

"Agenda Item 4.1 22 045 Gun Harm Reduction Ordinance"

rsrcrewchief <[REDACTED]>

Sun 1/23/2022 1:02 PM

To: City Clerk <[REDACTED]>

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Your relentless decisions to undermine peoples ability to defend themselves is getting ridiculous now. This country was founded with not only the ability to keep and bear arms but it was that simple ability and well led militias that helped the continental army as well as help from the French to defeat an oppression from King George and the British Armies. I fail to see where you think that doing things like this benefits the constituents of this once great country. Any registry tax or any further oppression from any government or law is a direct unconstitutional act against it's people. After all it is we the people not Washington or any single organization that has Forever been hell bent on hurting gun owners rights. May God bless you and direct your facts back to what was written into law by our founding fathers not you.

Sent from my Galaxy

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

Mike Elias <[REDACTED]>

Sun 1/23/2022 1:46 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]>
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 <[REDACTED]> District7 <[REDACTED]>

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Dear Mayor and Council,

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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****

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- 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."

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"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."

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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."

- 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.
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4. Support recommendations 1 through 5 of the 9/16/2021 Rules and Open Government Committee memorandum entitled, "Community Violence Prevention & Response"
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Yours Sincerely,
Your Constituent

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Oppose Public Safety Gun Harm Reduction Ordinance; Agenda Item #4.1

PATRICK MORRISON <[REDACTED]>

Sun 1/23/2022 2:25 PM

To: City Clerk <[REDACTED]>

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There are so many issues with the proposed ordinance (constitutionality, efficacy, enforcement), but I will begin with the obvious: this will have no effect on crime. Instead, this will have an effect on gun ownership. This unjust taxation will disproportionately affect lower income individuals. Gun ownership is not merely for the rich. RIGHTS are not merely for the rich. To add insult to injury, these taxes will be used to place further roadblocks on the pathway to gun ownership. In essence, this is taxation without representation. I would like to ask those that feel this ordinance is in line with other "common sense" gun control measures: Would it be unconstitutional to tax News Outlets to help mitigate the cost of libel litigation? You know the answer. Yes, it absolutely IS unconstitutional. This is no different. You took an oath to uphold the constitution. These are the rights of the people upon which no law shall be enacted to hinder, and shall not be infringed upon. We expect you to uphold your oath. If you support this ordinance, look in the mirror and realize that you are the very tyranny from which we were liberated by our forebears. Uphold your oath.

Mr. And Mrs. Patrick and Savannah Morrison
Willow Glen
San Jose

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

[Redacted] <[Redacted]>

Sun 1/23/2022 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, Mava <[Redacted]>
 <[Redacted]> Arenas, Sylvia <[Redacted]> Foley, Pam <[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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Yours Sincerely,

Darryl R., Your Constituent

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

Edith Hoving <[REDACTED]>

Sun 1/23/2022 4:26 PM

To: Agendadesk <[REDACTED]> Jones, Chappie <[REDACTED]> Jimenez, Sergio <[REDACTED]>
 <[REDACTED]> Perez, Raul <[REDACTED]> Cohen, David <[REDACTED]>
 Carrasco, Maadalena <[REDACTED]> Davis, Dev <[REDACTED]> Esparza, Maya <[REDACTED]>
 <[REDACTED]> <[REDACTED]> Foley, Pam <[REDACTED]>
 <[REDACTED]> Mahan, Matt <[REDACTED]> Liccardo, Sam <[REDACTED]> City Clerk <[REDACTED]>
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Yours Sincerely,
Your Constituent

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Agenda item 4.122 045 Gun Harm Reduction Ordinance

Paul Benton <[REDACTED]>

Sun 1/23/2022 6:32 PM

To: City Clerk <[REDACTED]>

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Dear council,

I feel a gun ownership tax is unconstitutional. It will not prevent crime. Only law abiding citizens will pay the tax and not criminals. It is the person and not the firearm that commits the crime.

