

LFC Requester:

Scott Sanchez

AGENCY BILL ANALYSIS - 2026 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov*(Analysis must be uploaded as a PDF)***SECTION I: GENERAL INFORMATION***{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

Date Prepared: January 28, 2026 *Check all that apply:*
Bill Number: HB 208 Original Correction
 Amendment Substitute

Sponsor: Janelle Anyanonu and Dayan Hochman-Vigil and Javier Martinez and Antoinette Sedillo **Agency Name and Code Number:** Administrative Office of the District Attorneys - #264
Short Title: Law Enforcement ID and Concealing Identity **Person Writing:** M. Anne Kelly
Title: Concealing Identity **Phone:** 5052503302 **Email:** akelly@da.state.nm.us

SECTION II: FISCAL IMPACT**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

Section 1 is new material entitled “Requiring Police Officers to Carry Identification and Present Identification for Inspection Upon Request – Prohibiting the Concealment of Identity – Exceptions”

Subsection A provides that a peace officer shall not wear a face covering while interacting with the public in the performance of their duties, except for medical-grade surgical masks such as N-95 or similar respirators designed to prevent the transmission of airborne diseases or to protect against exposure to smoke during a declared state of emergency relating to a wildfire.

Subsection B provides that the peace officer shall, at all times when on a call for service or interacting with the public: (1) carry the officer’s credentials with the officer’s name, rank, and agency of employment; (2) have the officer’s badge displayed conspicuously on outer clothing; (3) present such credentials for inspection upon request from a member of the public.

Subsection C provides that a peace officer shall not knowingly or willfully conceal their identity, including the face, or the name of the agency of employment when on duty.

Subsection D provides that Subsections A through C shall not apply when: (1) the officer is in an undercover capacity sanctioned by the agency; (2) is a member of a special weapons and tactics team and performing those responsibilities; or (3) conducts an explosive and recovery operation to render safe an explosive device.

Subsection E provides that a peace officer who violates any of these provisions is guilty of a misdemeanor and shall be sentenced pursuant to Section 31-19-1 (i.e. no more than 364 days in jail).

Subsection F contains the definitions used in the section. “Law enforcement agency” encompasses city, county, and local agencies, the New Mexico State Police, a law enforcement agency of another state, or a federal law enforcement agency. It also defines “undercover operation” for purposes of the statute.

FISCAL IMPLICATIONS

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

None for this agency.

SIGNIFICANT ISSUES

In November 2025, the US Department of Justice filed a lawsuit against California which passed a “No Vigilantes Act” and a “No Secret Police Act” which had some similar provisions, criminalizing the wearing of masks for federal agents and requiring them to present their credentials. *United States v. California*, No. 2:25-cv-10999. Arguments were heard by the United States District Court for the Central District of California in mid-January, but no ruling on the federal government’s request for an injunction has yet been made. The federal government argued in its lawsuit that the California laws violated the Supremacy Clause of the United States

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Constitution and could endanger federal officers.

The provision in this bill seeking to criminalize federal officers from wearing masks and/or concealing their identity could face a similar challenge from the federal government.

PERFORMANCE IMPLICATIONS

None noted.

ADMINISTRATIVE IMPLICATIONS

None noted.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

SB 57 – “Concealing Identity of a Peace Officer” creates a new provision to criminalize a peace officer, including federal officers, from concealing identity. It also adds federal officers to Section 30-27-2.1 which criminalizes impersonating a peace officer.

TECHNICAL ISSUES

None noted.

OTHER SUBSTANTIVE ISSUES

None noted.

ALTERNATIVES

n/a

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

n/a