



## **TESTIMONY IN SUPPORT OF SB 1**

### **Law Enforcement Officers – Prohibition on Face Coverings**

**TO:** Members of the House Judiciary Committee

**FROM:** Center for Criminal Justice Reform, University of Baltimore School of Law

**DATE:** March 27, 2026

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The University of Baltimore School of Law’s Center for Criminal Justice Reform (“the Center”) is dedicated to supporting community-driven efforts to improve public safety and to address the harm and inequities caused by the criminal legal system. **The Center strongly supports Senate Bill 1.**

Senate Bill 1 is a valid exercise of Maryland’s police power that will promote public safety and improve relations between the police and the communities they serve. This bill would require the Maryland Police Training and Standards Commission to establish a statewide model policy that generally prohibits law enforcement officers from wearing face coverings while on duty and would require all law enforcement agencies in Maryland to adopt policies consistent with it. Critically, under the bill no law enforcement officer may wear a face covering while on duty in Maryland unless it is permitted under their agency’s policy. While prioritizing transparency, the bill also accounts for officer safety and religious garments by allowing face coverings in limited, clearly defined situations where they are genuinely necessary.

#### **I. Senate Bill 1 promotes public safety.**

A ban on law enforcement officers wearing of face coverings promotes public safety by reinforcing transparency, accountability, and public trust, which are foundational principles of effective community policing. When officers’ faces are visible, the public can readily verify their identity, reducing confusion, fear, and the danger of law enforcement impersonation. Masking provides little to no tactical law enforcement advantage and does not improve officer safety; rather, it can undermine it, especially when it reasonably exacerbates a community member’s fear. When officers’ faces are visible, the public is more likely to cooperate, which reduces conflict during encounters and allows officers to perform their duties more effectively and safely.

#### **II. Senate Bill 1 is a valid exercise of Maryland’s police power and does not impermissibly interfere with or control the operations of federal law enforcement.**

As Justice O’Connor explained in *Gonzales v. Raich*, “[t]he States’ core police powers have always included authority to define criminal law and to protect the health, safety, and welfare of their

citizens.” *See Gonzales v. Raich*, 545 U.S. 1, 42 (2005)(*dissenting*). This bill, which seeks to reduce conflict and promote trust between law enforcement and the communities they serve, falls squarely within the scope of this historic power.

The more salient constitutional question is whether the proposed ban on face coverings by law enforcement would violate the Constitution’s Supremacy Clause if it were applied to federal law enforcement acting within the state. *See U.S. Const. Article VI, Clause 2*. State law cannot unduly interfere with federal officials enforcing federal laws. *See Com. of Ky. v. Long*, 837 F.2d 727, 749 (6th Cir. 1988). However, not every state law that affects federal activity is an unconstitutional direct regulation. *See Texas v. United States Dep’t of Homeland Sec.*, 123 F.4th 186, 206 (5th Cir. 2024). In fact, “the key question is whether state law seeks to improperly control the employee’s federal duties, or whether the law only might affect incidentally the mode of carrying out the employment[.]” *Id.* (internal quotations omitted).

There is strong evidence to suggest SB 1 will only incidentally impact federal law enforcement responsibilities. Wearing face coverings is not essential to the ability to investigate, arrest, or enforce federal law. Indeed, as described above, the wearing of facemasks is generally counterproductive to effective law enforcement. There is, therefore, good reason to suggest that SB 1’s ban on face covering is legally applicable to both state and federal law enforcement actors. Additionally, should the unique circumstances of a particular situation require a federal law enforcement officer to mask, that officer would be shielded by supremacy clause immunity, which protects federal officials when their acts are both authorized by the laws of the United States and necessary and proper to the execution of his responsibilities. *See In re Neagle*, 135 U.S. 1, 75 (1890). While there is ample evidence that such masking is not “necessary and proper” in the vast majority of law enforcement operations, such protections ameliorate any concerns that this bill will inhibit legitimate federal law enforcement operations.

**For these reasons, the Center for Criminal Justice Reform respectfully urges a favorable report on Senate Bill 1.**