

Submitter: Cody James

On Behalf Of:

Committee: House Committee On Judiciary

Measure, Appointment or Topic: HB4138

I write in vehement opposition to HB 4138, a bill that masquerades as "accountability" while recklessly endangering Oregon law enforcement officers, undermining public safety, inviting frivolous litigation, and erecting unnecessary barriers to legitimate inter-agency cooperation all under the pretense of transparency and an emergency declaration that reeks of political theater.

This legislation would force law enforcement agencies to adopt rigid policies prohibiting facial coverings except in narrowly defined scenarios (medical necessity, undercover, or SWAT), mandate constant visible identification on uniforms, broaden identification requirements across state, federal, and out-of-state officers, create a new crime of "misrepresentation" punishable by fines, prohibit public employees from certain joint operations, impose disclosure mandates on task forces and cross-deputization agreements, and open the floodgates for private lawsuits seeking damages, attorney fees, and injunctions against agencies or officers. It declares an emergency for immediate effect, as if Oregon faces an imminent crisis of masked officers rather than the real threats of violent crime, fentanyl, and strained police resources.

The core mask ban is dangerously misguided. Officers routinely face tear gas, pepper spray, biological hazards, extreme weather, and violent assaults where facial protection is essential for safety and operational effectiveness. Forcing them to operate unmasked in protests, crowd control, tactical situations, or hazardous environments invites injury, illness, and reduced performance directly threatening both officer lives and the public's protection. Exceptions are too narrow and bureaucratic; real-world policing demands flexibility, not legislative micromanagement from Salem. This provision smacks of performative politics, not practical governance, and it will deter recruitment and retention in an already critical staffing shortage.

Worse, the bill's civil cause-of-action provisions turn every perceived policy violation into a potential jackpot for litigants, empowering vexatious lawsuits that drain agency budgets, intimidate officers, and divert resources from actual crime-fighting to courtroom battles. Combined with new criminal penalties and restrictions on cooperating with federal or out-of-state partners, HB 4138 actively sabotages law enforcement's ability to combat cross-border threats like drug trafficking, human smuggling, and organized crime. Oregon's sanctuary-style policies already create friction; this bill piles on punitive layers that could chill essential collaborations and leave communities more vulnerable.

The emergency clause is particularly egregious an abuse of legislative power to ram through divisive restrictions without full debate or evidence of any urgent crisis. There is no epidemic of anonymous officers terrorizing Oregonians; instead, this bill appears designed to score political points by vilifying police while ignoring the daily risks they take to keep us safe.

HB 4138 is not accountability it is obstruction. It prioritizes optics over officer safety, invites chaos through litigation, and weakens Oregon's ability to enforce the law effectively. I urge the Committee to reject this bill in its entirety or, at minimum, strip its most harmful elements: the mask prohibitions, private right of action, emergency declaration, and restrictions on inter-agency cooperation.

Thank you for considering this strong opposition. Public safety demands better than this reckless legislation.