

LFC Requester:	Scott Sanchez
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AGENCY BILL ANALYSIS – 2026 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: 28 JAN 2026 *Check all that apply:*
Bill Number: HB208 Original Correction
 Amendment Substitute

Sponsor: Janelle Anyanonu **Agency Name and Code:** 790 – Department of Public Safety
Short: Law Enforcement ID and Concealing Identity **Person Writing:** Emmanuel T. Gutierrez
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
NFI	NFI	N/A	N/AN
NFI	NFI	N/A	N/A

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
NFI	NFI	NFI	N/A	N/A
NFI	NFI	NFI	N/A	N/A

(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	NFI	\$0	NFI	\$50.0	Recurring	GENERAL FUND

(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

House Bill 208 (HB-208) (2026) establishes new requirements for peace officer identification and transparency during interactions with the public by mandating that officers carry identifying credentials and present them for inspection upon request. The bill prohibits peace officers from wearing opaque face coverings or otherwise concealing their identity or the name of their employing law enforcement agency while on duty, responding to calls for service, or engaging in any investigative or enforcement encounter. Officers must display their name, badge number, rank, and agency prominently on their outermost clothing. The legislation provides specific exceptions for sanctioned undercover operations, Special Weapons and Tactics (SWAT) team duties, and explosive recovery or disposal operations. Violations of these provisions are classified as a misdemeanor, punishable under state sentencing law. HB-208 is declared an emergency measure, taking effect immediately to promote accountability, strengthen public trust, and ensure clear identification of law enforcement personnel during public-facing duties.

FISCAL IMPLICATIONS

If the recommended changes were not adopted there would be some fiscal impact due to the change in uniform requirements. Additional info below under “Significant Issues”.

Uniform and Equipment Impacts:

Funding would address modifications or replacement of uniforms and related equipment for specialty units to meet new statutory requirements; NMDPS estimates this cost to be \$25,000 in recurring cost. This includes procurement expenses, accelerated replacement cycles resulting in loss of value of existing inventories, and administrative resources required for implementation.

SIGNIFICANT ISSUES

As detailed below in “Performance Implications” DPS recognizes the intent of this bill to promote transparency during law enforcement interactions. However, there are a few areas DPS / State Police believes need amendment to deal with the operational realities of law enforcement, while still meeting the goals of this bill. On Page 2, Section (B)(2) the requirement to have displayed on a conspicuous place on the peace officer’s outermost clothing the peace officer’s name, badge number, rank and agency. DPS would like to bring up a couple of operational issues. As it relates to an officer’s regular uniform there are agencies, including State Police who have large numbers of personnel who do not have a “badge number”, but rather their badge displays their rank. Officers also sometimes wear polos or other clothing that clearly identifies them as law enforcement, but may not have their name on it. In addition, some agencies wear different rank insignia which the public might not be familiar with even though they are clearly law enforcement. These individuals might not have their rank “written” anywhere on their uniform.

This becomes more apparent as we discuss outermost clothing, which would include things like jackets, protective gear like reflective vests or exterior bulletproof vest carriers. These items clearly identify individuals as officers but often do not have their name or rank on the exterior and the badge on these items is a cloth badge that will not have any sort of badge number.

In addition, State Police have plain clothes investigators who dress in a shirt and tie with their badge clearly displayed. They do not have their rank or name tag on their dress shirts or suits, but they are clearly officers. They may often have a reason to contact the public for an interview or some other interaction and not have everything visible that this bill is mandating, yet they are conducting lawful business with no intent to conceal their identity.

DPS would recommend that this section is not necessary given the requirements in Section (B)(1) directly above it in the bill. That section requires them to carry their credentials and Section (B)(3) below says they must present them for inspection, so DPS does not believe Section 2 is necessary. If Section (B)(2) were to be maintained, DPS believes it should simply state the peace officer should be clearly identified as law

enforcement and displaying their badge of office.

In addition, on Page 3, Section (D)(2) there is a specific reference made to “special weapons and tactics team”. This is specific terminology for law enforcement that refers to a specific type of team. Not everyone uses this term, for example what most people would consider the State Police “SWAT” team is named the “Tactical Team.” Other agencies might call it a “Special Response Team”. In addition, we have a different team, the Emergency Response Team (ERT), which responds to events like riots or violent protests. Both of these teams are equipped with things such as tear gas, that might require them to utilize gas masks. In addition, teams such as the Meth Lab Team have protective gear to dismantle drug labs or illicit indoor cannabis grows. This equipment covers their mask and is necessary for them to safely do their job. Another example would be the State Police Search and Rescue (Dive) Team. State Police believe the sponsors might be trying to cover these scenarios with this section, but feels the current wording in the bill is too narrow. In addition, the wording on Page 2, Section A is too narrow for the Meth Lab team type scenario.

