

March 4, 2026

Carol Hagan McEntee
Chair, House Judiciary Committee
The Statehouse
Providence, RI 02903

RE:

House Bill No. 7211
BY Felix, J. Lombardi, Morales, Potter, Cruz,
Giraldo, Alzate, Diaz, Craven, Speakman
ENTITLED, AN ACT RELATING TO STATE
AFFAIRS AND GOVERNMENT -- THE RHODE
ISLAND COMMUNITY PROTECTION ACT
{LC4057/1} (Bars police from wearing masks
or disguises when interacting with the
public, require visible ID, allow limited safety
and undercover exceptions, and impose
criminal penalties and civil liability for
violations.)

House Bill No. 7360
BY Batista, Knight, Speakman, Cruz, Felix,
Tanzi, Morales, McEntee, Diaz, Potter
ENTITLED, AN ACT RELATING TO CRIMINAL
PROCEDURE -- PROTECT OUR COURTS
ACT {LC3707/1} (Protects people attending
Rhode Island court proceedings from civil
arrest without a judicial warrant, ensures
court access, sets enforcement rules, and
provides remedies for violations.)

HEARING DATE: Wednesday, March 4, 2026

Dear Chairperson Hagan McEntee & Members of the House Judiciary Committee:

Thank you for the opportunity to express my strong support for the thoughtful pieces of legislation referenced here, and in particular the following portions of each:

- **2026—H 7211 at p.2, lines 7-34 and p.3, lines 1-10**
- **2026—H 7360 at p.1, lines 5-19 and p.2, lines 1-11**

While a cursory glance of the legislation may suggest that even the modest requirements imposed upon federal law enforcement agents acting within their scope of duties while in Rhode Island (display identification, not wear a mask, and obtain a warrant) may run afoul

of federal law, closer examination reveals that both pieces of legislation, if enacted into law, strike the requisite constitutional balance. ⁱ

The reasons for my support of the legislation include the following:

I. Popular Support

At this writing California has enacted legislation that explicitly forbids both local and federal law enforcement from wearing masks and requires them to display identification. ⁱⁱ It prohibits officers from wearing facial coverings that conceal their identity during the performance of their duties and requires the display of a name or badge number. In addition, lawmakers in Alaska, Florida, Georgia, Illinois, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, New Jersey, New York, Oklahoma, Pennsylvania, Tennessee, Vermont, Virginia, and Washington are in the process of considering similar legislation. In addition to the states that have taken or are considering taking action in this area, several municipalities including Mankato and St. Paul Minnesota; Los Angeles County, California; and Denver, Colorado have recently advanced a ban on masks for immigration agents and police. ⁱⁱⁱ

Finally, taking the modest steps called for by this legislation enjoys popular support in Rhode Island. For example, a recent University of New Hampshire poll found that :

- More than six in ten Rhode Islanders endorse banning Immigration and Customs Enforcement (ICE) agents from entering schools or churches, making arrests without a judicial warrant, or covering their faces.
- Most do not trust the federal government to thoroughly investigate recent shootings by ICE agents of U.S. citizens in Minnesota and a majority [55%] in Rhode Island believe ICE has made the country less safe. ^{iv}

II. Access to the Courts

There are ample news reports in Rhode Island and across the country of actions taken by federal law enforcement authorities in and near state courthouses that are at best inappropriate and at worst wrong, disruptive, counterproductive, and illegal. These actions can serve to disrupt a variety of court proceedings, both civil and criminal, statewide, in all Rhode Island state courts. ^v As such powerful arguments can be made that such actions by federal agents not only impede access to the state courts, but have a chilling effect on the willingness of the parties, witnesses, victims, defendants, counsel, and court personnel to appear in court. As such they infringe upon the state constitutional right enshrined in *RI Const. Article 1, Section 5* that guarantees access to the courts.

