

Agenda Item 4.1 22 045 Gun Harm Reduction Ordinance

Ken Michael 

Thu 1/20/2022 9:07 AM

To: City Clerk <city.clerk@sanjoseca.gov>

[E ternal Email]


[E ternal Email]

Don't do it. This ordinance is unconstitutional and will go to the supreme court if you impse it on the citizens of San Jose. DON'T DO IT!!!!!!!!!!!!!!!!!!!!

Kenneth Michael

If the elevator to success is crowded, take the stairs.

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Agenda Item 4.1 22 045 Gun Harm Reduction Ordinance" in the subject line.

raymond negron [REDACTED]

Thu 1/20/2022 9:38 AM

To: City Clerk <city.clerk@sanjoseca.gov>

[E ternal Email]

[E ternal Email]

Please Do not pass this item.

Raymond Negron

Live to serve. Serve to Live! Amen

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"Agenda Item 4.1 22 045 Gun Harm Reduction Ordinance"

Tracie Morris [REDACTED]

Thu 1/20/2022 9:46 AM

To: City Clerk <city.clerk@sanjoseca.gov>

[External Email]

[External Email]

I hope you realize that this is against my Constitutional right, and we will fight you to the end of time for the illegal things you do.

Please feel free to read the Constitution and get to know it inside out like I have. Tracie

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Agenda Item 4.1 22 045 Gun Harm Reduction Ordinance

RICHARD L PINEGAR [REDACTED]

Thu 1/20/2022 12:45 PM

To: City Clerk <city.clerk@sanjoseca.gov>

[E ternal Email]

[E ternal Email]

The idea that you would attempt to tax the legal exercise of a constitutional right is clearly illegal and poorly conceived Please abandon this foolish notion

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Agenda Item 4.1 22 045 Gun Harm Reduction Ordinance

Fr. Fred Ayers [REDACTED]

Thu 1/20/2022 2:39 PM

To: City Clerk <city.clerk@sanjoseca.gov>

[External Email]

[External Email]

I am very strongly opposed to the Gun Ownership Tax that is being proposed for our city. Gun owned by law abiding citizens are not the problem or the source of crime in San Jose. Guns owned by criminals, most of them stolen, are the problem. And a criminal who is in possession of a gun is not likely to identify himself or pay a tax on it. So this proposed ordinance does nothing to combat crime and only makes life more difficult and expensive for ordinary citizen

Fr. Fred Ayers

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"Agenda Item 4.1 22 045 Gun Harm Reduction Ordinance"

SissCo Kids 

Thu 1/20/2022 2:49 PM

To: City Clerk <city.clerk@sanjoseca.gov>

[E ternal Email]



[E ternal Email]

No gun ta es!



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FW: Oppose Public Safety Gun Harm Reduction Ordinance

City Clerk <city.clerk@sanjoseca.gov>

Thu 1/20/2022 2:56 PM

To: Agendadesk <Agendadesk@sanjoseca.gov>

From: Ted Cahoon [REDACTED]
Sent: Thursday, January 20, 2022 8:24 AM
To: City Clerk <city.clerk@sanjoseca.gov>
Subject: Oppose Public Safety Gun Harm Reduction Ordinance

[REDACTED]

[External Email]

If the city of San Jose wants to decrease crime with guns it should prosecute the offenders, not tax lawful citizens.

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FW: Gun tax

City Clerk <city.clerk@sanjoseca.gov>

Thu 1/20/2022 2:56 PM

To: Agendadesk <Agendadesk@sanjoseca.gov>

From: Mitchell Baldwin [REDACTED]
Sent: Thursday, January 20, 2022 7:49 AM
To: City Clerk <city.clerk@sanjoseca.gov>
Subject: Gun tax

[REDACTED]

[External Email]

I hope you get sued for u will lose. You are wasting taxpayer money. A gun never jumped off the table and killed anyone. It's the person behind the gun. You people are idiots.

Mitchell Baldwin

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FW: Oppose Public Safety Gun Harm Reduction Ordinance

City Clerk <city.clerk@sanjoseca.gov>

Thu 1/20/2022 2:56 PM

To: Agendadesk <Agendadesk@sanjoseca.gov>

From: Ian Lockwood [REDACTED]
Sent: Thursday, January 20, 2022 7:37 AM
To: City Clerk <city.clerk@sanjoseca.gov>
Subject: Oppose Public Safety Gun Harm Reduction Ordinance

[External Email]

Hello,

The proposed Gun Harm Reduction Ordinance sounds like a very bad idea and I am opposed to it. Please do not move forward with this ordinance.

