



FROM THE DESK OF:

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IN SUPPORT OF HB 4138-A

HB 4138-A will strengthen public trust, promote transparency, and ensure that accountability applies equally to all law enforcement officers operating in Oregon. Public confidence in institutions is strained. Clear identification and limited masking policies help Oregonians feel secure, not intimidated, during interactions with law enforcement.

On February 9, 2026, Judge Snyder of the United States District Court for the Central District of California largely upheld California's No Secret Police Act (masking ban) and No Vigilantes Act (officer identification requirements). The Court recognized the core purpose of these laws: **"the presence of masked and unidentifiable individuals, including law enforcement, is more likely to heighten the sense of insecurity for all."** It concluded that such laws **"serve the public interest by promoting transparency which is essential for accountability and public trust."**

With respect to the federal government's Supremacy Clause challenge, the Court held that requiring officers to refrain from masking and to display visible identification is analogous to generally applicable laws, like traffic laws, that govern how federal officers operate within a state. Such laws can apply to federal officers if the laws do not discriminate against the federal government.

The Court emphasized that the provisions apply neutrally to law enforcement and **"do not intrude on any federal power or function."** It rejected the claim that masking is operationally necessary, noting the historical tradition of officers not concealing their identities and observing that no federal statute or regulation requires masking.

The Court did strike down California's mask prohibition as applied to the federal government only because California's law exempted state officers while applying to federal officers. That unequal treatment impermissibly discriminated against the federal government. Importantly, the Court made clear that **if the law applied to all law enforcement officers equally, it would not be unlawfully discriminatory.**

HB 4138-A does exactly that. It applies equally to **all** law enforcement officers in Oregon rather than singling out federal officers for different treatment. This advances transparency and public trust and remains consistent with the constitutional principles outlined by the federal court.

Transparency and accountability are not partisan values. They are foundational to public confidence in law enforcement. HB 4138-A reflects that principle.