

Testimony of Jane Horvath, Prince George’s County Resident
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Concerning HB 155
Before the House Judiciary Committee

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Reasons to Support HB 155

I appreciate the opportunity to submit testimony in favor of HB 155 which would ban the use of face coverings by any law enforcement officers and agents operating in Maryland, even if they do not operate under the aegis of Maryland state, county, or local law enforcement. Law enforcement officers, when operating here, are subject to Maryland laws on a whole variety of issues that do not run counter to the U.S. Constitution, nor federal agency laws and regulations.¹

Banning law enforcement face masks in all but certain situations – as specified in the bill – is important. There has been extensive national coverage since late spring of 2025 of de-identified, masked federal agents operating without accountability. Criminals would have to work hard to avoid seeing the news coverage of lack of ICE accountability.

Masks create fear and uncertainty – as intended. Masks hide identity – as intended. When law enforcement at any level masks up, it creates fear and uncertainty in whole communities. Criminality thrives on victim fear and uncertainty. Criminality thrives when law enforcement can be impersonated and also be completely de-identified with a face covering and fake credentials, or no credentials at all.

There is increasing concern among law enforcement agencies around the country about the growing threat of officer or agency impersonation.² Even the FBI is concerned; the media has widely reported on a leaked memo from the FBI to the federal Department of Homeland Security (DHS), asking DHS to change or limit immigration agent use of masks and to require agents to present valid agent identification *because agent impersonators are committing crimes*.³ But the masking and impersonation is not limited to Immigration and Customs Enforcement or Border Control. Maryland State and local police are being impersonated as well, many now with the use of masks.⁴ A simple web search produced five media reports of crimes in Maryland perpetrated by law enforcement impersonators -- most in the last year.⁵ These are not victimless crimes.

- Masked law enforcement makes communities unsafe when people are uncertain if an officer is legitimate.

¹ Federal law does not require nor incentivize the use of face coverings for immigration agents. Federal law requires agents to identify themselves as soon as possible.

² *Badges of Deceit: Why Police Impersonation is a Growing National Security Risk: How extremists have exploited police identity to gain access, sow chaos, and erode trust in the state.* July 15, 2025, **Counter Extremism Project**
The 'deeply troubling' trend of law enforcement impersonation June 24, 2025. **MN Public Radio**

“Law enforcement agencies across the country are sounding the alarm after a series of troubling cases involving criminals [impersonating](#) police officers have surfaced.” September 10, 2025, **Law Enforcement Today**

ICE Raids Are Breeding Dangerous Imitators and Social Division. December 28, 2025. **Harvard Political Review**

“Getting in front of the police masking controversy.” Karl Bickel August 6, 2025. **Maryland Matters. Former Frederick County Sheriff**

³ WIRED magazine. <https://www.wired.com/story/fbi-warns-of-criminals-posing-as-ice-urges-agents-to-id-themselves/>

⁴ An excellent summary of reported 26 ICE impersonator crimes in 2025-2026 can be found on [Wikipedia](#).

⁵ Incidents of policy impersonations in Maryland include Salisbury MD (2/25), Bowie MD (4/25), Montgomery County (9/25), Beltsville (10/25), and Oxon Hill (6/23).

- Masking harms legitimate law enforcement when community trust in police erodes as a result of impersonators or masked officials.

Except for circumstances delineated in the legislation, when a law enforcement officer covers their face to limit identification, it can create the perception that the officer is trying to limit personal accountability. This perception (or reality) can create real problems in the interaction between the officer and the community.

Masking facilitates criminality and we need not facilitate criminality and community fear. A ban on masking will not solve all impersonation, but it can stop the current trend of using masks. A ban will give individuals a quick first tool to spot a fraud. A ban on masks improves accountability for unlawful behavior.

Technical Issues That Could Increase Legal Vulnerability

I would like to suggest two important changes to the legislation that could make the bill stronger in the event of a legal challenge by the federal government or other states.