Thank you,
Ian Lockwood

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

FW: Oppose Public Safety Gun Harm Reduction Ordinance

City Clerk <city.clerk@sanjoseca.gov>

Thu 1/20/2022 2:57 PM

To: Agendadesk <Agendadesk@sanjoseca.gov>

-----Original Message-----

From: Jeff Phister [REDACTED]

Sent: Thursday, January 20, 2022 7:34 AM

To: City Clerk <city.clerk@sanjoseca.gov>

Subject: Oppose Public Safety Gun Harm Reduction Ordinance

[External Email]

Dear City Council Members of San Jose,

Please reconsider your positions on the proposal to tax legal law abiding gun owners in your city. We are not the problem. It is the criminals, who have no regard for the law, who commit all of the crimes. And the legal gun owners actually help stop crimes In progress. Most if not all law enforcement are pro legal gun ownership for this reason. If we give in to criminals by giving up our rights to be armed when necessary, there will be no reason for them to fear having there way with anyone whenever they please! Please reconsider?

Sincerely,

Mr. Jeffrey Phister
Ca. Resident

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Agenda Item 4.1 22 045 Gun Harm Reduction Ordinance

Beth Adams [REDACTED]

Thu 1/20/2022 8:03 PM

To: City Clerk <city.clerk@sanjoseca.gov>

[E ternal Email]

[E ternal Email]

To whom it may concern:

Taxing a gun is an under-handed and unconstitutional act. First of all, the fact that this is a way to try to regi ter gun that have already been legally purcha ed given and/or inherited i fundamentally wrong. We have the right to bear arms. Our forefathers knew and understood the rights, the privilege, and the responsibilities that came with gun ownership. These rights have always been. and should continue to be, for our use in legal hunting provision and personal protection It i not the place of the government to re trict the e right

Secondly, to think that of government registry and restriction of firearms as lawful is as ridiculous as asking for registry and restriction of every kitchen knife or fork, every rope or wire every pillow or hand every rock that lie on the ground around you and the very ice that freezes on the ground and trees every year. I say this with all conviction because any one of these items and thousands more can be, and are regularly and easily used to bring bodily and potentially fatal injury to any individual at any given time of availability.

What is trying to be achieved by this ordinance? If it is for a backdoor registry, then be upfront and say that you are purposefully being unconstitutional and want to have your own way, anyhow. If this ordinance is for "the reduction of gun harm", as the Agenda Item 4.1 22-045 is named then begin cracking down and enforcing ILLEGAL u e of the e firearm in tead of removing them from law-abiding citizens that can actually aid reducing motivation for firearm misuse and engagement in crime and injury, just by knowledgeable and responsibly carrying these same firearms you are attempting to remove. We continue to ask much of our Police forces while reducing their effectiveness through petty rule ordinance and lack of proper authority to enforce order and law. Removing tools from law-abiding citizens only exacerbates lawlessness.

I urge you to reexamine the fact and your con cience before pu hing thi agenda on your citizens.

Sincerely,

Beth Adams

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Vote NO on agenda item 4.1 22 045

Hector Pimienta <[REDACTED]>

Fri 1/21/2022 11:05 AM

To: City Clerk <city.clerk@sanjoseca.gov>

[E ternal Email]

[E ternal Email]

Good Afternoon,

I, as a California resident, am asking you to vote NO on this unconstitutional ta that is agenda 4.1 22 045. This will make it hard for working class people, such as families, to be able to protect themselves during these uncertain times. In addition, most criminals buy their weapons from the black market. Vote no on this new ta proposal. Thank you for taking the time to read this.

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Fw: Oppose Public Safety Gun Harm Reduction Ordinance

Gregory, Barbara <[REDACTED]>

Fri 1/21/2022 6:59 AM

To: Agendadesk <[REDACTED]>

Thank You

Barb Gregory



How is our service? [Please take our short survey.](#)

From: Joe H <[REDACTED]>
Sent: Thursday, January 20, 2022 7:39 PM
To: City Clerk <[REDACTED]>
Subject: Oppose Public Safety Gun Harm Reduction Ordinance

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[External Email]

The City, like most urban areas in California, is grappling with an increase in violent crime. But rather than dealing with the criminals who commit those crimes, the City Council instead will seek to impose a tax on registered gun owners that the City knows will be challenged in the courts. Even worse, those ill-gotten taxes will fund a legal defense the City KNOWS it will lose! Yes, they will tax their own residents to pay legal bills associated with taking away the rights of those very same residents.

