Comment on Agenda Item 4.1 22 045

Anya Bayerle <[redacted]
Mon 1/24/2022 11:16 AM
To: City Clerk <[redacted]

[E ternal Email]

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[E ternal Email]

To whom it may concern,

My name is Anya Bayerle and I m a 17 year resident of San Jose. I m writing to you about Agenda Item 4.1 22 045. This ordinance is a necessary approach to address the costs of gun violence and incentivize safer practices that could prevent firearm deaths and injuries. We all want a safer community in San Jose, California, and the United States. I believe that this approach will move us closer to that goal.

Thank you,
Anya Bayerle

Anya Bayerle
[redacted]

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

Lynx <[redacted]>
Mon 1/24/2022 11:18 AM
To: Agendadesk <[redacted]> Jones, Chappie <[redacted]> Jimenez, Sergio <[redacted]> Peralez, Raul <[redacted]> Cohen, David <[redacted]> Carrasco, Magdalena <[redacted]> Davis, Dev <[redacted]> Esparza, Maya <[redacted]> Arenas, Sylvia <[redacted]> Foley, Pam <[redacted]> Mahan, Matt <[redacted]> Liccardo, Sam <[redacted]> City Clerk <[redacted]> District1 <[redacted]> District2 <[redacted]> District3 <[redacted]> District4 <[redacted]> District5 <[redacted]> District 6 <[redacted]> District7 <[redacted]>

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

--
Lynx Zhang

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

Sam & kari Maxwell <[redacted]>
Mon 1/24/2022 11:26 AM
To: Agendadesk <[redacted]> Jimenez, Sergio <[redacted]> Liccardo, Sam <[redacted]> District2 <[redacted]> The Office of Mayor Sam Liccardo <[redacted]> <[redacted]> <[redacted]>
You don't often get email from [redacted] Learn why this is important

[External Email]

City Council Members and Mayor Liccardo,

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Sincerely,

Sam Maxwell

FW: The Gun Harm Reduction Ordinance

City Clerk <[redacted]>
Mon 1/24/2022 11:58 AM
To: Agendadesk <[redacted]>

-----Original Message-----
From: Celia Stahr <[redacted]>
Sent: Monday, January 24, 2022 10:37 AM
To: District9 <[redacted]>
Cc: City Clerk <[redacted]> The Office of Mayor Sam Liccardo <[redacted]>
Subject: The Gun Harm Reduction Ordinance

[You don't often get email from [redacted] Learn why this is important at http://aka.ms/LearnAboutSenderIdentification.]

[External Email]

Dear Councilmember Foley,

I'm writing to let you know that I support the Gun Harm Reduction Ordinance. Every day when my child leaves for school, I pray that no gun violence occurs. This is unacceptable! No parent (or any American) should have to think in these terms. Furthermore, we shouldn't have to worry about the most vulnerable (those contemplating suicide or victims of domestic violence) dying at the hands of guns. Gun owners carrying liability insurance would remind them to act in a responsible manner. Funding needed programs, such as suicide and domestic violence prevention is also important to aid victims and to hopefully, help end the cycle of violence. We need to do whatever we can to ensure that we live in safe communities. This Ordinance is a step in the right direction.

Thank you!

Celia Stahr

FW: Oppose new tax

City Clerk <[redacted]>
Mon 1/24/2022 11:58 AM
To: Agendadesk <[redacted]>

-----Original Message-----
From: Ray Terry <[redacted]>
Sent: Monday, January 24, 2022 10:49 AM
To: City Clerk <[redacted]>
Subject: Oppose new tax

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[External Email]

The web site for comments seems to currently be down.

Please oppose the Gun Harm Reduction Ordinance.

Thanks.

Ray
San Jose, CA
[redacted]

FW: Comments on revised gun tax / gun insurance proposal from Mayor Liccardo

City Clerk <[redacted]>
Mon 1/24/2022 11:58 AM
To: Agendadesk <[redacted]>

From: Craig Krstolic <[redacted]>
Sent: Monday, January 24, 2022 11:09 AM
To: City Clerk <[redacted]>
Subject: Comments on revised gun tax / gun insurance proposal from Mayor Liccardo

Dear City Council Members and Mayor Liccardo,

I am deeply opposed to any attempt to create a tax on a Constitutional Right. While Mayor Liccardo's intentions of reducing violent crime, including those crimes where firearms are used, is noble and likely well-intentioned, it flies in the face of what the government is allowed to do. The following points are only a few reasons that this will be a poor decision.

