

**James Nolan**

Minority Whip, Legislator, 15<sup>th</sup> District  
Chair, Committee on Veterans, Seniors & Youth



**Committee Assignments:**  
Labor & Human Rights  
Legislation  
Parks & Environment

**TO:** Sunday Vanderberg, Clerk of the Board of Legislators

**FROM:** James Nolan, Minority Whip, 15<sup>th</sup> District

**DATE:** August 26, 2024

**RE:** 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

Please place the attached proposal, 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", on the agenda for the September 16, 2024 meeting of the Westchester County Board of Legislators so that it may be referred to the appropriate committees.

Thank you.

LOCAL LAW -2024

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"

BE IT ENACTED by the County Legislature of the County of Westchester, as follows:

§1. Short Title. This law shall be known as the "The Mask Transparency Act" and shall appear in the Miscellaneous Laws of Westchester County as "The Mask Transparency Act"

§2. Legislative Intent.

This Legislature finds that masks and facial coverings that are not worn for health and safety concerns for religious, celebratory purposes, theater performances, or occupational safety are often used as a predicate to harassing, menacing or criminal behavior.

Therefore, the primary purpose of this law is to prohibit the wearing of masks or other facial covering in public unless such mask is worn for the purposes of protecting the wearer's health or safety, for religious or celebratory purposes, theater performances, or occupational safety reasons

§3. Prohibition on wearing of masks or facial coverings for the purposes of concealing an individual's identity in public places.

- 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, enter, or appear upon or within any sidewalk, walkway, alley, street, road, highway or other public right-of-way or public property or private property without the consent of the owner or tenant. This law shall not apply to facial coverings worn to protect the health or safety of the wearer, for occupational safety reasons, for religious or cultural purposes, or for the peaceful celebration of a holiday or similar religious or cultural event for which the wearing of masks or facial coverings are customarily worn. A law enforcement officer may require a person or persons to remove the mask during traffic stops or when the officer has reasonable suspicion of criminal activity and/or intention to partake in criminal activity.
- 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 of the person's exercise of 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. is engaged in conduct that could reasonably lead to the institution of a civil or criminal proceeding against her or him, with the intent of avoiding identification in such a proceeding.

§4. Penalties. Any person that violates any provision of this law shall be guilty of a misdemeanor punishable by a fine of not more than one thousand dollars or imprisonment of not more than one year, or both.

§5. Severability: If any clause, sentence, paragraph, subdivision, section or part of this local law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership entity or circumstance directly involved in the controversy in which order or judgment shall be rendered.

§6 SEQRA Determination: It is hereby determined by the Westchester County Legislature, the lead agency, and pursuant to the provisions of the State Environmental Quality Review Act ("SEQRA"), 8 NYECL section 0101 et seq. and its implementing regulations, Part 617 of 6 NYCRR, and Section 1611 of the County Government Law of Westchester County, that this Local Law will not have a significant impact on the environment and that no further environmental review or action is required.

§7. Effective Date: This law shall take effect immediately, after becoming a law