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Fw: Jan 25 gun tax

City Clerk <[REDACTED]>

Fri 1/21/2022 1:14 PM

To: Agendadesk <[REDACTED]>

Office of the City Clerk | City of San José200 E. Santa Clara St., Tower 14th Floor

San Jose, CA 95113

Main 408 535 1260

Fax: 408-292-6207

How is our service? [Please take our short survey.](#)

From: tracy ross <[REDACTED]>**Sent:** Friday, January 21, 2022 12:56 PM**To:** City Clerk <[REDACTED]>**Subject:** Jan 25 gun tax

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[External Email]

To the Mayor and all City Council members.

These proposed laws are unconstitutional and place financial responsibilities on legal and innocent gun owners. This does nothing to stop criminals.

These local laws violate California Constitution Article 8 and the City will be sued. It's not your money, so who cares. Not anyone that votes for this.

Lastly no insurance company offers what you are requiring.

Laws like this are the reason why Tesla, HP, Oracle have moved away. You represent all the people. A moral, just, and conscientious Representative of the people would work to protect all their rights.

Taxation without representation mean something to people that know history and little or nothing to people who have not learned from those lessons and are condemned to repeat them.

Sincerely,

Tracy Ross

citizen of San Jose

Voter, worker, tax payer and after seeing proposed laws like this will be more active in my civic duties.

Sent from my iPhone

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Fw: Gun Harm Reduction Ordinance

City Clerk <[REDACTED]>

Fri 1/21/2022 1:14 PM

To: Agendadesk <[REDACTED]>

Office of the City Clerk | City of San José

200 E. Santa Clara St., Tower 14th Floor

San Jose, CA 95113

Main 408 535 1260

Fax: 408-292-6207

How is our service? [Please take our short survey.](#)

From: [REDACTED] <[REDACTED]>

Sent: Friday, January 21, 2022 12:41 PM

To: City Clerk <[REDACTED]>

Subject: Gun Harm Reduction Ordinance

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[External Email]

Dear San Jose City Counsel,

Please vote against the upcoming “Gun Harm Reduction Ordinance” which would require a tax on gun owners in the City of San Jose and would require gun owners to carry liability insurance for the following rea on

- 1.) They are overwhelmingly unconstitutional and mandate that lawful gunowners bear the financial responsibility for the misdeeds of criminals.
- 2.) The ordinance is a violation of existing court rulings against laws that tax constitutional rights.
- 3) In urance companie do not i ue policie for firearm liability which mean gun owner would not be able to comply with the law.
- 4.) The proposal implements taxes at the local level, in violation of the California Constitution on special taxes, Article XIII C Section 2(d)
- 5) If pa ed, legal action will be taken again t the City, and San Jo e re ident will bear the fi cal brunt of a protracted legal battle.

Thank you.

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Fw: Gun tax and Insurance mandate

City Clerk <[REDACTED]>

Fri 1/21/2022 1:15 PM

To: Agendadesk <[REDACTED]>

Office of the City Clerk | City of San José

200 E. Santa Clara St., Tower 14th Floor

San Jose, CA 95113

Main 408 535 1260

Fax: 408-292-6207

How is our service? [Please take our short survey.](#)

From: frank mandarino <[REDACTED]>

Sent: Friday, January 21, 2022 1:14 PM

To: City Clerk <[REDACTED]>

Subject: Gun tax and Insurance mandate

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I am not in favor of you voting yes on these issues. I am law abiding and feel it is wrong to have me support the actions of criminals.

