitled to compensation, reimbursement, benefits or
8 coverage under any other provision of law, volunteers in the Oregon State
9 Police Civil Defense Force or a County Civil Defense Force are not entitled
10 to compensation, reimbursement for expenses, workers’ compensation or
11 other insurance coverage, public employment benefits or entitlements from
12 the Oregon Military Department, the Oregon Department of Emergency
13 Management or any other state or local agency or government.

14

15

“CAUSES OF ACTION

16

17 **“SECTION 18. (1) Any person harmed by a violation of section 1, 5,**
18 **6, 8, 9 or 12 of this 2026 Act may bring a civil action against the indi-**
19 **vidual or public body that committed the violation.**

20 **“(2) A plaintiff who prevails in an action under this section may**
21 **recover:**

22 **“(a) Economic and noneconomic damages.**

23 **“(b) Punitive damages.**

24 **“(3) Nothing in this section implies that an individual or public body**
25 **defendant is entitled to any form of immunity from liability, including,**
26 **but not limited to, any immunity provided under ORS 30.265.**

27 **“(4) A defendant in an action under this section may assert as a**
28 **defense that the defendant was compelled to provide prohibited infor-**
29 **mation or assistance, including information or assistance as may be**
30 **required by a judicial subpoena issued as part of a court proceeding**

1 or by another compulsory court-issued legal process.

2 “(5) Except as provided in subsection (3) of this section, a claim
3 under this section against a public body or an officer, employee or
4 agent of a public body acting within the scope of employment is sub-
5 ject to ORS 30.260 to 30.300.

6 “(6) The court shall award reasonable attorney fees and costs to a
7 prevailing plaintiff in an action under this section.

8 **“SECTION 19.** (1) Any person may seek an injunction against an
9 individual or a public body to restrain a threatened or actual violation
10 of section 1, 2, 5, 6, 7, 8, 9, 10, 12, 15 or 16 of this 2026 Act.

11 “(2) Nothing in this section implies that an individual or public body
12 defendant is entitled to any form of immunity from liability, including,
13 but not limited to, any immunity provided under ORS 30.265.

14 “(3) A defendant in an action under this section may assert as a
15 defense that the defendant is or was compelled to provide prohibited
16 information or assistance, including information or assistance as may
17 be required by a judicial subpoena issued as part of a court proceeding
18 or by another compulsory court-issued legal process.

19 “(4) The court shall award reasonable attorney fees and costs to a
20 prevailing plaintiff in an action under this section.

21

22

“CAPTIONS

23

24 **“SECTION 20.** The unit captions used in this 2026 Act are provided
25 only for the convenience of the reader and do not become part of the
26 statutory law of this state or express any legislative intent in the
27 enactment of this 2026 Act.

28

29

“EMERGENCY CLAUSE

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