A state constitutional right that guarantees access to the courts is not a novel or radical concept. Nor is it of recent vintage. Rhode Island is one of forty (40) states that have constitutional provisions that expressly or implicitly guarantee a right of access to the courts. These provisions are a unique feature of state constitutional law, as the U.S. Constitution does not contain a similar explicit "right to remedy" analog. Many state

provisions use phraseology such as "All courts shall be open" or state that every person shall have a "remedy by due course of law" for injuries to person, property, or reputation. These provisions and the rights they memorialize are of longstanding duration, originating in Chapters 39 and 40 of the *Magna Carta (1215)*.^{vi} Courts have interpreted these state constitutional provisions to include the right to physical and procedural access and the ability to physically and legally enter the court system. Enshrined in the state's highest law, any direct interference or chilling of the right of access to the courts caused by overzealous enforcement of federal law is worthy of the enhanced protections and effectuations afforded by the legislation under consideration here.^{vii}

III. The Supremacy Clause & The Tenth Amendment to the United States Constitution

Rather than serving as an impenetrable wall, the Supremacy Clause has been read in conjunction with the *Tenth Amendment* to allow for robust state involvement afforded them as a matter of federalism. In short, federal action does not entirely preclude state involvement, and while the states may not directly interfere with or prohibit federal action, they may act in accordance with the powers reserved to them by the *US Const. Amend 10*.

Two decisions of the United States Supreme Court speak directly to this issue:

- *Printz v. United States, 521 U.S. 898 (1997)*. This case involved the question of whether or not the federal government could temporarily require local Chief Law Enforcement Officers to conduct background checks on handgun purchasers under the Brady Handgun Violence Prevention Act. In a 5-4 decision, the Court ruled that the federal government cannot compel state or local officials to administer or enforce a federal regulatory program. The majority held that such mandates violate the Tenth Amendment and the principle of dual sovereignty.
- *Murphy v. National Collegiate Athletic Association, 584 U.S. 453 (2018)*. In this case the court ruled that a federal law prohibiting states from authorizing sports gambling was unconstitutional. The decision effectively ended the federal ban on sports betting and allowed individual states to legalize and regulate the activity within their borders. The case challenged the Professional and Amateur Sports Protection Act (PASPA) of 1992, which made it unlawful for states to "sponsor, operate, advertise, promote, license, or authorize by law" sports gambling. In a 6-3 decision, the Court struck down PASPA in its entirety holding that PASPA violated the Tenth Amendment under the "anti-commandeering" doctrine. Justice Samuel Alito, writing for the majority, stated that Congress cannot issue direct orders to state legislatures or "commandeer" their regulatory processes.

In short, state action is not precluded simply because the federal government has taken action in the same area, and the federal government must respect legitimate state actions properly taken through a constitutional framework to protect its citizens.

Two recent and thoughtful decisions by lower federal courts in California and West Virginia speak directly to the important issues involved here – simply stated, can the State of Rhode Island impose the following modest requirements on federal authorities engaged in immigration enforcement:

- refrain from using masks
- display identification
- obtain warrants before detaining individuals in or near a courthouse? ^{viii}

Although these decisions are not yet final, they appear to strike the requisite constitutional balance between federal and state authority in the precise context of the legislation under consideration here.

- *United States v. California, No. 2:25-cv-10999 (C.D. Cal. 2/9/26)*. In this case the court granted in part the federal government's motion for preliminary injunction, holding that California's law prohibiting federal law-enforcement officers from wearing facial coverings likely violates the Constitution's Supremacy Clause. The court found that the law's provisions prohibiting facial coverings and requiring the display of visible identification likely do not directly regulate the federal government, as they do not interfere with or control federal law-enforcement operations. Nevertheless, the facial-covering prohibition likely discriminates against the federal government as it applies only to federal, not state or local, officers. Accordingly, the court enjoined enforcement of the facial-covering prohibition but denied relief as to the visible-identification requirement.

