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California SB 1454 – Oversight of Faith-Based / Charitable Organizations

Reference: California Business & Professions Code (BPC) 7582.1 § 7574.01(g)2 and related sections

Regulatory Authority: Bureau of Security and Investigative Services (BSIS) now has oversight over:

- Non-governmental organizations (NGOs)
- Charitable organizations
- Houses of worship

Key Triggers for BSIS Regulation

Loss of Exemption for Nonprofits

- Before SB 1454, charitable and faith-based organizations were exempt from BSIS licensing.
- SB 1454 removed that exemption, so Houses of Worship and ministries are now treated like any other employer of security personnel.

Key Triggers for BSIS Regulation

1. Use of the term “Security”

- If unpaid, the job title, role, description, or function explicitly labeled as “security.”
- Even designation can trigger BSIS classification.

2. Uniformed Personnel

- If an individual is required to wear a distinctive uniform identifying them as “security,” they are classified as a Proprietary Private Security Officer (PPSO) under BPC § 7574.01(g).
- This applies whether they are paid staff or volunteers.

3. Armed Personnel

- Any armed role (volunteer or employee) falls under Private Patrol Operator (PPO) licensing requirements.
- Must hold guard card, firearms permit and be employed under a PPO license/insurance.

4. Public Interface

- BPC § 7574.01(g)(2): “Is likely to interact with the public while performing their duties.”
- Patrolling or intervening in disturbances *may* qualify as regulated activity as a PPSO, depending on your role Example: Deacon/property manager vs designated security person.

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Five Safety/Security Team Scenarios

1. Volunteers – Unarmed - Designated as Safety
2. Volunteers – Unarmed - Designated as Security
   Protect persons, property or prevent theft
3. Volunteers – Armed
4. Contracted Security Guard or LE Officer
5. Contract with a Security PPO to adopt your volunteers

1. Volunteers – Unarmed – Designated as Safety

The following scenario will NOT trigger BSIS regulation/oversight

- Volunteers that are in a “safety role” and not “security role”
- Designated to only: Observe, Report, Assist, or Provide Hospitality
- Designated NOT to: Respond to Threats, Patrol, Confront, Detain, Wear uniforms or gear resembling law enforcement, or Carry weapons or defensive tools (batons, tasers, etc)

2a. Volunteers – Unarmed – Designated as Security

If designated as “Security”, they must comply with BSIS requirements.

- Must register as **Proprietary Security Officers (PSOs)**.
- The House of Worship must register as a **Proprietary Security Employer (PSE)**.
- Be sponsored by a licensed PSE or PPO

Cleaner, No argument with BSIS

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2b. Volunteers – Unarmed – Designated as Security

Text of B&P Code § 7582.1(e): Explicitly defines a security guard/officer as "an **employee** of a private patrol operator, or an **employee** of a lawful business or public agency who is not exempted pursuant to Section 7582.2."

Volunteers are not considered "employees" under this section, so they do not fall within the statutory definition of a security guard or security officer.

- Key Term – Employee: The statute hinges on employment. Volunteers, by definition, are not employees (no wages, no employment contract).
- Regulatory Oversight: The Bureau of Security and Investigative Services (BSIS) regulates licensed security guards and officers. Since volunteers are not employees, they are outside BSIS licensing requirements under this section.
- Volunteers should consider acquiring a Guard Card for their own self protection.

Murky, May have to defend by "letter of the law" if audited.

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3. Armed Security

It doesn’t matter if you call them “Safety” or “Security” – once armed, they must comply with BSIS requirements.

Concealed Carry Weapon (CCW) permit for a member of the safety/security team = BSIS requirements, including Retired LEOs under HR218

An active Peace Officer should have an Agency letter of authorization

Transfers the role from personal self-defense to the job description for a safety/security team

Any armed security officer (paid or volunteer) must:

- Be employed through a licensed Private Patrol Operator (PPO)
- BSIS Guard Card and Firearms Permit
- Hold a valid CCW permit if carrying concealed

Gun Free School Zones

California Penal Code § 626.9 is known as the Gun-Free School Zone Act of 1995. It makes it a crime to knowingly possess or discharge a firearm in a "school zone," defined as on school grounds or within 1,000 feet of a public or private K-12 school, with specific exemptions.

