

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5479

By Delegates Hornbuckle, Pushkin, Lewis, Hamilton,

Garcia, and Hansen

[Introduced February 12, 2026; referred to the

Committee on the Judiciary]

1 A BILL to amend and reenact §15-16-9 of the Code of West Virginia, 1931, as amended, relating to
 2 prohibiting concealment of a law-enforcement officer’s identity or authority, prohibiting the
 3 use of masks or face coverings, during warrantless, non-custodial investigatory stops that
 4 are not supported by probable cause.

Be it enacted by the Legislature of West Virginia:

ARTICLE 16. FEDERAL IMMIGRATION ENFORCEMENT.

§15-16-9. Implementation; discrimination prohibited.

1 (a) This article code shall be implemented in a manner consistent with federal laws
 2 and regulations governing immigration, protecting the civil rights of all persons, and respecting the
 3 privileges and immunities of United States citizens.

4 (b) A state entity, local entity, or law enforcement agency, or a person employed by or
 5 otherwise under the direction or control of a state entity, local entity, or law enforcement agency,
 6 shall not base its actions under this article on the gender, race, color, religion, language, national
 7 origin, or physical disability of a person except to the extent authorized by the United States
 8 Constitution, the constitution and laws of this state, or other applicable federal law.

1 (c) A law-enforcement officer may not intentionally conceal the officer’s official identity or
 2 law-enforcement authority, including by wearing a mask, face covering, or other device that
 3 obscures the officer’s face or identity, during a non-custodial investigatory stop that is conducted
 4 without a warrant and that is not supported by probable cause. For purposes of this subsection,
 5 “conceal the officer’s official identity” includes intentionally failing or refusing to identify oneself as
 6 a law-enforcement officer, intentionally obscuring a badge or other indicia of law-enforcement
 7 authority, or wearing a mask, face covering, or disguise for the purpose of preventing identification
 8 as a law-enforcement officer. This subsection does not apply when:

9 (1) The officer is acting pursuant to a valid arrest or search warrant;

10 (2) The officer is engaged in an undercover or covert operation authorized by law;

- 11 (3) Concealment of identity or authority, including the wearing of a mask or face covering,
- 12 is expressly authorized by federal or state law or regulation;
- 13 (4) The officer reasonably determines that disclosure of identity would create an imminent
- 14 risk to officer safety or would compromise an active investigation; or
- 15 (5) Exigent circumstances exist, and the concealment of identity is reasonably necessary
- 16 to address the exigency.

NOTE: The purpose of this bill is to limit the intentional concealment of a law-enforcement officer's identity or authority, including the use of masks or face coverings, during warrantless, non-custodial investigatory stops that are not supported by probable cause. This provision is intended to promote transparency, reduce the risk of intimidation or misidentification, and protect civil liberties during investigative encounters.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.