Item 1 Requiring out-of-state law enforcement agencies to have formal policies that comport with Maryland policy

3-207(P) (3): A LAW ENFORCEMENT AGENCY WITH LAW ENFORCEMENT OFFICERS OPERATING IN THE STATE SHALL ADOPT A POLICY CONSISTENT WITH THE MODEL POLICY DEVELOPED BY THE COMMISSION UNDER PARAGRAPH (2) OF THIS SUBSECTION.

If the intent of HB 155 is to require specific policy adoption by law enforcement agencies outside of Maryland, the provision might be challenged by the federal government as a violation of the Supremacy Clause or by other states using other legal standards. I suggest that the Committee adopt the amendments included in SB 1 which address this concern.

Item 2 Use of the terms “tactical mask” and “tactical operations”

The use of the word “tactical” is somewhat confusing. The bill prohibits a “tactical mask” face covering. A quick web search of tactical mask includes all the face coverings permitted under the bill. And a tactical mask includes a balaclava and neck gaiter, which are separately not permitted face coverings. The real confusion is that the bill permits unspecified face coverings when worn for protection during “tactical’ operations.” A tactical operation could be considered to be what ICE currently does.

The critical insight is that a "tactical" operation is defined less by the action itself and more by its relationship to a larger goal. It is a single, calculated step in a much longer journey, executed with precision to serve a broader strategy.

<https://jihua3515.com/faqs/what-are-tactical-operations-and-what-do-they-encompass>

The law would be clearer if 3-535(A)(2)(III)(8) – allowing unspecified gear to be used in tactical operations – were deleted. It is not necessary since all the clearly specified permitted items are also considered tactical gear and do not need the additional permission of (8) to be used. Keeping provision (8) raises the question of what it means; can neck gaiters be worn under provision (8)? If (8) is stricken, all permissible uses of and permissible types of face coverings/tactical gear are clear while all impermissible tactical gear is also clear.

How HB 155 Differs from the California No Vigilantes Act (CA SB 627)

The Federal 9th Circuit Court recently found that California anti-masking law, CA SB 627, illegally discriminated against federal immigration enforcement agents by applying the unmasking law to federal agents and not State law enforcement, the federal government also claimed the law violate the Supremacy Clause of the Constitution. MD HB155 is different from the California law in some important respects that can mitigate the success of a federal challenge.

- MD HB 155 applies to *all* State and local law enforcement agencies in addition to out of state agents operating in our State.
- The federal government charged that CA SB627 regulates the actions of federal departments and agencies by requiring that all federal law enforcement entities adopt agency policies that comport with the California masking law. A federal challenge on the basis of the Supremacy Clause can be mitigated by the changes made to Senate bill 1.

Summary

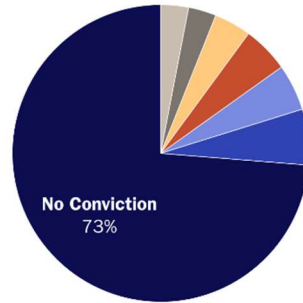
The House Judiciary Committee has before it a number of important and innovative policies to protect Marylanders from the needlessly unconstitutional, dangerous, and harmful results of immigration enforcement activity. Requiring identified and identifiable federal agents is key among those policies. Unmasking is part of an array of necessary measures to address both federal activity and the growth of criminal impersonation of State and local law enforcement. Importantly, we should fully expect immigration enforcement in Maryland to ramp up substantially in the near future with its own illegalities and causing growth of state and local law enforcement impersonation. *Proactive* action from this Committee and the Generally Assembly will be important in preparing for, and managing, the chaos that federal immigration enforcement seems to thrive on.

Thank you for your time, consideration, and most importantly, for your efforts to ensure justice for Maryland residents.

Only 5 percent of individuals booked into ICE detention had a violent criminal conviction

ICE book-ins into custody, FY 2026, Oct 1 - Nov 15, 2025

Property Vice Other Violent Immigration Traffic No Conviction



Source: Immigration and Customs Enforcement, "ICE Initial Book-Ins by Criminality and MSC: FY2025 YTD," November 15, 2025. See Appendix Table A for classifications. Convictions include convictions at any time, not just during the period listed.