1. **General Prohibition (§ 626.9(b))**
   - It is unlawful for any person to possess a firearm in a place they know, or reasonably should know, is a school zone.
   - Violations can be charged as felonies, with penalties including prison time.
2. **Definition of "School Zone" (§ 626.9(e)(4))**
   - The grounds of a public or private school providing instruction in kindergarten through 12th grade.
   - Any area within 1,000 feet of such school grounds.

Gun Free School Zones Exemptions

Exemptions (§ 626.9(c))

The law does not apply in certain circumstances, including:

- Private property: Inside one’s residence, business, or private property not part of school grounds.
- Locked transport: Firearm is unloaded and secured in a locked container or trunk.
- Restraining order protection: Person reasonably believes they are in grave danger under a valid restraining order.
- Peace officers and retired peace officers: Exempt under cross-referenced statutes (§§ 25450, 25900).
- Licensed CCW holders: **May carry within 1,000 feet of a school**, but not on actual school grounds or buildings, unless specifically authorized

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Gun Free School Zones for Retired LEO/Cops

- The exemption for **retired peace officers** carrying firearms in a California gun free school zone is found in **California Penal Code § 626.9(c)(4),** which cross references **Penal Code §§ 25450 and 25900**. Those sections explicitly exempt honorably retired peace officers from the general prohibitions on carrying concealed or loaded firearms in a school zone.

- If a retired peace officer is serving in a security-related capacity, their actions may fall outside the personal self-defense scope of a CCW permit/license and could place them under BSIS regulatory authority.

- LEO = Law Enforcement Officer, Same as Peace Officer, Cop

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Gun Free School Zones for Retired Cops

California Penal Code § 626.9(c)(4) – Gun Free School Zone Act

Subdivision (b) (the prohibition) *"does not apply … [w]hen the person is exempt from the prohibition against carrying a concealed firearm pursuant to Section 25615, 25625, 25630, or 25645."*

Those referenced sections tie back to the broader exemptions in **§ 25450** and **§ 25900**.

California Penal Code § 25450 – Concealed Carry Exemption

"Section 25400 does not apply to, or affect, any of the following: (a) Peace officers … (c) Honorably retired peace officers authorized to carry a concealed firearm by the agency from which they retired."

California Penal Code § 25900 – Loaded Firearm Exemption

"Section 25850 does not apply to, or affect, any of the following: (a) Peace officers … (c) Honorably retired peace officers authorized to carry a loaded firearm by the agency from which they retired."

Gun Free School Zones for Retired Cops

Practical Effect

- **Active peace officers** and **honorably retired peace officers** (with valid ID and agency authorization) are **statutorily exempt** from the Gun-Free School Zone prohibition.
- This means they may legally carry firearms within 1,000 feet of a K-12 school in California, unlike most civilians.
- These exemptions have been upheld in cases like *Gallinger v. Becerra* (9th Cir. 2018), where the court confirmed that California can lawfully treat retired officers differently from civilian CCW holders.

Takeaway:

- The **specific exemption** is written into **Penal Code § 626.9(c)(4)**, which incorporates the **retired officer exemptions in §§ 25450 and 25900**. Together, these provisions give honorably retired peace officers the legal right to carry in California school zones, a privilege not extended to ordinary CCW holders.

Source: California Penal Code § 626.9 (2025)

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Why Discontinuing a Safety/Security Team is Problematic

I. Foreseeability of Harm

- Courts often evaluate whether risks were reasonably foreseeable.
- In today's environment, where incidents of violence, threats, and emergencies in public gathering spaces are well-documented, foreseeability is high.
- If leadership disbands a safety/security team, it may be argued that the organization ignored known risks (deliberate indifference).

II. Premises Liability

- Under premises liability law, property owners/occupiers have a duty of care to maintain reasonably safe conditions.
- Eliminating a safety/security function could be seen as reducing reasonable protections for invitees.
- Plaintiffs in civil suits often argue that the absence of basic safety measures (trained personnel, emergency procedures, visible deterrence) contributed to negligence.