1 The ordinance is a violation of court rulings against Jim Crow laws that tax constitutional rights.
2 The city has already been placed on notice that if the ordinance is passed it will be sued by numerous organizations. The city will be bogged down in legal actions that will last at least 5 years
3. The non-profit group set up to manage this ordinance is nothing more than a slush fund The proposal specifically states the city can not direct how funds are used by the slush fund.
4 Gun owners cant comply with the ordinance There are no insurance policies in existence that are available for gun owners to buy.
5 The ordinance will do nothing to stop the two overwhelming causes of firearm deaths: suicide and criminal activity. A 2017 PEW research study showed 97% due to suicide and criminal activity
6. The ordinance is window dressing..... It ignores steps the city could take that are known to be effective at stopping gun violence Confiscate guns in the hands of KNOWN armed prohibited persons. Target gang members and drug sellers.
7 If passed, this ordinance will be moot after the United States Supreme Court rules on New York State Rifle & Pistol Association v. Keith Corlett, No. 20-843 later this year

8. The proposal implements taxes at the local level, in violation of the California Constitution on special taxes, Article XIII C Section 2(d)

I urge the City of San Jose to please refocus the effort on the criminals, the need to further rebuild our SJPD, and enforce the laws we already have. Going after legal citizens, punishing them for practicing and engaging in exercising their Rights, is counter to everything this nation stands for.

Sincerely,

Craig Krstolic
San Jose, CA

FW: 2nd admendment insurance infringement

City Clerk <[redacted]>
Mon 1/24/2022 11:58 AM
To: Agendadesk <[redacted]>

From: Minh Lu <[redacted]>
Sent: Monday, January 24, 2022 11:20 AM
To: City Clerk <[redacted]>
Subject: 2nd admendment insurance infringement

1. The ordinance is a violation of court rulings against Jim Crow laws that tax constitutional rights.
2. The city has already been placed on notice that if the ordinance is passed it will be sued by numerous organizations. The city will be bogged down in legal actions that will last at least 5 years.
3. The non-profit group set up to manage this ordinance is nothing more than a slush fund. The proposal specifically states the city can not direct how funds are used by the slush fund.
4. Gun owners cant comply with the ordinance. There are no insurance policies in existence that are available for gun owners to buy.
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FW: Gun Harm Reduction Ordinance.

City Clerk <[redacted]>
Mon 1/24/2022 11:58 AM
To: Agendadesk <[redacted]>

From: Gareth Dolby <[redacted]>
Sent: Monday, January 24, 2022 11:25 AM
To: City Clerk <[redacted]>
Subject: Gun Harm Reduction Ordinance.

A well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.

Gareth Dolby

FW: Gun Harm Reduction Ordinance

City Clerk <[redacted]>
Mon 1/24/2022 11:58 AM
To: Agendadesk <[redacted]>

From: Stephan Hipsak <[redacted]>
Sent: Monday, January 24, 2022 11:38 AM
To: City Clerk <[redacted]>
Subject: Gun Harm Reduction Ordinance

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[External Email]

Sent from Mail for Windows
Please reconsider your stance on this ordinance before you vote. Do not harm or inconvenience the honest citizens who leally own fire arms for their own personal safety. Punish the “bad” guys with laws already on the book. Thank you for your consideration of this matter.

Steve Hipsak

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FW: How to solve the gun problem

City Clerk <[redacted]>
Mon 1/24/2022 11:59 AM
To: Agendadesk <[redacted]>

From: Layne Evans <[redacted]>
Sent: Monday, January 24, 2022 11:40 AM
To: City Clerk <[redacted]>
Subject: How to solve the gun problem

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[External Email]

If you will read the article in the current TIME magazine you may have a better view on what the gun problem is and a viable method for addressing the issue. The idea is to determine what is causing the local problem and then address it as it fits the the local situation. A global solution does not address the issues at hand nor produce a valuable outcome.

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FW: Gun Harm Reduction ordinance 4.1

City Clerk <[redacted]
Mon 1/24/2022 11:59 AM
To: Agendadesk <[redacted]

-----Original Message-----
From: Annette Ladowitz <[redacted]
Sent: Monday, January 24, 2022 11:44 AM
To: City Clerk <[redacted]
Subject: Gun Harm Reduction ordinance 4.1

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[External Email]

Please vote yes tomorrow (Jan 25). Health car, home insurance etc make us more responsible for ourselves and each other.
Kudos to you all for making San José the country's model to follow.
Annette Ladowitz

Sent from my iPhone

FW: Email Policy and Retention

City Clerk <[redacted]>
Mon 1/24/2022 11:59 AM
To: Agendadesk <[redacted]>

From: Mendoza, Elena <[redacted]>
Sent: Monday, January 24, 2022 11:58 AM
To: City Clerk <[redacted]>
Subject: Email Policy and Retention

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Hello,

I doing a benchmarking in regards to the Email and I have a couple of questions. I was wondering if you can help me or direct me to the right person.

- How long do you keep the email in the communication system (MS Outlook or other email program)?
- When email content are considered records, what is the process?
- If the email content is a record, do you have a records series just for email only or do you file it to the applicable records series?

Thank you in advance for your help.