Appendix: Use-Of-Force Standards in the Context of the US Supreme Court Decision in *Loper Bright v Raimondo*

In general, federal law enforcement agencies, such as the FBI, have use-of-force rules, guidance, and training similar to state and local use-of-force rules, guidance, and training. DHS Immigration and Customs Enforcement and the Border Patrol agencies stand out for having much lower standards, guidance, and training. We see in real time around the country that lower standards result in unnecessary injury and death, civil rights violations, chaos, and community upheaval.

There are myriad federal court decisions that have done extensive damage law enforcement accountability and thus to our civil rights over recent decades. DHS policy and practice make this erosion even more significant; citizens are unfairly treated by federal agents and have less and less recourse in the courts. Recourse for states and localities attempting to rein in federal law enforcement excesses is also hobbled.

To the best of my knowledge, what states and localities have not tried to use against increasingly lawless but heavily armed DHS agents and agencies is the US Supreme Court decision of *Loper Bright Enterprises v Raimondo* (2024). The decision threw out decades of jurisprudence where the courts deferred to federal agency expertise to interpret and implement laws. The *Loper Bright* decision establishes a new schema in which the Courts will decide the appropriate interpretation of law when the implementing agency interpretation is challenged.

Loper Bright has generally concerned issues related to administrative rules affecting commerce. The question is whether it can be used to challenge DHS administrative rules and guidance for immigration enforcement.

Clearly there is a rather wide range of interpretation across federal law enforcement agencies on the use of force. Most federal agents are not allowed to regularly shoot people sitting in their cars, most agents are not allowed to arrest or murder US citizens, or documented immigrants with no criminal violations; certainly, most federal agents are not allowed to harm undocumented migrants who have committed no criminal activity. DHS seems to misunderstand the legal difference between hardened criminals who are immigrants (the 'worst of the worst' as stated in their current deportation mission) and

- mothers of small children,
- small children,
- US citizens,
- migrants with legal standing to be in the US, and
- migrants with misdemeanor violations of specific immigration law.

Actual immigrants with criminal conviction are only 5% of those detained, deported, shot, or murdered by DHS agents. This level and scope of incompetence in following the agency's *stated* mission and the venality of agency agent action is not found at anything near this level in other federal law enforcement agencies nor in state and local law enforcement. This is an interesting result given that all federal, state, and local law enforcement are subject to the US Constitution and the same federal laws.

It is reasonable to assess that there is ambiguity somewhere in the Constitution or federal law that leads to wildly different interpretations of what federal agents are allowed to do. This ambiguity, combined with an utter lack of generally recognized legal expertise in the DHS, and generally acknowledged insufficient agent training/oversight/accountability, produce these failed but dangerous DHS enforcement results.

Almost by definition, the disparity in results among federal law enforcement agencies means there is ambiguity in interpretation of civil rights laws which relate to use of force rules, habeas corpus law, immigration law, laws governing law enforcement agent identification, not to mention operational standards that do or do not allow agents to operate as large bands of roving outlaws. DHS should be challenged.

It may be worthwhile to request that Maryland Attorney General's Office conduct a detailed analysis of how Loper Bright might be of use to challenge the growing ambiguity of DHS interpretation of laws and the resulting degradation of federal law enforcement policy and practice in some of our federal agencies while not in other agencies. The apparent ambiguity in our laws and citizen rights is leading to deadly and other life-altering results for growing numbers of people residing in the U.S. I believe it is worthwhile to at least examine if the expertise and legal actions of the Department of Homeland Security can be challenged based on Loper Bright.

This may be a stretch or not feasible at all, but I implore the Committee and the Executive Branch to make any and all efforts to find ways to constrain the rapid growth of federal executive branch power and lawlessness with goal to protect Maryland residents, civil society, and our democracy.