Why Discontinuing a Safety/Security Team is Problematic

III. Duty to Protect Invitees

- Invitees (attendees, congregants, guests) are owed the highest duty of care under tort law.
- Anticipating potential hazards based on current events, trends and threats.
- Taking reasonable steps to prevent harm.
- Responding appropriately to emergencies.
- Discontinuing a safety/security team may weaken the organization's ability to demonstrate that it fulfilled its duty to protect.

IV. Practical & Legal Consequences

- Insurance Defense: Without documented safety measures, insurers and legal counsel have less material to defend against negligence claims.
- Reputation: A serious incident without a visible safety plan can damage community trust.

V. Operational Impact:

- Emergencies (medical, fire, disruptive individuals) require trained responders; without them, response times and outcomes worsen.

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4. Contracted Security - Best Case Scenario

- Contract with a Security vendor to provide security
- Create your own PPO for your security personnel as part-time employees
- Transfer liability to a security company PPO as part-time employees
    - Security Company PPO will handle all BSIS requirements
    - Security Company PPO Insurance will cover General Liability and Workers' Compensation.
    - Your NGO transfers liability if a security volunteer is sued.
    - The NGO is only responsible for general miscellaneous duties and responsibilities of the safety team volunteers.

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5. Contracting Out Security to “Adopt” your Volunteers

1. Enter into a service agreement with a licensed Private Patrol Operator (PPO) to formally enroll your volunteers into the PPO’s structure.

2. Volunteers are adopted as employees of the PPO, covered by the PPO’s license, insurance, and training requirements. PPO indemnifies FBO of liability.

3. PPO maintains all compliance records, certifications, and regulatory filings.

4. Once credentialed, volunteers are assigned back to House of Worship to serve in a security-related capacity, ensuring that all activities are conducted under BSIS oversight and within the scope of state law.

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Options

1. Discontinue your safety/security team – Not Ideal for many reasons (See slides 15-16,24-26)

2. Contract with outside security vendor or law enforcement for security – Could be expensive over time, with minimal guards.

3. Create your own Proprietary Security Employer (PSE) for Unarmed Security and comply with BSIS for license, insurance and training requirements. Can be achieved with minimal license fees but requires separate insurance for this new "security company" that the FBO will need to manage.

4. Create your own Proprietary Patrol Operator (PPO) for Armed Security and comply with BSIS for license, insurance and training requirements.

5. Contract with a security company to "adopt" your volunteers, under their PPO license & insurance, maintain compliance records, assign them back to their home House of Worship, etc.

- Transfer liability to security firm.
- Confirm security firm will handle all BSIS requirements

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Volunteers – Summing it Up

If your volunteers are **plainclothes, not labeled as security, and not compensated**, they do *not* meet the PPSO definition, even if they occasionally intervene with disruptive individuals.

The Gray Area after SB 1454 (2025)

- **Before 2025:** Houses of Worship and nonprofits had a broad exemption from security licensing.
- **After SB 1454:** That exemption was removed. Now, **uniformed or compensated safety volunteers** are treated as PPSOs and must register with BSIS.
- **Plainclothes volunteers:** Still fall outside PPSO rules, but liability risk remains if they are *functionally acting as security* (e.g., detaining, ejecting, or physically intervening).

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Volunteers – Summing it Up

Practical Implications for Houses of Worship The Gray Area

- **Unarmed volunteers in plain clothes** (e.g., ushers, greeters, safety monitors) are generally not regulated.
- **Users/Greeters:** If they are simply asked to "keep an eye out" and call law enforcement when needed, they are not PPSOs.
- **Response to Disruption:** Volunteers may *escort someone out or stand nearby as a deterrent*, but if they are trained and deployed as a "security team," regulators could argue they are functioning as PPSOs even without uniforms.
- **Risk Management:**
    - Avoid calling them "security" in policies or announcements.
    - Train them in **de-escalation, observation, and reporting**, not enforcement.
    - Have clear protocols: volunteers observe, report, and call law enforcement rather than physically intervene unless absolutely necessary.
    - Consider liability insurance coverage for volunteer responders.

