

HB 4138-3
(LC 30)
2/4/26 (JLM/ps)

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 After line 3, insert:

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

7 “Whereas in 2021, the Legislative Assembly passed House Bill 3355, es-
8 tablishing visible personal and agency identification requirements for offi-
9 cers engaged in crowd management working in cities with a population of
10 over 60,000; and

11 “Whereas House Bill 3355 (2021) also improved transparency regarding
12 all state and local law enforcement, including a requirement that any officer
13 generally provide, upon request, the officer’s name and identification number
14 to a member of the public, and a mechanism for any member of the public
15 to seek the identification of an officer and receive a response within 14 days;
16 and

17 “Whereas these policies and ongoing efforts by local and state law
18 enforcement agencies to build trust with the communities they serve has
19 made Oregon safer; and

20 “Whereas there is intent to build on this progress, and a recognition that
21 Oregon values demand that all law enforcement agencies and officers oper-

1 ating in Oregon be clearly visible and identifiable while on duty; and

2 “Whereas it shall be the policy of the State of Oregon that all law
3 enforcement officers operating in Oregon visibly display agency identifica-
4 tion and name or badge number, or both name and badge number, except for
5 specific, limited exceptions for undercover operations and certain security
6 detail officers who must remain inconspicuous to perform their duties; and

7 “Whereas it shall be the policy of the State of Oregon that all law
8 enforcement officers operating in Oregon must not wear masks or any facial
9 coverings, except for specific, limited exceptions including undercover oper-
10 ations, Special Weapons and Tactics (SWAT) operations, fire protection,
11 health and safety and other necessary uses; now, therefore,”.

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

13

14 **“LAW ENFORCEMENT IDENTIFIABILITY REQUIREMENTS**

15 **“(Identification Requirements)**

16

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

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

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

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

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

27 **“(b) A requirement that all sworn officers visibly display identifi-**
28 **cation that includes the officer’s agency and either a name or badge**
29 **number, or both name and badge number, when performing official**
30 **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. (1) A law enforcement agency operating within this

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

4 “(2)(a) A law enforcement agency operating within this state must
5 have uniforms for all sworn officers that are compliant with the policy
6 described in section 1 of this 2026 Act no later than 180 days after the
7 effective date of this 2026 Act, or no later than the date the agency
8 replaces or updates officer uniforms within the normal course of
9 business, whichever occurs later.

10 “(b) Notwithstanding paragraph (a) of this subsection, a local gov-
11 ernment may require that law enforcement agencies operating within
12 the local government’s jurisdiction have uniforms for all sworn offi-
13 cers that are compliant with the policy described in section 1 of this
14 2026 Act by a date that is sooner than the dates specified in paragraph
15 (a) of this subsection.

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

17 “181A.700. As used in ORS 181A.702 and 181A.704:

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

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

22 “(a) The Oregon State Police, a county sheriff’s office, a municipal police
23 department or a police department established by a university under ORS
24 352.121 or 353.125.

25 “(b) A federal law enforcement agency.

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

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

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

1 performing such duties.

2 “(3) A supervisor may not knowingly allow a law enforcement offi-
3 cer under the supervisor’s supervision to violate state law or agency
4 policy limiting the use of facial coverings.

5 “(4) 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 “(5) 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 “(6) As used in this section:

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

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

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

27 “(B) Any federal law enforcement agency.

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

29 **“SECTION 6. (1) A law enforcement officer may not wear a facial**
30 **covering that conceals or obscures the officer’s facial identity while**

1 performing official duties except as expressly authorized by this sec-
2 tion.

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

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

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

10 “(3) As used in this section:

11 “(a) ‘Facial covering’ means any opaque mask, garment, helmet,
12 headgear, balaclava, tactical mask, gaiter, ski mask or other item that
13 conceals or obscures the facial identity of an individual.

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

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

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

23 “(C) A motorcycle or bicycle helmet when worn by an officer uti-
24 lizing a motorcycle, bicycle or other vehicle that requires a helmet for
25 safe operation while in the performance of the officer’s duties.

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

27 “(E) Eyewear necessary to protect the eyes from physical objects
28 or the use of retinal weapons, including but not limited to lasers.

29 **“SECTION 7. (1) A law enforcement agency operating within this**
30 **state shall adopt the policy described in section 5 of this 2026 Act no**

1 later than 180 days after the effective date of this 2026 Act.

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

4
5 “ASSISTANCE WITH FEDERAL OR OUT-OF-STATE
6 LAW ENFORCEMENT OPERATIONS

7
8 “SECTION 8. (1) An employee of a public body within this state is
9 prohibited from, within the scope of the person’s employment, inten-
10 tionally assisting a federal law enforcement agency or a law enforce-
11 ment agency of another state in investigating, apprehending or
12 arresting individuals if the employee knows that the investigation,
13 apprehension or arrest is occurring:

14 “(a) On the basis of an individual’s conduct protected by Article I,
15 section 8 or 26, of the Oregon Constitution, or the First Amendment
16 to the United States Constitution, including but not limited to speech,
17 expression, association or assembly;

18 “(b) On the basis of an individual’s membership in, or support of
19 another individual based on the other individual’s membership in, a
20 class of persons protected under the Oregon or United States Consti-
21 tution or other state or federal law, including classes based on race,
22 color, religion, sex, sexual orientation, gender identity, national ori-
23 gin, marital status, disability or age; or

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

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

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

30 “(b) Any action or conduct required by a judicial subpoena issued

1 as part of a court proceeding or by another compulsory court-issued
2 legal process.

