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**SUBSTITUTE SENATE BILL 5855**

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**State of Washington**

**69th Legislature**

**2026 Regular Session**

**By** Senate Law & Justice (originally sponsored by Senators Valdez, Chapman, Lovick, Trudeau, Wellman, Slatter, Bateman, Frame, Cortes, Saldaña, Robinson, Stanford, Kauffman, Cleveland, Nobles, Lovelett, Orwall, Hasegawa, Pedersen, Riccelli, Shewmake, Alvarado, C. Wilson, Hunt, Conway, Dhingra, and Salomon)

READ FIRST TIME 01/16/26.

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

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

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

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

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

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

16 (ii) An N95 medical mask or surgical mask to protect against  
17 transmission of disease or infection or any other mask or device  
18 including, but not limited to, air-purifying respirators, full or  
19 half masks, or self-contained breathing apparatuses necessary to  
20 protect against exposure to any toxin, gas, smoke, or any other  
21 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 law enforcement officer using  
14 an assumed 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 the officer's  
22 duties.

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

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

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

29 (5) A person detained by a law enforcement officer in violation  
30 of this section may bring a civil action for damages against the  
31 officer in his or her official capacity, but an officer is not liable  
32 if, at the time of detention, the officer was in compliance with  
33 subsection (2) of this section. A prevailing claimant is entitled to  
34 recover any or all of the following remedies upon request: (a)  
35 Compensatory damages; (b) punitive damages; (c) costs and reasonable  
36 attorneys' fees; (d) injunctive relief; and (e) any other relief  
37 deemed appropriate by the court.

38 NEW SECTION. **Sec. 2.** If any provision of this act or its  
39 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.

3 NEW SECTION. **Sec. 3.** This act is necessary for the immediate  
4 preservation of the public peace, health, or safety, or support of  
5 the state government and its existing public institutions, and takes  
6 effect immediately.

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