



Memorandum

TO: CITY COUNCIL

FROM: Councilmember Matt Mahan
Councilmember Dev Davis

**SUBJECT: REDUCING GUN HARM,
AND THE PUBLIC
BURDENS OF GUN
VIOLENCE**

DATE: June 25, 2021

APPROVED:

RECOMMENDATION:

1. Adopt the recommendations set forth in the Mayor's Memorandum.
2. Direct staff to return with draft language for a responsible gun owner exemption for both the insurance and fee requirements to be applied to gun owners who meet the following high level of training and precautionary measures:
 - a. A safety training certification that exceeds the minimum standards required by State law, and
 - b. A state certified gun safe that meets high standards of security beyond those minimally required by City law.

DISCUSSION:

Thank you to Mayor Liccardo and our Council colleagues for seeking new means of addressing gun violence in San Jose. While we believe many of the solutions proposed in the "Reducing Gun Harm, and the Public Burdens of Gun Violence" memo authored by Mayor Liccardo, Vice Mayor Jones, Councilmember Carrasco, Councilmember Peralez, and Councilmember Cohen have the potential to reduce the number of illegal guns and the threat of gun violence in our community, we have concerns about the unintended—and potentially unconstitutional—burden placed on responsible and legal gun owners in San Jose who carefully follow the law, safely secure their firearms, and have completed advanced safety trainings.

Individuals who purchase firearms in San Jose already undergo extensive Federal and State mandated processes related to background checks, basic safety training, ten-day waiting periods and a host of other safeguards, including newly introduced City regulations pertaining to the prevention of straw purchases and suicides. We believe that gun owners who complete these

mandated processes and, additionally, go above and beyond in terms of their personal training and the security of their firearms should be exempt from the newly proposed insurance requirements and fees. Gun owners who voluntarily take these extra precautions are less likely to have their firearms lost, stolen or used to commit acts of violence.

Importantly, this exemption provides an alternative path to staying legally compliant for gun owners for whom insurance may not be readily available. For example, umbrella insurance policies are not available for renters. Therefore, firearms insurance may not be available for renters or undocumented residents.

We hope our colleagues will consider this commonsense exemption, which rewards responsible gun owners and recognizes their constitutional rights while allowing the City to focus on the gun owners and practices that are most likely to lead to future gun violence.