Elena P. Mendoza
Records Management Analyst
[redacted]

FW: Gun harm reduction

City Clerk <[redacted]>
Mon 1/24/2022 11:59 AM
To: Agendadesk <[redacted]>

From: Lawrence Townsend <[redacted]>
Sent: Monday, January 24, 2022 11:46 AM
To: City Clerk <[redacted]> District1 <[redacted]> District2 <[redacted]> District3 <[redacted]> District4 <[redacted]> District5 <[redacted]> District 6 <[redacted]> District7 <[redacted]> District8 <[redacted]> District9 <[redacted]> District 10 <[redacted]> The Office of Mayor Sam Liccardo <[redacted]>
Subject: Gun harm reduction

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[External Email]

A Gun harm reduction fee is nothing less than persecution of United States Citizens for practicing a Constitutional Civil Right. This action if enacted would set a precedent that could apply to any of the ten Bill of Rights. An onerous attack on this countries Rule of Law.
Please vote NO.

Kindest regards,

Lawrence (Larry) Townsend

Resident District 10

[redacted]

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

Shawn <[redacted]>
Mon 1/24/2022 12:03 PM
To: Agendadesk <[redacted]> Jones, Chappie <[redacted]> Jimenez, Sergio <[redacted]> Peralez, Raul <[redacted]> Cohen, David <[redacted]> Carrasco, Magdalena <[redacted]> Davis, Dev <[redacted]> Esparza, Maya <[redacted]> Arenas, Sylvia <[redacted]> Foley, Pam <[redacted]> Mahan, Matt <[redacted]> Liccardo, Sam <[redacted]> City Clerk <[redacted]> District1 <[redacted]> District2 <[redacted]> District3 <[redacted]> District4 <[redacted]> District5 <[redacted]> District 6 <[redacted]> District7 <[redacted]>

[E ternal Email]

Some people who received thi mes age don't often get email from [redacted] Learn why thi i important

[E ternal Email]

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Yours Sincerely,
Your Constituent

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

I Oppose Public Safety Gun Harm Reduction Ordinance; Agenda item #4.1

Art & Carol Pimentel <[redacted]
Mon 1/24/2022 12:07 PM
To: City Clerk <[redacted]
Cc: Carol Pimentel <[redacted]

[E ternal Email]

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[E ternal Email]

To the City Clerk Office
I am a citizen of San Jose, District 2 and I am writing to e press my great disappointment and opposition to the new proposed ordinance being discussed and voted on tomorrow Jan 25th. I see so much information on the local and national news about law enforcement being stretched to thin to respond to common daily needs of the citizens, yet the city council feels that one more thing to squander law inforcements resources will be a benefit to the citizens of San Jose. It is this type of legislation that will make law abiding gun owners who use their guns for hunting and other recreational sports to technically be criminals once this law is passed. I used to think legislations, of any kind, was meant to improve the community for all citizens. However, in the last year I ve become aware that local legislators are merely a tool for special interest groups. Therefore, I can only be disappointed in many of the partisan regulations that get voted into local laws. My first assumption is this proposed ordinance is a means to raise money because the city of San Jose needs financial assistance to meet the needs of the local citizens, but in truth it is intended to be an effort for further gun control of law abiding citizens. This unfortunately is simply another gun control law that criminals will not give a shit about while they break the laws of the land.
This is one more reason why people are leaving the beautiful state of California.
Please vote No no this new ordinance.
Thank You…..Art Pimentel

Item 4.1 Approve Councilmember Peralez's Memo on Gun Harm Reduction

Cassie Kifer <[redacted]>

Mon 1/24/2022 12:13 PM

To: District1 <[redacted]> District2 <[redacted]> District3 <[redacted]> District4 <[redacted]> District5 <[redacted]> District 6 <[redacted]> District7 <[redacted]> District8 <[redacted]> District9 <[redacted]> District 10 <[redacted]> The Office of Mayor Sam Liccardo <[redacted]> Agendadesk <[redacted]>

[External Email]

Dear Mayor Liccardo and San José City Council,

I am emailing in support of Councilmember Raul Peralez's memo on the Gun Harm Reduction Ordinance. As we seek to address the epidemic of gun violence that plagues our society and cuts so many lives short each and every day, we must center our policies around meaningful and collaborative solutions to ending violence in all forms and creating a safer and healthier community for all of our residents.

Sincerely,

Cassie Kifer

[redacted]

Item 4.1 OPPOSE Councilmember Peralez's Memo on Gun Harm Reduction

Mark Sikes <[redacted]>

Mon 1/24/2022 12:14 PM

To: District1 <[redacted]> District2 <[redacted]> District3 <[redacted]> District4 <[redacted]> District5 <[redacted]> District 6 <[redacted]> District7 <[redacted]> District8 <[redacted]> District9 <[redacted]> District 10 <[redacted]> The Office of Mayor Sam Liccardo <[redacted]>

Cc: Agendadesk <[redacted]>

[External Email]

Dear Mayor Liccardo and San José City Council,

I am emailing in OPPOSITION of Councilmember Raul Peralez's memo on the Gun Harm Reduction Ordinance.

As we seek to address the epidemic of gun violence that plagues our society and cuts so many lives short each and every day, we must find policies that don't further disadvantage the poor and place extra taxes and conditions for the exercise of US constitutional rights by good citizens.