Something more appropriate might be to include a section(s) stating things like respirators and protective face masks that may be worn by officers when needed to protect an officer’s health during operations. For the SWAT team portion, you might make it more general like “is a member of a special weapons and tactics or similar type specialty team utilizing various forms of protective gear in the performance of their specialized duties.”

Constitutional Analysis: Fourth Amendment

HB208 aims to stem unlawful concealment of peace officers who may be indistinguishable from civilians while engaged in official conduct.

While HB208 presumes that there is a requirement that peace officers personally identify themselves, no courts have “recognized a constitutional obligation on the part of the police to announce their identity when they carry out an arrest in a public place.” See *Catlin v. City of Wheaton*, 574 F.3d 361, 369 (7th Cir. 2009). In *Doornbos v. City of Chicago*, the court held that unreasonableness is heightened when plainclothes officers attempting to conduct an investigatory stop fail to identify themselves as officers. 868 F.3d 572 (7th Cir. 2017). Here, HB208 addresses situations in which officers are performing their duties while wearing uniforms or when peace officers are clearly marked as law enforcement. Even if peace officers are wearing a face covering, so long as they are clearly identifiable as peace officers with clearly marked as law enforcement, their conduct is aligned with the Fourth Amendment.

A key objective of HB208 is to make the public aware of whether an unidentified person is a peace officer or an assailant, rather than whether a peace officer is wearing a face covering. See *Atkinson v. City of Mountain View*, 709 F.3d 1201 (8th Cir. 2013). If an officer uses physical force against an unwilling subject without identification, and the subject does not have an “opportunity to comply with a legitimate request by a law enforcement official.”

PERFORMANCE IMPLICATIONS

DPS recognizes the legislature’s intent to establish clearer expectations regarding officer identification during interactions with the public. House Bill 208 sets forth standardized requirements related to the carrying and display of identifying credentials by peace officers. The Department acknowledges that these provisions are intended to promote clarity during law enforcement encounters and reduce uncertainty for members of the public.

DPS supports the bill’s explicitly defined exceptions, which are essential to maintaining public safety and the integrity of sensitive law enforcement operations. The exemptions for sanctioned undercover operations, special weapons and tactics (SWAT) deployments, and explosive recovery and disposal activities appropriately recognize that there are circumstances in which disclosure of an officer’s identity would pose a significant risk to officer safety, compromise active investigations, or endanger the public.

In particular, the importance of undercover operations exception cannot be stressed enough as it ensures that covert operatives may continue to perform high-risk investigative work without jeopardizing their safety or the success of long-term criminal investigations. New Mexico State Police (NMSP) narcotics and undercover agents frequently operate in environments where anonymity is crucial for both officer safety and successful investigations. During these operations, controlled purchases of contraband, surveillance, and interdiction efforts, agents are often in proximity to violent offenders, organized drug trafficking networks, and individuals willing to retaliate against law enforcement. In these situations, using opaque face coverings or other identity-preserving equipment may be necessary to prevent immediate recognition and future targeting. Narcotics agents regularly go beyond traditional uniformed duties, including covert operations in high-risk areas where exposing an officer's identity could jeopardize ongoing investigations, threaten the officer's family, and damage relationships with confidential informants and cooperating witnesses. Concealing facial identity in these limited operational settings is not meant to reduce accountability but to protect the integrity of sensitive investigations and ensure the safety of personnel working in dangerous, unpredictable conditions.

Additionally, undercover operations are intentionally designed to hide an officer's identity as a key investigative method. Undercover agents must blend into criminal environments and build credibility with suspects over time, often without immediate tactical support. The use of face coverings may happen during pre-operational movements, covert surveillance, or high-risk enforcement actions related to undercover cases, especially when agents move from covert roles to arrest or warrant execution phases. Even when arrests occur, narcotics enforcement often involves multiple target organizations where revealing an agent's face could threaten future investigations and put agents at long-term risk. For these reasons, DPS and NMSP stress that any statutory restrictions on opaque face coverings must allow clear and practical exceptions for narcotics and undercover personnel, ensuring officer safety and investigative success while maintaining appropriate public transparency and oversight.

ADMINISTRATIVE IMPLICATIONS

No administrative implications for DPS.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

No conflict, duplication, companionship, or relationship issues for DPS.

TECHNICAL ISSUES

No technical issues for DPS.

OTHER SUBSTANTIVE ISSUES

No other substantive issues for DPS.

ALTERNATIVES

No alternative issues for DPS.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo will Remain.

AMENDMENTS

State Police would recommend Page 2, Section (B)(2) is not necessary given the requirements in Section (B)(1) directly above it in the bill. That section requires them to carry their credentials and Section (B)(3) below says they must present them for inspection upon request, so DPS does not believe Section 2 is necessary. If Section (B)(2) were to be maintained, DPS believes it should simply state the peace officer should be clearly identified as law enforcement and displaying their badge of office.

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