Frank

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1/25/2022 Item 4.1: Vote NO Gun Harm Reduction Ordinance, Public Record

Helen Chen <[REDACTED]>

Fri 1/21/2022 3:24 PM

To: Agendadesk <[REDACTED]> Jones, Chappie <[REDACTED]> Jimenez, Sergio <[REDACTED]>
 <[REDACTED]> Perez, Raul <[REDACTED]> Cohen, David <[REDACTED]>
 Carrasco, Magdalena <[REDACTED]> Davis, Dev <[REDACTED]> Esparza, Maya <[REDACTED]>
 <[REDACTED]> <[REDACTED]> Foley, Pam <[REDACTED]>
 <[REDACTED]> Mahan, Matt <[REDACTED]> Liccardo, Sam <[REDACTED]> City Clerk <[REDACTED]>
 <[REDACTED]> District1 <[REDACTED]> District2 <[REDACTED]> District3 <[REDACTED]>
 <[REDACTED]> District4 <[REDACTED]> District5 <[REDACTED]> District6 <[REDACTED]>
 <[REDACTED]> District7 <[REDACTED]>

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[External Email]

Dear Mayor and Council,

I am writing to inform you of my objection to the proposed changes to Chapter 10 of the San José Municipal Code as defined in the Gun Harm Reduction Ordinance Memorandum dated January 14, 2022, scheduled to be heard on January 25, 2022 as Item 4.1. I urge you to VOTE NO on this item.

Item 4.1 proposes unlawful and unenforceable changes to the Municipal Code which will not stop gun violence in San José. Legal owners of firearms will be unduly punished because, by definition, they are the only people that will be impacted by these proposals. Taxing and isolating a group of people purely based on their decision to embrace an enumerated constitutional right is discriminatory.

****Proposed Change: 10.32.210 Liability Insurance Required****

"Specifically covering losses or damages resulting from any negligent or accidental use of the Firearm, including but not limited to death, injury or property damage."

- Negligent use of a firearm is defined in CA Penal Code 246.3 as someone who willfully discharges a firearm (pulls the trigger intentionally) which could result in injury or death to a person.
- The City Council is requiring firearm owners to purchase insurance for intentionally pulling the trigger of a firearm to harm life and/or property, which is already defined as a serious violent crime.
- This type of insurance does not exist and if it did, would be so cost prohibitive that it would place an unconstitutional barrier to the free exercise of the Second Amendment.
- Lawmakers are allowed to approve the ordinance without defining the insurance coverage type and limits, having up to six months after the vote to define it.
- *Murdock v. Pennsylvania*, 319 U.S. 105 (1943) established that the government "may not impose a charge for the enjoyment of a right protected by the federal constitution."

****Proposed Change: 10.32.215 Annual Gun Harm Reduction Fee****

"A person who resides in the City and owns or possesses a Firearm in the City shall pay an Annual Gun Harm Reduction Fee to the Designated Nonprofit Organization each year."

- San José is taxing gun-owning, law abiding residents and visitors for the illegal actions of criminals.
- The City is creating a law which forces gun owners to financially support a business they may not

agree with.

- The City Council is opening the floodgate for corruption, allowing former City employees to sit on the board of this nonprofit to be paid using additional monies from taxpayer dollars in the form of City grants. No former city employee should ever be allowed to sit on this board.
- What is the fee? Lawmakers are allowed to approve the ordinance without defining the fee and have up to six months after the vote to define it.
- *Murdock v. Pennsylvania*, 319 U.S. 105 (1943) the Supreme Court ruled that "since the privilege in question is guaranteed by the Federal Constitution, and exists independently of state [or municipal] authority, the inquiry as to whether the State [or Municipality] has given something for which it can ask for a return is irrelevant."

****Proposed Change: 10.32.245 Impoundment****

"The Firearm or Firearms of a person that is not in compliance with this Part may be impounded subject to a due process hearing."

- Violation of the proposed changes will most likely result in an infraction.
- State law only allows for the impoundment of firearm for a felony or one of 20 defined violent misdemeanors. Infractions do not reach the state threshold requirement to legally confiscate and/or impound property.
- Because the ordinance improperly compares the Second Amendment right to the privilege of owning a car for justification of these changes: California state law does not grant peace officers the authority to impound a vehicle on site for lack of insurance and requires a minimum of six months registration expiration before they can impound a vehicle [CVC 16028(a-c) and CVC22651(o)].