I will be voting AGAINST any and all elected government officials that attempt to pass such policies and will encourage all family, friends, and neighbors in my area to do the same.

Sincerely,

Mark Sikes
[redacted]

Support for Gun Harm Reduction Ordinance, Agenda item: 4.1 22 045

[redacted] <[redacted]>
Mon 1/24/2022 12:25 PM

To: District1 <[redacted] District2 <[redacted] District3 <[redacted] District4 <[redacted] District5 <[redacted] District 6 <[redacted] District7 <[redacted] District8 <[redacted] District9 <[redacted] District 10 <[redacted] The Office of Mayor Sam Liccardo <[redacted]
Cc: City Clerk <[redacted]

[E ternal Email]

You don't often get email from [redacted] Learn why thi i important

[E ternal Email]

Dear Mayor Liccardo and Councilmembers,

Gun ownership comes with risks - risks to gun owners and risks to us all.
These risks also have costs associated with gun deaths, injuries and psychological trauma
Until now we've all paid these costs, whether we own guns or not.
It's time for gun owners to pay their fair share

I fully support your ordinance to require gun owners to insure their guns

Thank you,
Louis Pandula

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

FW: Oppose, The Public Safety Gun Harm Reduction Ordinance

City Clerk <[redacted]>
Mon 1/24/2022 12:54 PM
To: Agendadesk <[redacted]>

From: Jeff D. Muth <[redacted]>
Sent: Monday, January 24, 2022 12:09 PM
To: City Clerk <[redacted]>
Subject: Oppose, The Public Safety Gun Harm Reduction Ordinance

Hello,

I am writing you to let you know that I oppose the Gun Harm Reduction Ordinance that you are proposing.

It is an unconstitutional attack on lawful gun owners and does not affect criminals.

Thank You,

Jeff Muth

FW: support of Mayor's Gun Harm Reduction ordiance

City Clerk <[redacted]>
Mon 1/24/2022 12:54 PM
To: Agendadesk <[redacted]>

From: Erik Swanson <[redacted]>
Sent: Monday, January 24, 2022 12:31 PM
To: District 10 <[redacted]> District 6 <[redacted]> District5 <[redacted]> District8 <[redacted]> District4 <[redacted]> District1 <[redacted]> District2 <[redacted]> District3 <[redacted]> District7 <[redacted]> District9 <[redacted]> The Office of Mayor Sam Liccardo <[redacted]> City Clerk <[redacted]>
Subject: support of Mayor's Gun Harm Reduction ordiance

[External Email]

Hello San Jose City Council,

My name is Rev. Erik Swanson, and I am a resident of San Jose as well as a local pastor I want to encoura e you to please vote FOR the new measures towards ending gun violence at tomorrow night's meeting. All the numbers from all the studies continue to point to guns being a clear and present danger in our society. We know this and yet we do so little to change it. I love the Mayor's proposals as well as the amendment by Councilman Peralez Well done to work together to craft legislation that can help make tangible inroads into making our city more safe from the scourge that is gun violence! We have all seen and known too many folks who have suffered at the hand of this violence. It must end. Please enact these re ulations! Blessin s, Erik

● Facts: On an annual basis, gunfire kills or injures more than 200 people in San José. Over 40% of gunfire incidents stem from assaults or homicides. Over 40% of un harm incidents in San José are tied to unintentional acts/ accidents that can often be prevented through better behavior. The Second Amendment protects the rights of Americans to own guns, but doesn't require taxpayers to subsidize it. ● Facts: In 2018, California taxpayers absorbed $1.4 billion in costs for gunshot-related medical treatment, police response, ambulance transport, etc That's equivalent to the entire General Fund budget of San José. ○ Over the past five years, gun ownership increased 55.3% leading to an estimated 50,000 to 55,000 households in San José that own guns.

Rev. Erik Swanson
[redacted]

May you know the wonder and joy of life in the Holy

FW: Oppose New City Tax Ordinance

City Clerk <[redacted]>
Mon 1/24/2022 12:54 PM
To: Agendadesk <[redacted]>

From: David Gonzalez <[redacted]>
Sent: Monday, January 24, 2022 12:32 PM
To: City Clerk <[redacted]>
Subject: Oppose New City Tax Ordinance

I oppose this city ordinance, it's not legal, it's not right to punish law biden gun owner citizens how follow every rule and law in order to practice their right to legally own a furearm. This unconstitutional and wrong !!!. In that case, apply that city ordinance to everybody who lives in San Jose. Criminals don't obey laws that's why they are Criminals, don't punish us law biden citizens.

Get Outlook for Android

FW: The new gun law proposal

City Clerk <[redacted]>
Mon 1/24/2022 12:54 PM
To: Agendadesk <[redacted]>

From: hamilton ma <[redacted]>
Sent: Monday, January 24, 2022 12:37 PM
To: City Clerk <[redacted]>
Subject: The new gun law proposal

Hi, I am a resident of San Jose and I oppose this new gun law. Please announce my view on this matter during the up coming city council meeting.

