

HB 4138: LAW ENFORCEMENT ACCOUNTABILITY AND VISIBILITY ACT ("LEAVA")



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Masked law enforcement agents, often with no identification, make it difficult for the public to know who is in our neighborhoods, what they are doing, and whether their actions are lawful. Indeed, it is difficult for the public to know if masked operatives are actual government agents or impersonators.

The Law Enforcement Accountability and Visibility Act (LEAVA) strengthens public trust by ensuring that all law enforcement actors and actions in Oregon are more transparent, visible, and accountable.

What does LEAVA do?

- Requires ALL law enforcement officers operating in Oregon to visibly identify themselves, who they work for, and to unmask.
- Builds a firewall between state/local public employees and the federal government to protect our civil rights and liberties, including our due process rights.
- Draws clear lines between state/local and federal law enforcement operations, and provides for transparency when cooperation occurs.

Lobbying Contact:

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THREE-PRONGED APPROACH:

I. Establishes standards for officer and agency identification and the use of facial coverings by ALL law enforcement actors – local, state, and federal – operating in Oregon:

- Prohibits all law enforcement officers operating in Oregon from wearing masks, with limited specific exceptions for undercover and SWAT operations, health and safety reasons, and other necessary uses.
- Requires all law enforcement officers operating in Oregon to visibly display their name/badge number and agency identification, with limited specific exceptions for undercover and plain-clothes officers.
- Requires every law enforcement agency operating in the state to have public policies regarding the use of facial coverings and officer identification, including agency affiliation. 180-day timeline for agencies to develop and publish policies.

II. Builds a firewall between public employees and the federal government:

- Prohibits state/local public employees from cooperating with federal and other out-of-state attacks on free speech or lawfully-protected groups.
- Creates a firewall in Oregon between state/local public employees and the federal government to protect against discriminatory federal investigations that violate our civil rights and liberties.
- Limits the federal government's access to our state's resources and data to prevent their use for unconstitutional federal attacks on our civil rights and liberties, including attacks on our due process rights.

III. Increases public transparency and regulation of state/local and federal joint operations to protect our civil rights and liberties and Oregon laws, including our Sanctuary laws:

- Makes the terms of joint agreements publicly available.
- Prohibits state/local agencies and officers from engaging in joint surveillance or investigative actions that target free speech, lawfully-protected class, immigration status, racial profiling, and other constitutionally-protected rights.
- Prohibits state/local deputized officers from exercising federal law enforcement authority that would cause the officer to be in violation of Oregon law.

OTHER CLAUSES:

- **Cause of Action:** Any person may seek injunctive relief against an agency for violations of the above, and anyone impacted by a violation of LEAVA may file a civil lawsuit and seek monetary damages, punitive damages, and attorney's fees.
- **Emergency Clause:** LEAVA will take effect upon passage, with 180-day implementation period for new agency policies.