

James Nolan

Minority Whip, Legislator, 15th District
Chair, Committee on Veterans, Seniors & Youth



Committee Assignments:
Labor & Human Rights
Legislation
Parks & Environment

To: Vedat Gashi, Chairman of the Board of Legislators
Sunday Vanderberg, Clerk of the Board of Legislators
Colin Smith, Chair of the Legislation Committee

From: James Nolan, Legislator, District 15

Date: September 3, 2025

Re: Mask Transparency Act of Westchester County

Purpose and Intent

The Mask Transparency Act of Westchester County seeks to balance public safety needs with the County's longstanding commitment to civil rights, religious freedom, disability protections, and cultural inclusion.

This legislation prohibits the use of face coverings to intentionally conceal identity for the purpose of committing or facilitating criminal acts, intimidation, or harassment. At the same time, it creates broad exemptions for health, religious, cultural, celebratory, and weather-related uses, ensuring that law-abiding residents may continue to wear face coverings freely and without fear of arbitrary enforcement.

Justification

Over the past several years, law enforcement in Westchester County and throughout the region has observed a rise in mask-related concealment in connection with crimes ranging from theft to targeted harassment. Offenders often exploit face coverings to evade identification by victims, bystanders, and security cameras, undermining public safety.

At the same time, this Legislature recognizes that face coverings play an important and legitimate role in the lives of Westchester residents:

- **Health:** Many individuals continue to mask for personal or public health reasons.
- **Religious & Cultural Expression:** Faith-based coverings such as niqabs, burqas, and ceremonial masks are integral to personal freedom of religion and cultural traditions.
- **Disability Protections:** Residents with medical conditions may require face coverings.
- **Climate & Safety:** In cold weather or hazardous conditions, masks and scarves are necessary for protection.
- **Celebration & Community:** Masks are a staple of parades, holidays, and performances across Westchester.

Tel: (914) 995-2830 • Fax: (914) 995-3884 • E-mail: Nolan@westchesterlegislators.com

This Act is drafted to ensure that lawful uses of face coverings are fully protected while providing law enforcement with a clear framework for addressing misuse.

Key Provisions

- **Narrow Scope:** Prohibits only the concealment of identity for criminal or harassing purposes.
- **Exemptions:** Explicit protections for health, religion, disability, culture, weather, and celebration.
- **Enforcement Standards:** Officers must have reasonable suspicion of criminal conduct before requesting removal of a covering.
- **Civil Rights Safeguards:** Prohibits profiling and selective enforcement.
- **Accountability:** Requires annual public reporting of mask-related enforcement actions.
- **Proportionate Penalties:** Class B misdemeanor, with fines capped at \$250

Fiscal Impact

Minimal. Training can be integrated into existing instruction programs. Annual reporting will require administrative oversight but is expected to be absorbed within existing departmental budgets.

Conclusion

The Mask Transparency Act of Westchester County represents a measured, fair, and transparent approach to addressing the misuse of face coverings in criminal activity, while safeguarding the rights, dignity, and safety of all Westchester residents.

Please refer to the appropriate committee

LOCAL LAW NO. -2025

A LOCAL LAW TO PROHIBIT THE USE OF A MASK OR FACIAL COVERING FOR THE PURPOSES OF CONCEALING AN INDIVIDUAL'S IDENTITY IN A PUBLIC PLACE A/K/A THE MASK TRANSPARENCY ACT OF WESTCHESTER COUNTY

Section 1. Title

This Act shall be known as the “**Mask Transparency Act of Westchester County.**”

Section 2. Legislative Intent

The Westchester Board of Legislators finds that

1. Public Safety Concerns

- Concealment of identity has been used in the use of crimes, including theft, assault, and harassment, creating fear and insecurity in public places.
- Local law enforcement reports confirm an increase in incidents where offenders wore masks or facial coverings to avoid identification.

2. Civil Rights Concerns

- Westchester County has a longstanding commitment to civil liberties, religious freedom, disability rights, and cultural inclusion.
- Any law restricting face coverings must carefully balance public safety with constitutional rights **and** equity protections.

3. Purpose

- This Act seeks to deter the malicious concealment of identity while protecting individuals who wear facial coverings for health, religious, cultural, celebratory, or other legitimate purposes.

Section 3. Definitions

- “**Facial covering**” means any mask, scarf, bandana, niqab, burqa, hood, or device that conceals identity.
- “**Public place**” means any area generally accessible to the public, including sidewalks, parks, transit facilities, schools, government buildings, and privately-owned spaces open to the public (e.g., retail).
- “**Conceal identity**” means wearing a facial covering with the intent to prevent recognition in connection with unlawful activity or intimidation.

Section 4. Prohibited Conduct

- a) No person or persons, while wearing any mask or facial covering whereby the face or voice is disguised with the intent to conceal the identity of the wearer, shall enter or appear upon any sidewalk, walkway, alley, street, road, highway, or other public right-of-way, or upon public property or private property without the consent of the owner or tenant.
- b) The provisions of this section shall apply only if the person wearing the mask or facial covering:
 1. Remains or congregates in a public place with other persons so masked or disguised, or knowingly permits or aids persons so masked or disguised to congregate in a public place: or
 2. Acts with the intent,, by force or threat of force. to injure, intimidate. or interfere with any person because the person exercises any right secured by federal. State. or local law or to intimidate such person or any other person or any class of persons from exercising any right secured by federal, state, or local law: or
 3. Acts with the intent to intimidate, threaten. abuse, or harass any other person: or
 4. As engaged in conduct that could reasonably lead to the institution of a civil or criminal proceeding against them with the intent of avoiding identification in such a proceeding.
 5. The mere wearing of a facial covering shall not constitute a violation unless paired with reasonable suspicion of unlawful intent.

Section 5. Exemptions

This Act does **not** apply to:

- **Health & Safety:** Including protection from illness, pollution, or occupational hazards.
- **Religious or Cultural Expression:** Including attire such as hijabs, niqabs, burqas, or ceremonial masks.
- **Disability Accommodation:** Coverings worn as a reasonable accommodation under the Americans with Disabilities Act (ADA) or state/local disability rights laws.
- **Celebratory or Theatrical Uses:** Including holidays, parades, performances, or similar lawful events.
- **Weather Protection:** Scarves, ski masks, or coverings for warmth during cold weather.

No proof or documentation shall be required to invoke an exemption.

Section 6. Enforcement Protocols

1. **Reasonable Suspicion Standard:** Law enforcement officers may request removal of a facial covering only if there is reasonable suspicion of involvement in criminal or harassing conduct.
2. **Prohibited Enforcement:**
 - Officers shall not stop, question, or detain individuals solely because they are wearing a mask.
 - Profiling or selective enforcement based on race, religion, disability, or political activity is strictly prohibited.

Section 7. Penalties

Violation of this Act constitutes a Class B misdemeanor, punishable by:

- A fine not exceeding **\$250**, or

Section 8. Severability

If any provision of this Act is found unconstitutional, the remaining provisions shall remain in effect.

Section 9. Effective Date

This Act shall take effect 90 days after passage