Thanks very much!

Hamilton Ma, 95124

Sent from AT&T Yahoo Mail on Android

FW: Hi

City Clerk <[redacted]>
Mon 1/24/2022 12:54 PM
To: Agendadesk <[redacted]>

-----Original Message-----
From: Jo Wiggins <[redacted]>
Sent: Monday, January 24, 2022 12:46 PM
To: City Clerk <[redacted]>
Subject: Hi

[You don't often get email from [redacted] Learn why this is important at http://aka.ms/LearnAboutSenderIdentification.]

[External Email]

Have you considered that your gun tax is unconstitutional? I have no idea how some people can't seem to get it into their heads that criminals don't register guns.

So no matter what you do, there will always be guns on the streets owned by criminals. ALWAYS.

How are you going to tax them?

So basically you're trying to punish law abiding citizens who more than likely feel that it's nobody's business that they own guns, so that the government, at it's leisure can have a map of where all LEGALLY owned guns are? The idea that someone thinks that this is a good idea is kindergarten level politics.

If you want to fix legal gun ownership you can put into effect guidelines for who canand cannot buy guns. People on antidepressants would be an excellent choice, people with history of mental instability (God bless them), illegal aliens, people who have a hard criminal background, cowards, etc It's so easy and no effort is required except instating these as required by law to purchase and own.

Can you really believe that in this day and age where 24/7 news media (propaganda) incites violence and stupidity, resembling the movie Idiocracy, that you actually know better than the founding fathers of this nation? I think not.

I'm actually an independent btw as I am positive that you were thinking I am a "righty". I used to be registered Democrat until the Democratic party began looking like socialism and even communism. So now when I vote, I vote for the lesser of two evils. What a damned shame that is.

Gun Harm Reduction

Frank Barnard <[redacted]>

Mon 1/24/2022 1:09 PM

To: District1 <[redacted]> District2 <[redacted]> District3 <[redacted]> District4 <[redacted]> District5 <[redacted]> District 6 <[redacted]> District7 <[redacted]> District8 <[redacted]> District9 <[redacted]> District 10 <[redacted]> The Office of Mayor Sam Liccardo <[redacted]> Agendadesk <[redacted]>

Dear Mayor Liccardo and San José City Council,

I am emailing in support of Councilmember Raul Peralez's memo on the Gun Harm Reduction Ordinance. Gun ownership comes with responsibilities to keep the weapon safe and liability for accidents and misuse. I think the proposed ordinance addresses these issues well.

Sincerely,

Frank Barnard

[redacted]

Agenda item: 4.1 22 045

aimee rozen <[redacted]
Mon 1/24/2022 1:10 PM
To: City Clerk <[redacted]

[E ternal Email]

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[E ternal Email]

Hello,

At a time when gun violence is at an all time high, I am in support of this ordinance.

It s an innovative approach to address the costs of gun violence and incentivize safer practices that can potentially prevent firearm deaths and injuries. We all want a safer San José, a safer California, and a safer nation. With this approach, we can move closer to that goal.
.
We must take any measures to help keep San Jose and the surrounding Bay Area safe.

Warmly,
Aimee

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Gun harm reduction

Amanda Hawes <[redacted]
Mon 1/24/2022 1:15 PM

To: District2 <[redacted] District3 <[redacted] District4 <[redacted] District5 <[redacted] District 6 <[redacted] District7 <[redacted] District8 <[redacted] District9 <[redacted] District 10 <[redacted] The Office of Mayor Sam Liccardo <[redacted] Agendadesk <[redacted] Amanda Hawes <[redacted] District1 <[redacted]

Councilmember Peralez Memo on Gun Harm Reduction is sound and sensible.

Please support Councilmember Peralez' memo on Gun Harm Reduction. It is sound collaborative and sensible . As a community we are at our best when we work together to prevent harm and promote health and safety of all

Sincerely,

Amanda Hawes

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

Anthony Gigliello <[redacted]>
Mon 1/24/2022 1:27 PM
To: Agendadesk <[redacted]> Jones, Chappie <[redacted]> Jimenez, Sergio <[redacted]> Peralez, Raul <[redacted]> Cohen, David <[redacted]> Carrasco, Magdalena <[redacted]> Davis, Dev <[redacted]> Esparza, Maya <[redacted]> Arenas, Sylvia <[redacted]> Foley, Pam <[redacted]> Mahan, Matt <[redacted]> Liccardo, Sam <[redacted]> City Clerk <[redacted]> District1 <[redacted]> District2 <[redacted]> District3 <[redacted]> District4 <[redacted]> District5 <[redacted]> District 6 <[redacted]> District7 <[redacted]>

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

Re: Agenda item 4.1 22 045

[redacted] <[redacted]>
Mon 1/24/2022 1:28 PM
To: City Clerk <[redacted]>

[E ternal Email]

You don't often get email from [redacted] Learn why thi i important

[E ternal Email]

Re: Reducing gun harm and the public burdens of gun violence vote, 4.1 22-045

I am in favor of enacting this ordinance. The ordinance would make San Jose the first city in the nation to innovate a way to tackle an expensive, dangerous problem for taxpayers and for victims of gun violence alike, and to incentivize safer practices that can potentially prevent firearm deaths and injuries.