It is critical to note that unlike California's statutory scheme, 2026—H 7211 and its requirements that law enforcement refrain from using masks and display identification apply to **BOTH** federal and state law enforcement agents thereby avoiding the constitutional infirmities identified in *United States v. California, No. 2:25-cv-10999 (C.D. Cal. 2/9/26)*

- *Urquilla-Ramos v. Trump, NO. 2:26-cv-00066 (S.D.W.V. 2/19/26)*. In this case the court held that the defendant's arrest violated the Fourth Amendment. Referring to the government's conduct as "[a] regime of secret policing" that "has no place in our society," the court reasoned that "[a]bsent genuine, particularized necessity, the Fourth Amendment's reasonableness requirement prohibits government officers from executing a civil arrest while systematically concealing their identities in a manner that eliminates contemporaneous and subsequent accountability." The court enjoined the government from rearresting the petitioner "absent significant change in circumstances to justify detention or subject" to a properly-issued warrant.

Thank you again for affording me the opportunity to express support in these important matters that are so critically important to all Rhode Islanders.

Respectfully Submitted,

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cc: Members of the House Judiciary Committee

ENDNOTES

ⁱ The state and federal constitutional provisions that are potentially implicated here include:

- The Supremacy Clause. *US Const. Article VI, Clause 2*: This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.
- Federal v. State Action & Federalism. *US Const. Amend 10*: The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.
- Access to the Courts. *RI Const. Article 1, Section 5*: Every person within this state ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which may be received in one's person, property, or character. Every person ought to obtain right and justice freely, and without purchase, completely and without denial; promptly and without delay; conformably to the laws.

ⁱⁱ On February 9, 2026, a federal judge issued a preliminary injunction blocking the mask ban portion of the California law because it exempted state-level officers making it discriminatory against federal agents. The judge upheld the identification requirement, which remains in effect. Both the federal government and the State of California have

appealed this ruling to the 9th Circuit Court of Appeals. This decision will be discussed at greater length in a subsequent section.

iii

- *Laurel Rosenhall, A federal judge on Judge Strikes Down California’s Ban on Masks for Federal Agents, But the state can require federal agents to display identification, The New York Times (2/9/26)*
- *Bridget Lavender, Staff Attorney, Explainer: Can States Prohibit Federal Law Enforcement from Masking on the Job? State Research Democracy Initiative, University of Wisconsin Law School (Published: October 3, 2025; Updated: January 29, 2026)*

iv

- *The University of New Hampshire, RHODE ISLANDERS EMBRACE PROPOSED ICE REFORMS, DISTRUST FEDERAL INVESTIGATIONS INTO MINNESOTA SHOOTINGS, The Ocean State Poll (2/25/26)*
- *Katherine Gregg, Poll reveals how RI voters feel about Trump, ICE, The Providence Journal (2/27/26)*

v

- *Katie Mulvaney, I was afraid I was going to get shot': ICE pursuit into RI courthouse causes chaos. The Providence Journal, Jan. 15, 2026*
- *Katie Mulvaney, How a RI judge intervened after a teen intern was wrongfully detained by ICE, The Providence Journal, Nov. 22, 2025.*

vi

- *Magna Carta, Chapter 39. “No free man shall be seized, imprisoned, dispossessed, outlawed, exiled or ruined in any way, nor in any way proceeded against, except by the lawful judgement of his peers and the law of the land.”*
- *Magna Carta, Chapter 40. “To no one will we sell, to no one will we deny or delay right or justice.”*

<https://www.parliament.uk/about/living-heritage/evolutionofparliament/originsofparliament/birthofparliament/overview/magnacarta/magnacartaclauses/#:~:text=Only%20four%20of%20the%2063,or%20delay%20right%20or%20justice.%E2%80%9D> (accessed 3/2/26)

^{vii} *THOMAS R. PHILLIPS, THE CONSTITUTIONAL RIGHT TO A REMEDY, 78 NEW YORK UNIVERSITY LAW REVIEW 1309 (October, 2003).*

^{viii} It should be noted that both pieces of legislation contain ‘safety valves’ that dispense with its requirements when certain situations including exigent circumstances exist. For example, 2026—H 7211 dispenses with the display of identification requirement when the officer is engaged in undercover activity. 2026—H 7360 contains an exigent circumstances exception applicable to maintaining order in the courthouse.