

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 854

Introduced by Hunt, 8.

Read first time January 08, 2026

Committee: Judiciary

1 A BILL FOR AN ACT relating to crimes and offenses; to amend section
2 28-101, Revised Statutes Supplement, 2025; to prohibit law
3 enforcement officers from wearing facial coverings or personal
4 disguises and require officers to wear appropriate identification;
5 to define terms; to harmonize provisions; and to repeal the original
6 section.

7 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 28-101, Revised Statutes Supplement, 2025, is
2 amended to read:

3 28-101 Sections 28-101 to 28-1357, 28-1601 to 28-1603, and 28-1701
4 and section 2 of this act shall be known and may be cited as the Nebraska
5 Criminal Code.

6 **Sec. 2.** (1) For purposes of this section:

7 (a) Appropriate identification means items that display both of the
8 following:

9 (i) The law enforcement officer's name and badge number; and
10 (ii) The full name or initials of the law enforcement officer's
11 employing law enforcement agency;

12 (b) Covert operation means an operation during which a law
13 enforcement officer must conceal the officer's identity to investigate
14 and gather evidence of criminal activity;

15 (c) Facial covering means any opaque mask, garment, helmet,
16 headgear, or other item that conceals or obscures the facial identity of
17 an individual, including, but not limited to, a balaclava, tactical mask,
18 gator, ski mask, or any similar type of facial covering or face-shielding
19 item;

20 (d) Law enforcement agency means:

21 (i) The police department or the town marshal in incorporated
22 municipalities, the office of sheriff in unincorporated areas, the
23 Nebraska State Patrol, and Class I railroad police departments;

24 (ii) Any law enforcement agency of another state; and

25 (iii) Any federal law enforcement agency;

26 (e) Law enforcement officer means:

27 (i) A law enforcement officer as defined in section 81-1401;

28 (ii) A federal law enforcement officer;

29 (iii) A member of the National Guard on active service by direction
30 of the Governor during a period of emergency or civil disorder; and

31 (iv) Any person acting on behalf of, or in concert with, any law

1 enforcement officer described in subdivision (1)(e)(i), (ii), or (iii) of
2 this section; and

3 (f) Personal disguise means any alteration of an individual's
4 appearance with the intent to conceal the individual's identity or
5 mislead others.

6 (2) Except as provided under subsections (3) and (4) of this
7 section, a law enforcement officer, while operating in this state and in
8 the performance of the officer's duties, shall wear appropriate
9 identification and shall not wear a facial covering or personal disguise.

10 (3) Subsection (2) of this section does not apply to a law
11 enforcement officer engaged in a covert or undercover operation.

12 (4) A law enforcement officer may wear a facial covering in any of
13 the following circumstances:

14 (a) To prevent the officer from contracting an airborne disease, the
15 officer may wear a mask or respirator that is designed to prevent the
16 transmission of airborne diseases;

17 (b) To protect against exposure to bodily fluids, an officer may
18 wear a facial covering designed to prevent such exposure;

19 (c) To protect the officer from smoke, an airborne toxin, gas, or
20 any other particulate matter or irritant that could impair health or
21 trigger illness in an individual, whether immediately or in the future,
22 the officer may wear a mask, helmet, device, respirator, or other
23 equipment that provides such protection;

24 (d) To protect the officer from physical harm while engaged in high-
25 risk situations, including, but not limited to, a shootout, standoff,
26 hostage-taking situation, or terrorist situation, the officer may wear a
27 mask, helmet, or face shield that provides physical protection;

28 (e) An officer may wear a translucent face shield or clear mask that
29 does not conceal the wearer's facial identity;

30 (f) An officer may wear a mask, helmet, or device, including, but
31 not limited to, a self-contained breathing apparatus, when necessary for

1 underwater activities;

2 (g) An officer may wear a motorcycle helmet when operating a
3 motorcycle or other vehicle that requires a helmet for safe operations;
4 and

5 (h) An officer may wear eyewear necessary to protect from the use of
6 retinal weapons, including, but not limited to, lasers.

7 (5) A violation of this section is a Class III misdemeanor.

8 **Sec. 3.** Original section 28-101, Revised Statutes Supplement, 2025,
9 is repealed.