

BILL ANALYSIS

Senate Research Center
89R10330 JCG-D

S.B. 2876
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In recent years, the use of face coverings during incidents of disorderly conduct has become increasingly common in the United States. For example, in Washington, D.C. last June, protesters—many of them masked—gathered at Lafayette Square, where they vandalized statues and set off a smoke bomb. Face coverings present a major obstacle to law enforcement, making it difficult to identify suspects in large crowds. As a result, many cases are dismissed due to insufficient evidence.

During the interim, the Senate Committee on State Affairs was tasked with studying the use of face coverings by individuals seeking to conceal their identity while committing crimes during protests. Expert witnesses and law enforcement testified that face coverings not only hinder identification but often embolden individuals to engage in criminal behavior. In many cases, protestors wear masks with the specific intent to cause harm and chaos while avoiding accountability.

S.B. 2876 increases the penalty for rioting from a Class B misdemeanor to a Class A misdemeanor if, during trial, it is shown that the defendant wore a face covering with the intent to conceal their identity. The bill is designed to deter violent actors from hiding behind masks while preserving the right to lawful protest and First Amendment protections.

As proposed, S.B. 2876 amends current law relating to increasing the criminal penalty for participating in a riot while wearing a mask or other face covering.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 42.02(f), Penal Code, to provide that an offense under Section 42.02 (Riot) is a Class A misdemeanor if it is shown on the trial of the offense that at the time of the offense the actor was wearing a mask or other face covering with the intent to conceal the actor's identity and to make nonsubstantive changes.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2025.