Nationally in an average year, gun violence in America kills nearly 40,000 people, injures more than 80,000 people, and costs taxpayers $280 billion ($40 million alone in San Jose). Local governments, taxpayers, and victims should not be the only ones dealing with the results of gun injuries and deaths in our communities. Gun ownership should include responsibility for helping communities and neighbors deal with these results.

By enacting this ordinance, San Jose would become the first U.S. city to require gun owners to pay an annual fee into a fund managed by a non-profit organization specifically created to provide services supporting suicide prevention, services for victims of domestic violence, mental health and addiction services, and firearm safety training.

San Jose would also require that every gun owner have liability insurance coverage for their firearms. Nationally, 5.4 million children live in a household where a gun is kept unlocked and loaded and nearly 500 Americans die from preventable, unintentional shootings every year, and up to 46,000 Americans are injured. Nearly three-quarters of those injuries occur within the home.

Please vote to approve this proposed ordinance which will support victims, compensate taxpayers, and incentivize gun owners to safely store firearms. We all want a safer San José, so let's move closer to that goal.

Sincerely,
Julie Henig
[redacted]

Sent from Mail for Windows

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

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

Eduard Weichselbaumer <[redacted]>
Mon 1/24/2022 1:44 PM
To: Agendadesk <[redacted]> Jones, Chappie <[redacted]> Jimenez, Sergio <[redacted]> Peralez, Raul <[redacted]> Cohen, David <[redacted]> Carrasco, Magdalena <[redacted]> Davis, Dev <[redacted]> Esparza, Maya <[redacted]> Arenas, Sylvia <[redacted]> Foley, Pam <[redacted]> Mahan, Matt <[redacted]> Liccardo, Sam <[redacted]> City Clerk <[redacted]> District1 <[redacted]> District2 <[redacted]> District3 <[redacted]> District4 <[redacted]> District5 <[redacted]> District 6 <[redacted]> District7 <[redacted]>

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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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- 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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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,
— EDUARD WEICHSELBAUMER

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

Thomas Clouse <[redacted]>
Mon 1/24/2022 1:44 PM
To: Agendadesk <[redacted]> Jones, Chappie <[redacted]> Jimenez, Sergio <[redacted]> Peralez, Raul <[redacted]> Cohen, David <[redacted]> Carrasco, Magdalena <[redacted]> Davis, Dev <[redacted]> Esparza, Maya <[redacted]> Arenas, Sylvia <[redacted]> Foley, Pam <[redacted]> Mahan, Matt <[redacted]> Liccardo, Sam <[redacted]> City Clerk <[redacted]> District1 <[redacted]> District2 <[redacted]> District3 <[redacted]> District4 <[redacted]> District5 <[redacted]> District 6 <[redacted]> District7 <[redacted]>

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Establish the Gun Harm Reduction Commission (GHRC) pilot program with balanced community representation

Enforce and prosecute existing gun laws

Support recommendations 1 through 5 of the 9/16/2021 Rules and Open Government Committee memorandum entitled, "Community Violence Prevention & Response"

Fund attorneys that will prosecute gun crimes in the county

Hire more police officers

Build mental health hospitals and fund sobriety programs

Yours Sincerely,

Your Constituent

Tom Clouse
[redacted]

SVPAF urges NO vote on Agenda item 4.1 Gun Harm Ordinance

Mark Towber <[redacted]>

Mon 1/24/2022 1:45 PM

To: District4 <[redacted]> District5 <[redacted]> District 6 <[redacted]> District7 <[redacted]> District9 <[redacted]> District8 <[redacted]> District1 <[redacted]> City Clerk <[redacted]>

[E ternal Email]

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[E ternal Email]

see attached e ecutive summary

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Vote NO on Gun Harm Reduction Ordinance

Rob Burgoon <[redacted]>

Mon 1/24/2022 2:16 PM

To: District1 <[redacted]> District2 <[redacted]> District3 <[redacted]> District4 <[redacted]> District5 <[redacted]> District 6 <[redacted]> District7 <[redacted]> District8 <[redacted]> District9 <[redacted]> District 10 <[redacted]> The Office of Mayor Sam Liccardo <[redacted]> Agendadesk <[redacted]>

I am strongly opposed to this proposal. It punishes the law abiding gun owners and does nothing to prevent criminals using guns. It will not affect the criminals causing the gun violence.
Rob Burgoon

URGE vote NO on Agenda item 4.1 Gun Harm Ordinance

[redacted] <[redacted]

Mon 1/24/2022 2:31 PM

To: City Clerk <[redacted]

[E ternal Email]

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[E ternal Email]

OPPOSE AGENDA ITEM 4.1 gun harm ordinance.