*****Focus on Real Solutions to Stopping Gun Violence*****

Our elected officials need to address the criminals who commit violence in our city and the solution to this problem should not be to punish the innocent law-abiding residents of San José. Please look at taking the following actions to stop gun violence:

1. Have the city council write and approve an amicus curia resolution to send to the California Assembly and Senate to repeal Propositions 47, 57, and AB109
2. Establish the Gun Harm Reduction Commission (GHRC) pilot program with balanced community representation
3. Enforce and prosecute existing gun laws
4. Support recommendations 1 through 5 of the 9/16/2021 Rules and Open Government Committee memorandum entitled, "Community Violence Prevention & Response"
5. Fund attorneys that will prosecute gun crimes in the county
6. Hire more police officers
7. Build mental health hospitals and fund sobriety programs

Yours Sincerely,
Your Constituent

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1/25/2022 Item 4.1: Vote NO Gun Harm Reduction Ordinance, Public Record

Lynn Chung ✉ <[REDACTED]>

Fri 1/21/2022 3:56 PM

To: Agendadesk <[REDACTED]> Jones, Chappie <[REDACTED]> Jimenez, Sergio <[REDACTED]>
 <[REDACTED]> Perez, Raul <[REDACTED]> Cohen, David <[REDACTED]>
 Carrasco, Magdalena <[REDACTED]> Davis, Dev <[REDACTED]> Esparza, Maya <[REDACTED]>
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 <[REDACTED]> Mahan, Matt <[REDACTED]> Liccardo, Sam <[REDACTED]> City Clerk <[REDACTED]>
 <[REDACTED]> District1 <[REDACTED]> District2 <[REDACTED]> District3 <[REDACTED]>
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 <[REDACTED]> District7 <[REDACTED]>

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Item 4.1 proposes unlawful and unenforceable changes to the Municipal Code which will not stop gun violence in San José. Legal owners of firearms will be unduly punished because, by definition, they are the only people that will be impacted by these proposals. Taxing and isolating a group of people purely based on their decision to embrace an enumerated constitutional right is discriminatory.

****Proposed Change: 10.32.210 Liability Insurance Required****

"Specifically covering losses or damages resulting from any negligent or accidental use of the Firearm, including but not limited to death, injury or property damage."

- Negligent use of a firearm is defined in CA Penal Code 246.3 as someone who willfully discharges a firearm (pulls the trigger intentionally) which could result in injury or death to a person.
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- This type of insurance does not exist and if it did, would be so cost prohibitive that it would place an unconstitutional barrier to the free exercise of the Second Amendment.
- Lawmakers are allowed to approve the ordinance without defining the insurance coverage type and limits, having up to six months after the vote to define it.
- *Murdock v. Pennsylvania*, 319 U.S. 105 (1943) established that the government "may not impose a charge for the enjoyment of a right protected by the federal constitution."

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- San José is taxing gun-owning, law abiding residents and visitors for the illegal actions of criminals.
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- The City Council is opening the floodgate for corruption, allowing former City employees to sit on the board of this nonprofit to be paid using additional monies from taxpayer dollars in the form of City grants. No former city employee should ever be allowed to sit on this board.
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****Proposed Change: 10.32.245 Impoundment****

"The Firearm or Firearms of a person that is not in compliance with this Part may be impounded subject to a due process hearing."

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Your Constituent

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1/25/2022 Item 4.1: Vote NO Gun Harm Reduction Ordinance, Public Record

Emma Le <[REDACTED]>

Fri 1/21/2022 4:01 PM

To: Agendadesk <[REDACTED]> Jones, Chappie <[REDACTED]> Jimenez, Sergio <[REDACTED]>
 <[REDACTED]> Perez, Raul <[REDACTED]> Cohen, David <[REDACTED]>
 Carrasco, Magdalena <[REDACTED]> Davis, Dev <[REDACTED]> Esparza, Maya <[REDACTED]>
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 1. Have the city council write and approve an amicus curia resolution to send to the California Assembly and Senate to repeal Propositions 47, 57, and AB109
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 5. Fund attorneys that will prosecute gun crimes in the county
 6. Hire more police officers
 7. Build mental health hospitals and fund sobriety programs

 Yours Sincerely,

 Your Constituent

Sent from my iPhone

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FW: Mayor's gun ordinance

City Clerk <[REDACTED]>

Fri 1/21/2022 4:29 PM

To: Agendadesk <[REDACTED]>

From: Wallace Gardner <[REDACTED]>**Sent:** Friday, January 21, 2022 3:53 PM**To:** City Clerk <[REDACTED]>**Subject:** Mayor's gun ordinance

[External Email]

I am opposed to the mayor's proposed tax on law abiding gun owners. Private insurance isn't available for such a thing. I am covered for an accidental injury of someone. I am not covered for a criminal act. If any charges are pressed the coverage goes away.