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Agenda Item 4.1 Gun Violence Reduction

Cathryn Hyde <[REDACTED]>

Sun 1/23/2022 7:03 PM

To: City Clerk <[REDACTED]>

Cc: Guimera, Christina <[REDACTED]> Dolores Alvarado <[REDACTED]>

[External Email]

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To: Mayor Liccardo and Members of the San Jose City Council,

I am writing on behalf of Community Health Partnership a consortium of ten community health center organizations with 40 community clinic sites located throughout Santa Clara and San Mateo Counties.

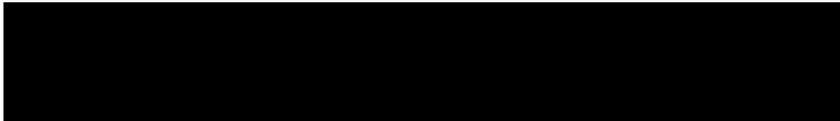
Community Health Partnership supports measures that would reduce gun violence, programs for responsible gun ownership (education and safety assistance for victims of gun violence through primary care and behavioral health resources/services, and funding for solutions that address the root-causes of domestic violence.

Thank you for exploring innovative solutions for a serious problem that plagues our community.

Sincerely,

Cathryn Ming Hyde

Deputy Director of Policy & External Relations



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

Brenda Rojas <[REDACTED]>

Sun 1/23/2022 7:48 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]>
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I own a gun for home defense and find it very unfair to pay extra costs/taxes/ fees to keep my family safe especially now during the pandemic when everybody is struggling financially. This would personally affect my family's finances!

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

Mark Flores <[REDACTED]>

Sun 1/23/2022 7:58 PM

To: Agendadesk <[REDACTED]>

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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
Brenda and Mark Rojas

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1/25/2022 Item 4.1: Vote YES Gun Harm Reduction Ordinance, Public Record

Jacquie Heffner <[REDACTED]>

Sun 1/23/2022 8:00 PM

To: Agendadesk <[REDACTED]> Jones, Chappie <[REDACTED]> Jimenez, Sergio <[REDACTED]>
 <[REDACTED]> Perez, Raul <[REDACTED]> Cohen, David <[REDACTED]>
 Carrasco, Maaddalena <[REDACTED]> Davis, Dev <[REDACTED]> Esparza, Maya <[REDACTED]>
 <[REDACTED]> Arenas, Sylvia <[REDACTED]> Foley, Pam <[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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Dear Mayor and City Council members:

Please vote YES on item 4.1 to reduce the harm that guns have caused in our city and nation.

Far too little is being done to stop the violence and death guns bring. It is hard for any reasonable person to fathom that our Founding Fathers could have envisioned our modern society when they wrote: "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arm shall not be infringed "

Owning a gun today is not attached to being part of a well regulated Militia, it is not necessary to ensure the security of a free state , rather guns have actually made our states less secure and caused grave harm to our country and all who live here. We have police, we have a military, those are the entitie that ecure our tate individual with gun often create a le afe and free tate

It is also important to call out that our original Constitution was far from perfect, it allowed slavery, it counted African American's as 3/5th of a person, and " It did not include an express protection of the right to vote, and it was left to the states to determine who was eligible to vote in elections. For the most part, state legislatures generally limited voting to white males who owned land. Some states also utilized religious tests to ensure only Christian men could vote. Gradually, state legislatures began to slightly expand voting rights to non-landowning white males."

(<https://constitutioncenter.org/interactive-constitution/blog/the-evolution-of-voting-rights-in-america>)

Justice John Paul Stevens wrote an opinion piece for the Washington Post regarding the 2nd Amendment which articulately and accurately outlines why changes need to be made to the 2nd Amendment:

https://www.washingtonpost.com/opinions/the-five-extra-words-that-can-fix-the-second-amendment/2014/04/11/f8a19578-b8fa-11e3-96ae-f2c36d2b1245_story.html

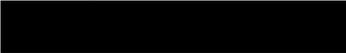
"As a result of the rulings in *Heller* and *McDonald*, the Second Amendment, which was adopted to protect the states from federal interference with their power to ensure that their militias were "well regulated," has given federal judges the ultimate power to determine the validity of state regulations of both civilian and militia related uses of arms. That anomalous result can be avoided by adding five words to the text of the Second Amendment to make it unambiguously conform to the original intent of its draftsmen. As so amended, it would read:

"A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms *when serving in the Militia* shall not be infringed."