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Volunteers – Summing it Up

- **Not in uniform + not called security = not PPSO.**
- They remain ministry volunteers, but churches should be cautious: if their duties look like professional security, regulators or insurers may treat them as such.
- The safest route is to frame them as **hospitality/safety volunteers** with a focus on observe, report, and support, not enforcement.

- What are the volunteer's primary duties?
    - **Observation, greeting, ushering, calling 911, reporting issues → Not PPSO** (treated as ministry volunteers).
    - **Responding to suspicious persons, trespassers, hecklers, or threats in a structured "security" role → Gray area.** If they are functionally acting as security, BSIS may classify them as PPSOs.

Scenario	Firearm Status	BSIS Requirement	Employer Requirement	Risk
Safety Ministry / Hospitality Role	No firearm	None (not "security")	None	Lowest risk
Unarmed Security (formally designated)	No firearm	Must register as Proprietary Security Officer (PSO)	Church must register as Proprietary Security Employer (PSE)	Moderate risk if non-compliant; fines up to $5,000
Armed Security (designated)	Armed on duty	Must hold Guard Card + BSIS Firearms Permit + employed by a PPO	Church must hold PPO license with $1M liability insurance	High risk if non-compliant; fines, misdemeanor charges
Volunteer w/ Personal CCW (while on duty)	Armed (CCW)	Treated as Armed Security → Guard Card + Firearms Permit required employed by a PPO	Church must hold PPO license	Same as above; CCW ≠ BSIS compliance

The Faith-Based Organization is still responsible for maintaining reasonably safe conditions.

- Known Hazards
- General Safety Plans
- Standard Response Protocols (Secure campus/Evacuation, etc.)
- Medical / First Aid
- Parking Lot
- Communication
- Access Control
- Reunification
- Policy / Procedures
- Training
- Documentation

Why?

OSHA General Duty Clause Compliance

- Employers—including nonprofits—are obligated to provide a workplace "free from recognized hazards." Written emergency procedures and staff training demonstrate proactive compliance with this federal requirement.

Fire and Life Safety Codes

- Local and state fire codes mandate clear evacuation plans, drills, and safety systems. Documented policies ensure the organization meets inspection standards and protects staff, volunteers, and visitors.

Premises Liability Mitigation

- As a property occupier, an NGO has a duty of care to maintain reasonably safe conditions. Emergency procedures reduce foreseeable risks and strengthen the organization's defense against negligence claims.

Insurance and Legal Defense

- Well-developed policies, training records, and after-action documentation provide critical evidence for your insurance carrier and legal counsel. These materials help demonstrate that the organization acted responsibly, which can reduce liability exposure and support defense in civil litigation.

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Why? *Continued*

Emergency plans/policies and training are not just best practice; they are a legal, regulatory, and risk-management necessity. They protect people, demonstrate compliance, and provide the paper trail your insurance and legal teams need if a claim or lawsuit arises.

Insurance

- CA SB 1454 has presently not changed underwriting guidelines for the major insurers of Houses of Worship. Main underwriting requirements remain: 1) armed/unarmed, 2) what is your documented training, 3) what are your written safety plans.
- House of Worship liability insurance does not cover **intentional acts**. However, they do cover intentional acts if using **reasonable** force to protect persons and/or property.
- **Reasonable** force is not defined in insurance policies, which is a good thing. It broadens coverage.
- The **intentional acts** exclusion is never removed for those initiating force. ***Disclaimer: This is for reference only. Refer to your policy for actual coverage.***

Summary

- While SB 1454 and similar laws complicate how NGOs and houses of worship structure their teams, discontinuing safety/security altogether is not a defensible option.
- The risks of foreseeability, premises liability, and duty to protect invitees remain.
- The better path is to restructure teams into compliant models (e.g., hospitality/safety ministry for volunteers, PPO partnerships for armed/uniformed roles) rather than eliminate them.
- Continue adopting and using Best Practice Emergency Plans

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Next Steps

- Explore and learn more about safety plans at

https://kearnanconsulting.com/ccia/

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Senate Bill (SB) 1454

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