The mayor believes it's just like car insurance. If my car is stolen and someone gets hurt the insurance covers repairs to or replacement of the vehicle. Injuries to innocent third parties aren't covered.

If the insurance proves to be unavailable the mayor wants a tax on law abiding gun owners. All this measure will do is drive the price of legal gun ownership up. That will deprive the middle and lower economic classes of their constitutional right to bear arms. Only the wealthy, their armed body guards, the police and the criminals will have firearms.

The criminal element will resort to importing firearms along with the tons of illegal drugs and other contraband they bring into the country.

The real question is who is responsible for the violence and what is society doing to deal with the motivation for the violence.

We need an education system that prepares people for jobs that allow them to live here. We need discipline in the schools that prevents bullying and isolating children. We need enough police to deal with the ongoing criminal activity and judges who will put the bad guys away. Counseling and education can be dealt with in jails and prisons.

If the root causes of violence aren't dealt with the violence will continue. If firearms aren't available knives, hammers, piano wire & wooden doweling, etc. are available.

The 2013 UN Global report on homicides said most homicides are the result of criminal activity. If you don't want to be a victim don't buy cheap merchandise off the street, don't buy drugs, don't buy sex, don't be involved in anyway with criminal activity. Google homicides. UNODC Global Study On Homicides. North of the Mexican border you are more likely to be killed by other than by a firearm.

Suicides are documented in The National Institute of Mental Health report on 2016. In 2016 there were 44,965 suicides and there were 19,362 homicides. Of the 44,965 suicides 22,963 were committed with a firearm. If you do the math that leaves 22002 done with other. 51% with a firearm and 48.9% done with other.

Once again, if you don't deal with the motivation you won't fix the problem. It is cruel to tell John Doe you're going to save his life by taking away all the firearms because he's not smart enough to figure out how the other 50% did it.

Respectfully,

Wallace S. Gardner



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1/25/2022 Item 4.1: Vote NO Gun Harm Reduction Ordinance, Public Record

RV Myka Cruz <[REDACTED]>

Fri 1/21/2022 4:46 PM

To: Agendadesk <[REDACTED]> Jones, Chappie <[REDACTED]> Jimenez, Sergio <[REDACTED]>
 <[REDACTED]> Perez, Raul <[REDACTED]> Cohen, David <[REDACTED]>
 Carrasco, Magdalena <[REDACTED]> Davis, Dev <[REDACTED]> Esparza, Maya <[REDACTED]>
 <[REDACTED]> <[REDACTED]> Foley, Pam <[REDACTED]>
 <[REDACTED]> Mahan, Matt <[REDACTED]> Liccardo, Sam <[REDACTED]> City Clerk <[REDACTED]>
 <[REDACTED]> District1 <[REDACTED]> District2 <[REDACTED]> District3 <[REDACTED]>
 <[REDACTED]> District4 <[REDACTED]> District5 <[REDACTED]> District 6 <[REDACTED]>
 <[REDACTED]> District7 <[REDACTED]>

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[External Email]

Dear Mayor and Council,

I am writing to inform you of my objection to the proposed changes to Chapter 10 of the San José Municipal Code as defined in the Gun Harm Reduction Ordinance Memorandum dated January 14, 2022, scheduled to be heard on January 25, 2022 as Item 4.1. I urge you to VOTE NO on this item.

Item 4.1 proposes unlawful and unenforceable changes to the Municipal Code which will not stop gun violence in San José. Legal owners of firearms will be unduly punished because, by definition, they are the only people that will be impacted by these proposals. Taxing and isolating a group of people purely based on their decision to embrace an enumerated constitutional right is discriminatory.

****Proposed Change: 10.32.210 Liability Insurance Required****

"Specifically covering losses or damages resulting from any negligent or accidental use of the Firearm, including but not limited to death, injury or property damage."