3 “(c) The provision of information, to the extent that the informa-
4 tion is available to the general public and is provided under the same
5 terms and conditions as the information is available to the general
6 public.

7 “(3) For purposes of this section, ‘public body’ means a public body
8 as defined in ORS 174.109 and the Oregon Health and Science Univer-
9 sity.

10 **“SECTION 9. (1) All public bodies within this state shall establish**
11 **policies prohibiting any person acting in the person’s capacity as an**
12 **employee or agent of the public body from intentionally assisting or**
13 **intentionally cooperating with, or intentionally allowing any time,**
14 **money, facilities, property, equipment, personnel or other resources**
15 **to be used to assist, cooperate with or facilitate, any operation exe-**
16 **cuted in whole or in part by a federal law enforcement agency or a law**
17 **enforcement agency of another state if the operation is intended to:**

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

23 “(b) Identify, or impose civil or criminal liability upon, any indi-
24 vidual, group, association, organization, corporation, business or
25 partnership based on membership in, or support of a person based on
26 the person’s membership in, a class of persons protected under the
27 Oregon or United States Constitution or other state or federal law,
28 including classes based on race, color, religion, sex, sexual orientation,
29 gender identity, national origin, marital status, disability or age; or

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

1 **vidual, group, association, organization, corporation, business or**
2 **partnership based on political, religious or social views, associations**
3 **or activities.**

4 **“(2) The policies described in this section must be based on existing**
5 **procedures used by the public body to evaluate and respond to external**
6 **information or assistance requests from outside entities, including**
7 **governmental requests for information or assistance.**

8 **“(3) For purposes of this section, ‘public body’ means a public body**
9 **as defined in ORS 174.109 and the Oregon Health and Science Univer-**
10 **sity.**

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

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

25

26

“JOINT TASK FORCES AND DEPUTIZATIONS

27

28 **“SECTION 12. (1) As used in this section, ‘joint task force’ means**
29 **a collaboration, engagement or partnership between at least one**
30 **Oregon law enforcement agency and at least one federal law enforce-**

1 **ment agency, for the purpose of investigating federal or state crimes.**

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

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

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

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

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

28 **“(ii) The provision of humanitarian assistance, legal assistance or**
29 **other aid to benefit an individual, if the provision would have been**
30 **lawful had it occurred within this state; or**

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

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

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

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

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

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

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

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

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

30 “(5) A memorandum of understanding, cross-deputization agree-

1 ment or policy of a public body may not immunize a cross-deputized
2 law enforcement officer employed by the public body from violations
3 of state or local law.

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

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

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

24 **“(b)** A state or local law enforcement agency within this state shall
25 release on the website any new agreements or memoranda of under-
26 standing concerning joint task force memberships or cross-
27 deputization agreements entered into by the agency, or any officer
28 employed by the agency, with a federal law enforcement agency or a
29 law enforcement agency of another state, within 14 days of the effec-
30 tive date of the agreement or memorandum.

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

7 **“(3) As used in this section:**

8 **“(a) ‘Joint task force’ has the meaning given that term in section**
9 **12 of this 2026 Act.**

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

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

17
18 **“STATUS OF VOLUNTEERS IN CIVIL DEFENSE FORCE**

19
20 **“SECTION 17. ORS 399.035 is amended to read:**

21 **“399.035. (1) In addition to the federally recognized Oregon National**
22 **Guard subject to call or order to federal service under laws of the United**
23 **States, there shall be organized within the state a National Guard Reserve**
24 **force. Such force shall be known as the Oregon Civil Defense Force, and**
25 **shall be composed principally of officers, warrant officers and enlisted per-**
26 **sons not eligible for general service under federal selective service laws.**

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

29 **“(3) In time of peace the mission of the Oregon Civil Defense Force shall**
30 **be to augment the Oregon National Guard as an internal security force. In**

1 time of war, it shall replace the Oregon National Guard as a force when the
2 National Guard is ordered into federal service.

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

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

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

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

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

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

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

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

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

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

1 **“SECTION 19. The unit captions used in this 2026 Act are provided**
2 **only for the convenience of the reader and do not become part of the**
3 **statutory law of this state or express any legislative intent in the**
4 **enactment of this 2026 Act.**

5

6

“EMERGENCY CLAUSE

7

8 **“SECTION 20. This 2026 Act being necessary for the immediate**
9 **preservation of the public peace, health and safety, an emergency is**
10 **declared to exist, and this 2026 Act takes effect on its passage.”.**

11
