

---

HOUSE BILL 2173

---

State of Washington

69th Legislature

2026 Regular Session

**By** Representatives Cortes, Reed, Salahuddin, Parshley, Tharinger, Hall, Fosse, Ryu, Callan, Mena, Kloba, Ramel, Simmons, Scott, Stearns, Peterson, Berry, Pollet, Obras, Santos, Fitzgibbon, Zahn, Nance, Street, Wylie, Duerr, Thomas, Stonier, Gregerson, Ormsby, Berg, Reeves, Thai, Farivar, Macri, Bergquist, Hill, and Donaghy

Prefiled 12/19/25. Read first time 01/12/26. Referred to Committee on Community Safety.

1 AN ACT Relating to the use of face coverings by law enforcement  
2 officers; and adding a new section to chapter 10.116 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 10.116  
5 RCW to read as follows:

6 (1) The definitions in this subsection apply throughout this  
7 section unless the context clearly requires otherwise.

8 (a) "Facial covering" means any opaque mask, garment, or other  
9 item that conceals or obscures the facial identity of an individual  
10 including, but not limited to, a balaclava, tactical mask, gator, ski  
11 mask, and any similar type of facial covering or face-shielding item.  
12 "Facial covering" does not include any of the following:

13 (i) A translucent face shield or clear mask that does not conceal  
14 the wearer's facial identity.

15 (ii) An N95 medical mask or surgical mask to protect against  
16 transmission of disease or infection or any other mask or device  
17 including, but not limited to, air-purifying respirators, full or  
18 half masks, or self-contained breathing apparatuses necessary to  
19 protect against exposure to any toxin, gas, smoke, or any other  
20 hazardous environmental condition.

1 (iii) A helmet used to protect the wearer's head during  
2 transportation on a bicycle or motorized vehicle.

3 (b) "Law enforcement officer" means any peace officer defined in  
4 RCW 10.116.010 or any employee or agent of the United States  
5 government who has the authority to carry firearms and make  
6 warrantless arrests and whose duties involve the enforcement of  
7 criminal, customs, or immigration laws of the United States.

8 (c) "Undercover operation" means a planned act authorized by  
9 supervising agents, agencies, or a court warrant that uses an  
10 undercover operative to intentionally interact with a suspected  
11 criminal violator or others, or to obtain evidence of criminal  
12 activity.

13 (d) "Undercover operative" means a peace officer using an assumed  
14 name or cover identity to interact with nonlaw enforcement  
15 individuals or entities to collect evidence of criminal activity.

16 (2) Consistent with RCW 10.116.050, a peace officer shall be  
17 reasonably identifiable by the officer's clearly displayed name or  
18 other information on the officer's uniform that members of the public  
19 can see and the agency can use to identify the officer.

20 (3) A law enforcement officer shall not wear a facial covering  
21 while interacting with the public in the performance of their duties.

22 (4) This section does not apply to the following:

23 (a) An officer performing their duties as an undercover operative  
24 during an active undercover operation; or

25 (b) Protective gear used by special weapons and tactics team  
26 officers that are necessary to protect their faces from harm while  
27 performing their special weapons and tactics team responsibilities.

28 (5) A person detained by a peace officer in violation of this  
29 section may bring a civil action for damages against the officer in  
30 his or her official capacity. A prevailing claimant is entitled to  
31 recover any or all of the following remedies upon request: (a)  
32 Compensatory damages; (b) punitive damages; (c) costs and reasonable  
33 attorneys' fees; (d) injunctive relief; and (e) any other relief  
34 deemed appropriate by the court.

35 NEW SECTION. **Sec. 2.** If any provision of this act or its  
36 application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other  
2 persons or circumstances is not affected.

--- **END** ---