I can not think of a more ill thought proposal than the mayor's gun harm ordinance.

It is flawed beyond imagination.

Liability insurance does not exist. I dont care what the mayor says.... it does not exist. I have called my two carriers and I read them the proposal Both said they would not write a liablity policy that covers intentional acts like suicide or criminal behavior. Intentional acts are **expressly excluded in their liability policies.** And as for the statement from the mayor that these policies are " free" The mayor is either a liar or on drugs if he said he found carriers that did.

Violation of court rulings against Jim Crow laws. There are literally dozens of cases where the court has ruled that any tax or fee that inhibits the exercize of a constitutional right is illegal Pass this ordinance and you will spend years in court.

The " non profit " is just a slush fund. Staff report specifically prohibits the council from any say over the use of the funds collected So who controls the money taken from the taxpayers? Who controls the non-profit?

Mayor admits criminals and the suicidal will not obey. Just ask the mayor.... he admitted it in a press conference So the ordinance wont impact the people causing the problem

Financial justification makes no sense. The mayor says that gun harm costs the city over $ 440 million dollars a year.... and numerous studies show that over 90% of all gun violence is from either criminal activity or suicide But the staff report specifically states that proceeds from any fee / tax will only go to the gun owners it was taken from.
Translation the money wont be used to deal with the people causing the problem

And I can think of a dozen more reasons **Vote no on this ordinance....**

Mark S Towber
President

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

[redacted] <[redacted]>
Mon 1/24/2022 2:45 PM

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

[E ternal Email]

You don't often get email from [redacted] Learn why thi i 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.**

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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.
- 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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FW: Gun Tax Ordinance

City Clerk <[redacted]>
Mon 1/24/2022 3:14 PM
To: Agendadesk <[redacted]>

From: diverdog <[redacted]>
Sent: Monday, January 24, 2022 1:22 PM
To: City Clerk <[redacted]>
Subject: Gun Tax Ordinance

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Dear Mayor and City Council:

Gun violence is a complex issue but will not be addressed by punishing those citizens who are not responsible for the violence. This bill of attainder will surely be defeated in court, result in significantly raised taxes in order for the City to pay for the court battles, further alienate the law abiding (the very people you need with you), and result in actually making the problem worse.

This bill is akin to the person who has problems at work (City), then comes home and abuses those around them (law abiding citizens), and then wonders why nobody likes or helps them - and why the problems aren't being fixed!!!!!! Laws such as this push away the very groups of people who contain knowledge and ideas that may significantly help resolve this problem.

Of course, if, as others have suggested, this bill is just another smoke screen for passing a political adgenda, then no amount of discussion will persuade a change in your course. Does the City wish to curb gun violence, or, pass another ineffective tax bill in one of the highest taxed areas of the highest taxed State in the nation. On January 14th of this year an on-line news service (I apologize for not having the full reference) published an article stating that U-Haul ran out of trucks to rent to people moving out of the state!!!

Your vote will show us whether you are serious in curbing gun violence, OR, wish to pass an adgena that will put San Jose on a direct path for the City to become the next LA/San Francisco.

Thank you very much for your attention to this matter.

Unfortunately, due to the political climate and the tendency to violence against those of dissenting view points, I with holding my name from this letter.

Thank you once again.

Respectfully,

Sent from my Verizon, Samsung Galaxy smartphone

FW: San Jose pending gun policy

City Clerk <[redacted]
Mon 1/24/2022 3:15 PM
To: Agendadesk <[redacted]

-----Original Message-----
From: Karl Philipovitch <[redacted]
Sent: Monday, January 24, 2022 1:38 PM
To: City Clerk <[redacted]
Subject: San Jose pending gun policy

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[External Email]

San Jose city council
A BIG No on going after lawful gun owners protected by the 2 amendment It is the easy and predictable woke thing to do How about supporting police with increased funding and really going after crime and criminals not law abiding Americans

Karl Philipovitch

Sent from my iPhone

FW: Gun Harm Reduction Ordinance

City Clerk <[redacted]>
Mon 1/24/2022 3:15 PM
To: Agendadesk <[redacted]>

From: Tom Chambers <[redacted]>
Sent: Monday, January 24, 2022 1:28 PM
To: City Clerk <[redacted]>
Subject: Gun Harm Reduction Ordinance

Dear San Jose City Council Members,

The Gun Harm Reduction ordinance will be ineffective in reducing what you term "Gun Harm". You propose to add another tax to lawful gun owners. this will do nothing to the actual people causing the "harm", yes, the criminal element who gets their guns illegally!
Maybe you all have forgotten the Oath of Office you proclaimed. To abide by the U.S. Constitution which states "...shall not be infringed." What part of that are you not understanding?