I support this ordinance and hope that you will vote yes.

Thank you for your time.

Jacquie Heffner



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

James Stoddard <[REDACTED]>

Sun 1/23/2022 8:17 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]> Arenas, Sylvia <[REDACTED]> Foley, Pam <[REDACTED]>
 Mahan, Matt <[REDACTED]> Liccardo, Sam <[REDACTED]> City Clerk <[REDACTED]>
 <[REDACTED]> District1 <[REDACTED]> District2 <[REDACTED]> District3 <[REDACTED]>
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Proposed Change: 10.32.210 Liability Insurance Required

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- 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.
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Yours Sincerely,
Your Constituent

James Stoddard, CPA

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

Kevin Brogdon <[REDACTED]>

Sun 1/23/2022 9:10 PM

To: Agendadesk <[REDACTED]> Jones, Chappie <[REDACTED]> Jimenez, Sergio <[REDACTED]>
 <[REDACTED]> Perez, Raul <[REDACTED]> Cohen, David <[REDACTED]>
 Carrasco, Magdalena <[REDACTED]> Davis, Dev <[REDACTED]> Esparza, Mava <[REDACTED]>
 <[REDACTED]> Arenas, Sylvia <[REDACTED]> Foley, Pam <[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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- 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

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- 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.

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Yours Sincerely,
Your Constituent,
Kevin Brogdon SR.

PS. One thought I have had is to extend the wait time from 10 days to 15 and include in that time a mandatory in person firearm safety course which would include a fee that part of would go to victims of gun violence. Maybe the course could be provided by the Sheriffs Office of the county that the potential gun buyer lives in (two birds with one stone).

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

Valerie Pierce <[REDACTED]>

Sun 1/23/2022 9:13 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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Yours Sincerely,
Your Constituent

Sent from my iPhone

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

Joseph Hulbert <[REDACTED]>

Sun 1/23/2022 11:44 PM

To: Agendadesk <[REDACTED]> Jones, Chappie <[REDACTED]> Jimenez, Sergio <[REDACTED]>
 <[REDACTED]> Perez, Raul <[REDACTED]> Cohen, David <[REDACTED]>
 Carrasco, Magdalena <[REDACTED]> Davis, Dev <[REDACTED]> Esparza, Mava <[REDACTED]>
 <[REDACTED]> Arenas, Sylvia <[REDACTED]> Foley, Pam <[REDACTED]>
 Mahan, Matt <[REDACTED]> Liccardo, Sam <[REDACTED]> City Clerk <[REDACTED]>
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 <[REDACTED]> District4 <[REDACTED]> District5 <[REDACTED]> District6 <[REDACTED]>
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Yours Sincerely,
Joseph Hulbert

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Agenda item 4.1 22 045 Gun Harm Reduction Ordinance

Doug&LindaRyland <[REDACTED]>

Sat 1/22/2022 1:02 PM

To: City Clerk <[REDACTED]>

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This is an unconstitutional act that infringes on a Constitutionally guaranteed right of every law abiding citizen of this nation Taxing automotive or other personal property is totally different since it isn't an infringement on a Constitutionally guaranteed right

Doug Ryland
Arizona

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

Tyler Weldy <[redacted]>

Sat 1/22/2022 1:13 PM

To: Agendadesk <[redacted]> Jones, Chappie <[redacted]> City Clerk
 <[redacted]> Cohen, David <[redacted]> Davis, Dev <[redacted]> District1
 <[redacted]> District 10 <[redacted]> District2 <[redacted]> District3
 <[redacted]> District4 <[redacted]> District5 <[redacted]> District 6
 <[redacted]> District7 <[redacted]> District8 <[redacted]> District9
 <[redacted]> Carrasco, Magdalena <[redacted]> Mahan, Matt
 <[redacted]> Esparza, Maya <[redacted]> Foley, Pam <[redacted]>
 Peralez, Raul <[redacted]>

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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]

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Agenda Item 4.1 22 045 Gun Harm Reduction Ordinance

Kb <[REDACTED]>

Sat 1/22/2022 1:39 PM

To: City Clerk <[REDACTED]>

[External Email]

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[External Email]

I want to express my opposition to the proposed gun owners tax. It is a blatant attempt at creating a gun owner registry which is a major violation of personal privacy, as well as being unconstitutional. Quit trying to steal our rights and privacy in the name of safety. The majority of us aren't buying that BS anymore.

