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SENATE BILL NO. 352
AMENDMENT IN THE NATURE OF A SUBSTITUTE
 (Proposed by the House Committee on Public Safety
 on February 27, 2026)

(Patron Prior to Substitute—Senator Salim)

A *BILL to amend the Code of Virginia by adding sections numbered 8.01-42.7 and 19.2-83.6:1, relating to law-enforcement officers; restrictions on wearing of facial coverings; required identification; civil liability; penalty.*

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding sections numbered 8.01-42.7 and 19.2-83.6:1, as follows:

§ 8.01-42.7. Liability of law-enforcement officer for certain conduct while unlawfully wearing facial covering; identification required.

A. As used in this section:

"Facial covering" means the same as that term is defined in § 19.2-83.6:1.

"Law-enforcement officer" means the same as that term is defined in § 9.1-101.

B. Any person injured as a result of the tortious conduct of a law-enforcement officer who knowingly and intentionally wears a facial covering in violation of § 19.2-83.6:1, whether or not such law-enforcement officer has been charged with or convicted of the alleged violation, may bring a civil cause of action against such law-enforcement officer for actual damages or \$10,000, whichever is greater, including reasonable attorney fees and costs.

C. No action shall be commenced under this section more than two years after the most recent conduct prohibited in § 19.2-83.6:1.

§ 19.2-83.6:1. Prohibition on wearing of facial coverings; penalty.

A. For the purposes of this section:

"Facial covering" means any opaque mask, garment, helmet, headgear, or other item or device whereby a substantial portion of the face is hidden or covered to conceal the identity of the wearer, including a balaclava, tactical mask, gator, ski mask, or other similar face-shielding item or device. "Facial covering" does not include sunglasses or prescription eyewear, provided that such sunglasses or eyewear does not otherwise conceal a substantial portion of the wearer's face.

"Law-enforcement agency" means any agency or department responsible for the prevention and detection of crime and the enforcement of the penal, traffic, or highway laws of the Commonwealth.

"Law-enforcement officer" means the same as that term is defined in § 9.1-101.

B. Except as provided in subsection C, no law-enforcement officer shall wear a facial covering that conceals, obscures, or otherwise covers his face while such law-enforcement officer is engaged in the performance of his official duties.

C. The provisions of this section shall not apply to the use of the following by a law-enforcement officer when engaged in the performance of his official duties:

1. A translucent face shield or clear mask, provided that such face shield or mask does not conceal the wearer's identity;

2. An N95 medical mask or surgical mask to protect against the transmission of disease or infection;

3. A mask, helmet, or other device necessary to protect against exposure to any toxin, gas, smoke, severe weather conditions that present a threat to health and safety, such as during the period for which a cold weather advisory has been issued for the area by the National Weather Service, or other hazardous or harmful environmental condition, including a respirator or self-contained breathing apparatus;

4. A mask, helmet, or other device necessary for underwater use;

5. A motorcycle helmet when a law-enforcement officer is utilizing a motorcycle or other vehicle that requires a helmet for safety;

6. Protective eyewear necessary for protection against retinal weapons, including lasers;

7. A facial covering used by any law-enforcement officer assigned to a special weapons and tactics (SWAT) team or other specialized tactical team or unit while engaged in the performance of official SWAT team duties; or

8. A facial covering worn by a law-enforcement officer who is assigned to an undercover, drug, gang, or surveillance unit where the protection of such law-enforcement officer's identity is necessary as determined by the law-enforcement agency overseeing such unit or other responsible law-enforcement agency.

D. Except as otherwise provided by this section, a law-enforcement officer, while engaged in the performance of his official duties, shall visibly display (i) a badge or insignia bearing such law-enforcement officer's name or other individual identifier unique to that particular law-enforcement officer and (ii) the name of the law-enforcement agency that employs such law-enforcement officer.

60 *E. The provisions of subsection D shall not apply to any law-enforcement officer who does not wear a*
61 *uniform or other distinguishing clothing, equipment, or insignia in the regular performance of his official*
62 *duties or who is engaged in undercover operations in the performance of his official duties.*
63 *Any law-enforcement officer who violates the provisions of this section is guilty of a Class 1*
64 *misdemeanor.*