Thank you for your consideration

Tom Chambers

Agenda Item: 4.1 22 045

[redacted] <[redacted]>
Mon 1/24/2022 3:38 PM
To: City Clerk <[redacted]>

[E ternal Email]

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[E ternal Email]

To the City Council
re San Jose Reducing Gun Harm and the Public Burdens of Gun Violence Vote

As a San Jose resident, I am asking you to vote in favor of this proposed ordinance This proposed law will require gun owners to pay a fee which, managed by a non-profit organization, will go towards providing services to prevent suicides, reduce gun violence, provide firearm safety training, and/or provide mental health and domestic violence services in our city. Additionally, gun owners will be required to obtain liability insurance covering loss/damages from negligent or accidental use of their firearm.

Our city and residents will be safer as a result of this innovative, first-in-the-nation ordinance.

Thank you for your consideration,

Lawrence C. Henig
[redacted]

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GARDNER Health Services

SPECIALTY SERVICE CENTER | CORPORATE OFFICE
160 E. Virginia Street, Suite 100, San Jose, CA 95112
Office: 408.200.2291 | Facsimile: 408.278.7799
www.gardnerhealthservices.org

January 24, 2022

San Jose City Council
200 E. Santa Clara St.
San José, CA 95113

RE: Agenda Item 4.1 – Support Gun Harm Reduction Ordinance

Good afternoon Councilmembers,

On behalf of Gardner Health Services, a non-profit community health center organization conducting business in Districts 3, 4, 5, and 7, I'd like to express our support for agenda item 4.1 – Gun Harm Reduction Ordinance.

I am urging for all Councilmembers to vote in support for the Gun Harm Reduction Ordinance, agenda item 4.1, on Tuesday, January 25th, 2022 as your constituents lives depend on it. Nationwide, we have seen the horrific mass shootings and gun violence that plagues our nation. The City of San Jose and our communities are no exception to gun violence. This ordinance is an opportunity for the City of San Jose to take decisive, groundbreaking action that no one else is willing to take to reduce gun violence.

We hope we can count on your support in voting for a common-sense gun harm reduction and financial burden reduction on our residents. We thank you all for your continued hard work during these challenging times.

Sincerely,

[redacted]

Reymundo C. Espinoza
Chief Executive Officer
Gardner Health Services

January 24, 2022

From:
The Board of the Silicon Valley Public Accountability Foundation

To:
The City of San Jose, CA

Subject: 1/25/2022 Item 4.1: Public Record -
Mayor Liccardo is Incorrect Regarding Gun Liability Insurance Availability

The Silicon Valley Public Accountability Foundation has spoken with leading insurance agents in the state, each with over 28 years of experience in the industry. The Mayor's statement in his 1/24/2022 memo to Councilmember Davis regarding the insurance requirement is true regarding accidental discharge of a firearm, but completely inaccurate regarding negligent discharge of a firearm as referenced in CA Penal Code 246.3.

Background
The City of San Jose, including the Mayor's Office, has not been transparent or forthcoming with this issue.They have not informed the public of coverage amount requirements, defined the type of insurance needed, responded to requests for public records, and have not disclosed meetings they may have held with insurance companies, and more.

Definitions

1. The ordinance states:
    a. "A person who resides in the City and owns or possesses a Firearm in the City shall obtain and continuously maintain in full force and effect a homeowner's, renter's or gun liability insurance policy…**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."
    b. The key word is negligent, which is a legal term
2. Negligent use of a firearm resulting in death or injury is most closely included in California Penal Code 246.3 as negligent discharge of a firearm
3. Negligent discharge of a firearm:
    a. "any person who willfully discharges a firearm in a grossly negligent manner which could result in injury or death to a person"
    b. In simple terms, to negligently discharge a firearm it must be **willfully** used, or in other words, the trigger must be intentionally pulled in a way that **could result in someone's injury or death**.

www.SVPAF.org
The Silicon Valley Public Accountability Foundation
5669 Snell Ave #104
San Jose, CA 95123
[redacted]

Conclusion
Insurance companies already provide coverage for the accidental discharge of a firearm in most homeowner and rental policies. This generally includes $2,500 for loss/theft of firearm(s) and liability coverage options up to $1,000,000.00 for victims other than family members. If this is all the ordinance is seeking then it will not reduce gun violence costs because it already exists, and instead will place a barrier to the free exercise of a constitutional right for lower income firearm owners who may struggle to afford the insurance but earn above the specified waiver income threshold. Additionally, if this is what the ordinance is seeking it will not cover costs for homicides, mass shootings, or any other criminal use of a firearm.

Insurance companies do not and will not provide any type of coverage for an intentional use of a firearm, such as willfully pulling the trigger to result in someone's injury or death, including suicide, also known as negligent use of a firearm.

The mayor is correct that accidental insurance already exists, but he is incorrect regarding the existence of gun liability insurance for negligent use of a firearm.

The ordinance is written in a manner which requires both accidental and negligent liability insurance which are unavailable for purchase.

Yours sincerely,

Jonathan Fleming	**Kirk Vartan**	**Sonia Chang**
Executive Director	Vice President	Treasurer

www.SVPAF.org
The Silicon Valley Public Accountability Foundation
5669 Snell Ave #104
San Jose, CA 95123
[redacted]