Sincerely,

KM Brady

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"Agenda Item 4.1 22 045 Gun Harm Reduction Ordinance"

Linda Kyle <[REDACTED]>

Sat 1/22/2022 2:32 PM

To: City Clerk <[REDACTED]>

[External Email]

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[External Email]

In accordance to our Second Amendment, we, Americans, are entitled to protect our families and property, as well as be able to feed our families, with the use of firearms.

The proposed tax on firearms is not only so high that it makes people like me (living on disability only, after a long life of working hard always, giving my all, until the on the job horse accident that broke several bones & left me with a traumatic brain injury, leaving me unemployable) have a very hard time paying these taxes! Ammunition has gone up dramatically, and add in this new tax, well it's pay my electric bill or get protection. And I'm one that's been watching this world going to hell in a hand basket and who thinks it's going to get much worse!! And I want to be able to protect myself, my daughter, and property as times get really bad!!!!

Please DO NOT IMPOSE THE NEW TAX!!!!

Thank you,

Linda Kyle

Thornton CO [REDACTED]

[REDACTED]

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Agenda Item 4.1 22 045 Gun Harm Reduction Ordinance

Aura Wright <[REDACTED]>

Sat 1/22/2022 3:11 PM

To: City Clerk <[REDACTED]>

[External Email]

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<http://aka.ms/LearnAboutSenderIdentification.>]

[External Email]

Do NOT pass this ordinance!

Thank you.

Aura Wright

Sent from my iPhone

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

Barb MacNeil <[REDACTED]>

Sat 1/22/2022 3:52 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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1/25/2022 Item 4.1: Vote NO Gun Harm Reduction Ordinance, Public Record

solucee <[REDACTED]>

Sat 1/22/2022 4:10 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]>
 District1 <[REDACTED]> District2 <[REDACTED]> District3 <[REDACTED]>
 District4 <[REDACTED]> District5 <[REDACTED]> District6 <[REDACTED]>
 District7 <[REDACTED]>

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****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****

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

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Yours Sincerely,
Your Constituent

Sent from my Galaxy

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Agenda Item 4.1 22 045 Gun Harm Reduction Ordinance

Dale Lindsey <[REDACTED]>

Sat 1/22/2022 6:34 PM

To: City Clerk <[REDACTED]>

[External Email]

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[External Email]

This is a direct violation of the second amendment and will open you up to untold lawsuits. Go ahead, sink your own ship. No wonder people are leaving California.

Dale Lindsey
Nevada

[Sent from Yahoo Mail for iPhone](#)

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

Robbie Harper <[redacted]>

Sat 1/22/2022 7:47 PM

To: Agendadesk <[redacted]> Jones, Chappie <[redacted]> City Clerk
 <[redacted]> Cohen, David <[redacted]> Davis, Dev <[redacted]> District1
 <[redacted]> District 10 <[redacted]> District2 <[redacted]> District3
 <[redacted]> District4 <[redacted]> District5 <[redacted]> District 6
 <[redacted]> District7 <[redacted]> District8 <[redacted]> District9
 <[redacted]> Carrasco, Magdalena <[redacted]> Mahan, Matt
 <[redacted]> Esparza, Maya <[redacted]> Foley, Pam <[redacted]>
 Peralez, Raul <[redacted]>

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

sherry schmidt <[REDACTED]>

Sat 1/22/2022 8:12 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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 Yours Sincerely,

 Your Constituent

Sent from my iPhone

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Agenda Item 4.1 22 045 Gun Harm Reduction Ordinance"

B E Scott <[REDACTED]>

Sat 1/22/2022 8:24 PM

To: City Clerk <[REDACTED]>

[E ternal Email]

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[E ternal Email]

Do not pass this unconstitutional ordinance. You are double ta ing your innocent constituents. Plus you are creating an illegal list of firearms and owners. It won't reduce the illegal firearms or the felons in possession of firearms. It won't reduce shootings.

