

Legislation Text

File #: 230510, **Version:** 1

Amending Chapter 10-600 of The Philadelphia Code, entitled “Public Spaces - Prohibited Conduct,” by prohibiting certain facial coverings from being worn in certain spaces; under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. The Council of the City of Philadelphia hereby makes the following legislative findings:

1. In 2020, casually wearing ski masks became prevalent in the City of Philadelphia. This trend corresponded with an uptick of individuals wanted by the Police Department who wore ski masks in the commission of a crime.
2. In June 2021, two shooters wearing ski masks shot two people, killing one of them in North Philadelphia. In September 2022, five masked individuals, some or all of whom wore ski masks, shot into a crowd of people attending a junior varsity football scrimmage, killing a 14-year-old and injuring four others. In May 2023, a shooter wearing a ski mask shot and killed a 15-year-old high school student on a public bus. In July 2023, an attacker dressed in a ski mask and body armor killed five people and injured two children in Kingsessing. In most cases, perpetrators' use of a ski mask to conceal their identity impeded law enforcement's ability to identify and apprehend the individual.
3. The use of ski masks by criminals to conceal their identities is both a public safety issue and a quality-of-life issue. Our quality of life suffers when residents feel at greater risk of experiencing crime while going about their daily lives in this City. And public safety is lessened when criminals can wear ski masks with anonymity, making it difficult for police officers to identify them.

SECTION 2. Chapter 10-600 of The Philadelphia Code is hereby amended to read as follows:

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CHAPTER 10-600. PUBLIC SPACES - PROHIBITED CONDUCT.

* * *

§ 10-613. Concealed Identities.

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(1) No person shall, with the specific intent to intimidate or threaten another person, or with the specific intent to hide one's identity during the commission of unlawful activity, wear a mask, hood, *ski mask*, *balaclava*, or other device or means of hiding, concealing, or covering any

portion of the face for the purpose of concealing their identity on public property or private property in this City without the express written permission of the owner or occupier of the property.

(2) This Section shall not be construed to punish constitutionally protected speech.

(3) A person who violates *Paragraph (1)* of this Section shall be *subject to a fine* [fined] not less than [seventy-five dollars (\$75).] *two thousand dollars (\$2000)*.

(4) *No person shall wear a ski mask or balaclava in any school building, recreation center, daycare, park, City-owned building, or on any mode of public transportation, including, but not limited to, buses, trains, trolleys, and subways. For purposes of this Section, a “ski mask or balaclava” means a close-fitting garment covering the whole head and face, with holes for the eyes, mouth, or nose, or any combination of the three.*

(5) *The provisions of Section 10-613(4) shall not be construed to apply to any person who wears a ski mask or balaclava while:*

- (a) *Wearing a traditional holiday costume;*
- (b) *Worn for a religious purpose;*
- (c) *Engaged in a trade or employment where they are worn for the purpose of ensuring the physical safety of the wearer;*
- (d) *In a theatrical production;*
- (e) *Protecting the wearer from the elements while participating in a winter sport; or*
- (f) *Lawfully engaged in First Amendment activities.*

(6) *Any person who wears a ski mask or balaclava in violation of Paragraph (4) of this Section, where such violation is not otherwise covered by Paragraph (1) of this Section, shall be fined two hundred fifty dollars (\$250).*

(7) *If a court of competent jurisdiction declares any part of this Section to be invalid, such judgment shall not affect the validity of this Section as a whole or any remaining part thereof. It is the intention of City Council that the remaining provisions of this Section would have been adopted as if such part found to be invalid had not been enacted.*

SECTION 3. This Ordinance shall take effect immediately.