- Negligent use of a firearm is defined in CA Penal Code 246.3 as someone who willfully discharges a firearm (pulls the trigger intentionally) which could result in injury or death to a person.
- The City Council is requiring firearm owners to purchase insurance for intentionally pulling the trigger of a firearm to harm life and/or property, which is already defined as a serious violent crime.
- This type of insurance does not exist and if it did, would be so cost prohibitive that it would place an unconstitutional barrier to the free exercise of the Second Amendment.
- Lawmakers are allowed to approve the ordinance without defining the insurance coverage type and limits, having up to six months after the vote to define it.
- *Murdock v. Pennsylvania*, 319 U.S. 105 (1943) established that the government "may not impose a charge for the enjoyment of a right protected by the federal constitution."

****Proposed Change: 10.32.215 Annual Gun Harm Reduction Fee****

"A person who resides in the City and owns or possesses a Firearm in the City shall pay an Annual Gun Harm Reduction Fee to the Designated Nonprofit Organization each year."

- San José is taxing gun-owning, law abiding residents and visitors for the illegal actions of criminals.
- The City is creating a law which forces gun owners to financially support a business they may not agree with.
- The City Council is opening the floodgate for corruption, allowing former City employees to sit on the board of this nonprofit to be paid using additional monies from taxpayer dollars in the form of City grants. No former city employee should ever be allowed to sit on this board.
- What is the fee? Lawmakers are allowed to approve the ordinance without defining the fee and have up to six months after the vote to define it.
- *Murdock v. Pennsylvania*, 319 U.S. 105 (1943) the Supreme Court ruled that "since the privilege in question is guaranteed by the Federal Constitution, and exists independently of state [or municipal] authority, the inquiry as to whether the State [or Municipality] has given something for which it can ask for a return is irrelevant."

****Proposed Change: 10.32.245 Impoundment****

"The Firearm or Firearms of a person that is not in compliance with this Part may be impounded subject to a due process hearing."

- Violation of the proposed changes will most likely result in an infraction.
- State law only allows for the impoundment of firearm for a felony or one of 20 defined violent misdemeanors. Infractions do not reach the state threshold requirement to legally confiscate and/or impound property.
- Because the ordinance improperly compares the Second Amendment right to the privilege of owning a car for justification of these changes: California state law does not grant peace officers the authority to impound a vehicle on site for lack of insurance and requires a minimum of six months registration expiration before they can impound a vehicle [CVC 16028(a-c) and CVC22651(o)].

*****Focus on Real Solutions to Stopping Gun Violence*****

Our elected officials need to address the criminals who commit violence in our city and the solution to this problem should not be to punish the innocent law-abiding residents of San José. Please look at taking the following actions to stop gun violence:

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Yours Sincerely,
Your Constituent

- please pardon the brevity | e-mailing on-the-go -
RVC, RDN

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Agenda item 22 045 1 4.1

Christopher Lee <[REDACTED]>

Fri 1/21/2022 5:00 PM

To: City Clerk <[REDACTED]>

[External Email]

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I'm asking all city council reps to vote down these unlawful taxes on a constitutional right for the following reasons

- 1) They are overwhelmingly unconstitutional and mandate that lawful gunowners bear the financial responsibility for the misdeeds of criminals.
- 2) The ordinance is a violation of existing court rulings against Jim Crow laws that tax constitutional rights.
- 3) Insurance companies do not issue policies for firearm liability which means gun owners would not be able to comply with the law.
- 4) The proposal implements taxes at the local level, in violation of the California Constitution on special taxes, Article XIII C Section 2(d)

In an effort to uphold the rights laid out in the constitution, these proposals must not be allowed to pass. In a city where crime is on the rise, and the police force is already stretched thin, to place an undue burden on those wishing to protect their homes is atrocious, and would put an undue financial burden on those already dealing with the high cost of living in the county.

I believe if this were to pass, there would be a red wave of conservative backlash at the next election. The city cannot continue to infringe on rights and tax people to death with no repercussions.

[Sent from Yahoo Mail on Android](#)

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1/25/2022 Item 4.1: Vote NO Gun Harm Reduction Ordinance, Public Record

Alejandro Esquivel jr <[REDACTED]>

Fri 1/21/2022 7:07 PM

To: Agendadesk <[REDACTED]> Jones, Chappie <[REDACTED]> Jimenez, Sergio <[REDACTED]>
 <[REDACTED]> Perez, Raul <[REDACTED]> Cohen, David <[REDACTED]>
 Carrasco, Magdalena <[REDACTED]> Davis, Dev <[REDACTED]> Esparza, Maya <[REDACTED]>
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