A
eld4VEJMYXJUeGt3SutOdnROWFVJUFRoZDNrVmZQZWpRdzNZejRPdmdJbk42VXVGWkhPQ3ZhekFDZ
XZWdkVZZisvUWtPTEdHZzh U2V1eDNIZ0tqK3dseGNyRG5KNHdwTDJrZDI6cmM5UjNES0JVbENPaThX
RGVFBis1aUtaSENTmJjSelRabGpSRVNiTFEwSitEd0NIId3hSOW Mby9nNHQwWTRXMUhiQ1E3UWhzUjV
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U1A MG5mZFFUTTJMVXZjM2tEVTVPYjlyUUUp1QnVmYzRBT3UrWEINOXA0Y2NmVW0vTit2UUUYwRIBFVn
B5a0ZCNnJadXpIRjdRMUR0Q2ImMEdYWTU2SmZrNlp5RUwvd1lvTWJrYUEraGE R0Zub3ZCZTJYSUpTy
szRW16eWkyK2 vPS0tMk GK0hyZXowYlpEUHNzKzhYmtKUT09
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1/25/2022 Item 4.1: Vote NO Gun Harm Reduction Ordinance, Public Record

Nathalie Hanson <[REDACTED]>

Sat 1/22/2022 9:15 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]>
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6. Hire more police officers
7. Build mental health hospitals and fund sobriety programs

Yours Sincerely,
Your Constituent

Sent from my iPad

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Agenda Item 4.1 22 045 Gun Harm Reduction Ordinance

Eric Mast <[REDACTED]>

Sat 1/22/2022 9:43 PM

To: City Clerk <[REDACTED]>

[External Email]

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Dear Law Makers,

Please do not implement more taxes which disproportionately affect the poor. People of California are taxed enough. The homeless situation should be evidence of that. Housing is unaffordable in the San Jose area. This is going to affect tourism and many areas which you may not be aware of.

My daughters play ice hockey. We used to attend the MLK San Jose tournament. Not this year. Poop on the streets was bad enough but now we felt it was unsafe. It may be fine for locals who know what areas to avoid, but tourists do not know all the new hazards there. We chose to attend a Boston tournament on MLK weekend this year. The strange thing is, our coach came to Seattle from the San Jose area.

Another point is that women can defend against a large male attacker if she is trained in the use of a firearm. But maybe this no longer matters since male and female are now purely mental constructs in California.

Thanks for considering helping the poor and weak of your community defend themselves from the increasing violence by NOT passing gun taxes, registration or other laws which increase the number of victims.

Eric Mast

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Agenda Item 4.1 22 045 Gun Harm Reduction Ordinance

Todd Hoopman <[REDACTED]>

Sat 1/22/2022 10:55 PM

To: City Clerk <[REDACTED]>

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Please do not pass this ordinance!

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Agenda Item 4.1 22 045 Gun Harm Reduction Ordinance

Louie Andersen <[REDACTED]>

Sat 1/22/2022 11:52 PM

To: City Clerk <[REDACTED]>

[External Email]

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To whom it may concern,

As a San Jose citizen I am writing to express concern over the proposed gun harm reduction ordinance 22-045 and ask the city council to oppose this ordinance.

This ordinance will do nothing to reduce gun violence as over 92% of crime committed with a firearm has been committed by individuals illegally in possession of the firearm, according to US government gun crime statistics.

Furthermore, Mayor Liccardo swore an oath to uphold the constitution and this proposed ordinance is a direct violation of said Oath. I ask that Mayor Liccardo's resignation be added to the agenda of the next city council meeting.

Thank you,
Louis and Meyling Andersen

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

B Chen <[REDACTED]>

Sun 1/23/2022 1:14 AM

To: Agendadesk <[REDACTED]> Jones, Chappie <[REDACTED]> Jimenez, Sergio <[REDACTED]>
 <[REDACTED]> Perez, Raul <[REDACTED]> Cohen, David <[REDACTED]>
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Yours Sincerely,
Your Constituent

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Agenda Item 4.1 22 045 Gun Harm Reduction Ordinance

David C Taylor <[REDACTED]>

Sun 1/23/2022 5:05 AM

To: City Clerk <[REDACTED]>

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Vote No! 😊

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"Agenda Item 4.1 22 045 Gun Harm Reduction Ordinance".

Marty Wierzbicki <[REDACTED]>

Sun 1/23/2022 6:42 AM

To: City Clerk <[REDACTED]>

[External Email]

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Do not pass this bill which equates to a penalty tax on our citizens and our 2 amendment rights to keep and bear arms.

M. Wierzbicki
Citizen of the USA

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Agenda Item 4.1 22 045 Gun Harm Reduction Ordinance

Donald Banning <[REDACTED]>

Sun 1/23/2022 7:29 AM

To: City Clerk <[REDACTED]>

[External Email]

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How disgusting, attempting to make law abiding citizens pay for the crimes that criminals commit and for your failures (as government agents) to prosecute CRIMINALS and get and keep them off the streets. Unethical, illegal, and ultimately completely worthless to stop or even slow down gun crime or violence in any way. This only shows you to be criminals as well. Fail, fail, fail.

[Sent from Yahoo Mail on Android](#)

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With Agenda Item 4.122 045 Gun Harm Reduction Ordinance. Do not pass this Proposed Ordinance!

Ed Hearne <[REDACTED]>

Sun 1/23/2022 9:08 AM

To City Clerk <[REDACTED]>

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Ed

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OPPOSE Agenda Item 4.1 Gun liability ins and gun tax

[REDACTED] <[REDACTED]>

Sun 1/23/2022 9:27 AM

To: City Clerk <[REDACTED]>

[External Email]

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Oppose the mayor's proposal for a gun harm tax and liability insurance or get sued.

I called my two insurance companies last week and they both told me they didn't have any liability coverage like the mayor requires. They also both told me that no company could offer coverage for someone intentionally misusing a gun.

Then there is the problem of a "Jim Crow" law that taxes a Constitutional right. That idea was struck down several times.

Pass this law and you are looking at dozens of law suits.

Joe. P
San Jose

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

Ronald Brooks <[REDACTED]>

Sun 1/23/2022 9:36 AM

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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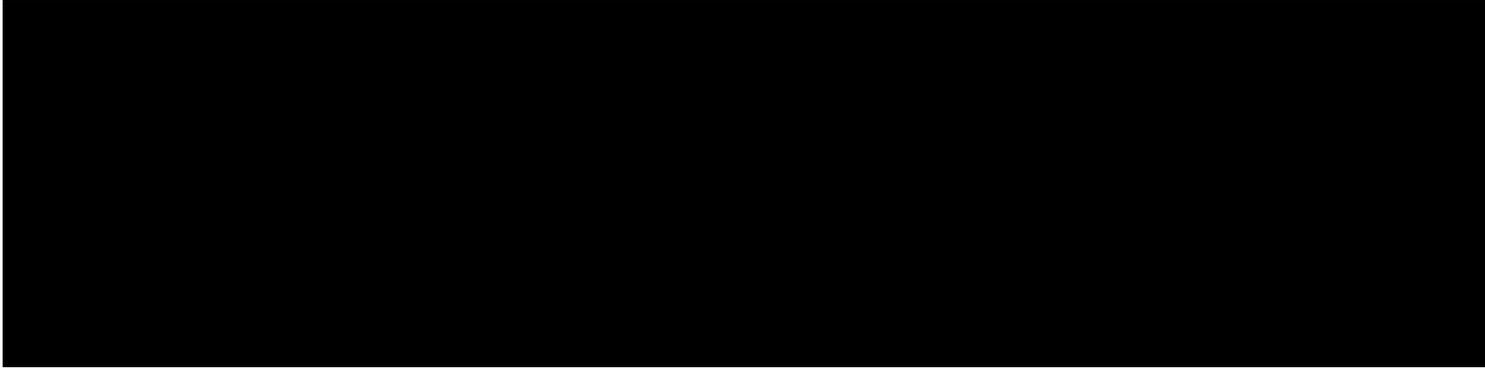
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Your Constituent

Ronald E. Brooks



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

David Chen <[REDACTED]>

Sun 1/23/2022 9:49 AM

To: Agendadesk <[REDACTED]> Jones, Chappie <[REDACTED]> Jimenez, Sergio <[REDACTED]>
 <[REDACTED]> Perez, Raul <[REDACTED]> Cohen, David <[REDACTED]>
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1/25/2022 Item 4.1: Vote NO Gun Harm Reduction Ordinance, Public Record

Lavonne <[REDACTED]>

Sun 1/23/2022 10:39 AM

To: Agendadesk <[REDACTED]> Jones, Chappie <[REDACTED]> Jimenez, Sergio <[REDACTED]>
 <[REDACTED]> Perez, Raul <[REDACTED]> Cohen, David <[REDACTED]>
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- 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

LaVonne

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Oppose Public Safety Gun Harm Reduction Ordinance; Agenda Item #4.1

Bret M <[REDACTED]>

Sun 1/23/2022 11:17 AM

To: City Clerk <[REDACTED]>

[External Email]

You don't often get email from [REDACTED] [Learn why this is important](#)

[External Email]

To whom it may concern,

First off, why would the government feel they have any right to take a constitutional right? Can you show any proof that this will curb crime even in the slightest? You all should be ashamed of yourselves for even thinking of this. We will come after you in court, we will not stop until you are proven wrong. If you really wanted what made us safer you would be voting to never take our rights and allow us to protect ourselves as you all prove time and time again that you can not make us safe. None of you have ever protected a single person in fact most of you have blood on your hands for letting criminals go and they go on to do the same or worse than they did to get caught in the first place. The people are fed up with your lies and greed, we will not stop fighting.

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

Susan Price-Jang <[REDACTED]>

Sun 1/23/2022 11:42 AM

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]>

[External Email]

Dear Mayor and Council:

I urge you to vote YES on the Gun Harm Reduction Ordinance whereby gun owners will be required to carry liability insurance on their guns (just as we all are required to carry liability insurance on our autos).

And I do think that we need to closely examine the causes of gun violence. Hopefully, the federal government can now fund studies that examine gun violence as the public health problem it is (which until recently it was forbidden to do.)

I am surfing on the e-mail list posted by Kirt Vartan whom I respect for the work he did on the acreage east of Valley Fair to convert it to housing for seniors and others. But I do not agree with him on his stand on guns.

Thank you,
Susan Price-Jang



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

Bob Fuss <[redacted]>

Sun 1/23/2022 12:27 PM

To: [redacted] <[redacted]> Folev, Pam <[redacted]> Mahan, Matt <[redacted]>
 <[redacted]> Liccardo, Sam <[redacted]> City Clerk <[redacted]> District1 <[redacted]>
 <[redacted]> District2 <[redacted]> District3 <[redacted]> District4 <[redacted]>
 <[redacted]> District5 <[redacted]> District 6 <[redacted]> District7 <[redacted]>
 <[redacted]> District8 <[redacted]> District9 <[redacted]> District 10 <[redacted]>
 <[redacted]> The Office of Mayor Sam Liccardo <[redacted]>
 <[redacted]> Jones, Chappie <[redacted]> Jimenez, Sergio <[redacted]>
 <[redacted]> Peralez, Raul <[redacted]>

[E ternal Email]

Some people who received this message don't often get email from [redacted] [Learn why this is important](#)

[E ternal Email]

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

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Yours Sincerely,
Bob Fuss

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

Barb MacNeil <[REDACTED]>

Sun 1/23/2022 12:53 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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 Clerk <[REDACTED]> District1 <[REDACTED]> District2 <[REDACTED]> District3 <[REDACTED]> City
 <[REDACTED]> District4 <[REDACTED]> District5 <[REDACTED]> District 6 <[REDACTED]>
 <[REDACTED]> District7 <[REDACTED]>

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Undoubtedly, there will be those who cite the Gilroy Garlic Festival shooting. I would like to remind you that that individual bought his rifle in Arizona and brought it into San Jose.

Instead of requiring insurance for legal gun owners, the Mayor and Council need to focus on SJPD arresting those who have illegal guns, which SJPD does, including ghost guns, and having those individuals be kept in jail and prosecuted by the County District Attorney instead of releasing them back into our community.

BM

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

Barb MacNeil <[REDACTED]>

Sun 1/23/2022 12:53 PM

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