

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

Charlie Whitworth &lt;[REDACTED]&gt;

Mon 1/24/2022 4:02 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]> 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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I am writing to inform you of my objection to the proposed changes to Chapter 10 of the San José Municipal Code as defined in the Gun Harm Reduction Ordinance Memorandum dated January 14, 2022, scheduled to be heard on January 25, 2022 as Item 4.1. **I urge you to VOTE NO on this item.**

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

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

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

- Negligent use of a firearm is defined in CA Penal Code 246 3 as someone who willfully discharges a firearm (pulls the trigger intentionally) which could result in injury or death to a person.
- The City Council is requiring firearm owners to purchase insurance for intentionally pulling the trigger of a firearm to harm life and/or property, which is already defined as a serious violent crime.
- This type of insurance does not exist and if it did, would be so cost prohibitive that it would place an unconstitutional barrier to the free exercise of the Second Amendment.
- Lawmakers are allowed to approve the ordinance without defining the insurance coverage type and limits, having up to six months after the vote to define it.
- *Murdock v Pennsylvania*, 319 U S 105 (1943) established that the government “may not impose a charge for the enjoyment of a right protected by the federal constitution.”

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

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

- San José is taxing gun owning, law abiding residents and visitors for the illegal actions of criminals

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

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

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

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

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

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

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

Yours Sincerely,  
Your Constituent

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

Louis Elite Marketing <[REDACTED]>

Mon 1/24/2022 4:03 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]>  
 <[REDACTED]> District4 <[REDACTED]> District5 <[REDACTED]> District6 <[REDACTED]>  
 <[REDACTED]> District7 <[REDACTED]>

[E ternal Email]

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[E ternal Email]

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Yours Sincerely,  
Your Constituent

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

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

Gary Filizetti <[redacted]>

Mon 1/24/2022 4:05 PM

To: District1 <[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]>

Cc: Agendadesk <[redacted]>

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Dear Mayor Liccardo and San José City Council,

I am emailing NOT in support of Councilmember Raul Peralez's memo on the Gun Harm Reduction Ordinance

Sincerely, Gary Filizetti

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

Ai Suzuki <[REDACTED]>

Mon 1/24/2022 4:25 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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 <[REDACTED]> District7 <[REDACTED]>

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[E ternal Email]

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Yours Sincerely,  
Your Constituent

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### Agenda Item 4.1 22 045 Gun Harm Reduction Ordinance

Marc Sandoval <[REDACTED]>

Mon 1/24/2022 4:27 PM

To: City Clerk <[REDACTED]>

[External Email]

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San Jose City Council members,

I am asking you to not pass this ordinance. Here are my reasons;

1. The ordinance is a violation of court ruling against Jim Crow law that takes 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 action 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 can't 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 death: 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 ruling 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)

Best regards,

Marc Sandoval



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**Re: Agenda Item 4.1 22 045**

Christine Panella <[REDACTED]>

Mon 1/24/2022 4:33 PM

To: City Clerk <[REDACTED]>

[External Email]

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[External Email]

To Whom it May Concern:

This ordinance is 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 Jose, a safer California, and a safer nation. With this approach, we can move closer to that goal.

Sincerely,

Christine Yang-Panella

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

Lucille Boone <[redacted]>

Mon 1/24/2022 4:41 PM

To: District1 <[redacted]> District2 <[redacted]> District3 <[redacted]> District4 <[redacted]>  
 District5 <[redacted]> District6 <[redacted]> District7 <[redacted]>  
 District8 <[redacted]> District9 <[redacted]> District10 <[redacted]>  
 The Office of Mayor Sam Liccardo <[redacted]> Agendadesk <[redacted]>

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[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. So many lives are cut short each day with gun violence. 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,

Lucille M. Boone  
[redacted]

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**FW: Firearms tax**

City Clerk <[REDACTED]>

Mon 1/24/2022 5:06 PM

To: Agendadesk <[REDACTED]>

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

From: Loro Paterson <[REDACTED]>

Sent: Monday, January 24, 2022 3:23 PM

To: City Clerk <[REDACTED]>

Subject: Firearms tax

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[External Email]

It is not fair to firearms owners for just owning a firearm.

Only the law abiding citizens which are not the people causing problems would be burdened by such a tax.

Please see that the persons that will be ruling on this issue see my comments.

Thank you,

Loro Paterson (retired Peace Officer)

Sent from my iPad

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## FW: Don't tax constitutional rights

City Clerk <[REDACTED]>

Mon 1/24/2022 5:07 PM

To: Agendadesk <[REDACTED]>

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

From: Dustin Rodriguez <[REDACTED]>

Sent: Monday, January 24, 2022 3:33 PM

To: City Clerk <[REDACTED]>

Subject: Don't tax constitutional rights

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Please don't pass this, it is wrong.

Sent from my iPhone

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**FW: taxation of gun owners opposed**

City Clerk <[REDACTED]>

Mon 1/24/2022 5:07 PM

To: Agendadesk <[REDACTED]>

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

From: h <[REDACTED]>

Sent: Monday, January 24, 2022 4:12 PM

To: City Clerk <[REDACTED]>

Subject: taxation of gun owners- opposed

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To the SJ City council,

Taxation of legal, law-abiding gun owners will be an ineffective approach at curbing gun violence. They are not perpetrators.

If you are serious about a reduction instead legislate against those involved in the "actual harm": establish gun checks for known gangs and their associates, increase routine checks on felons and make sentencing guidelines to reflect a violation, increase the penalty for selling to felons, underage, etc. outside the process.

To protect children, have gun owners in homes with children submit proof of gun lockboxes and gun locks.

Of course, you should take responsibility for the increase in home robberies and property damage rampant because of the lack of will to prosecute.

Harry Prest

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### FW: New form response notification

City Clerk <[REDACTED]>

Mon 1/24/2022 5:07 PM

To: Agendadesk <[REDACTED]>

**From:** Guimera, Christina <[REDACTED]>

**Sent:** Monday, January 24, 2022 4:44 PM

**To:** City Clerk <[REDACTED]>

**Subject:** Fw: New form response notification

**From:** San José Constituent <[REDACTED]>

**Sent:** Monday, January 24, 2022 4 40 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]>

<[REDACTED]> CouncilMeeting <[REDACTED]>

**Subject:** New form response notification

[External Email]

Your form has a new entry. Here are all the answers.

<b>Email address</b>	[REDACTED]
<b>Name</b>	Henry Cord
<b>Address/Council District</b>	D-2
<b>Comments and/or questions</b>	Support Agenda Item 4 1 on Jan 24

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# Gun Harm Reduction Ordinance

Cheri Lewis <[redacted]>

Mon 1/24/2022 5:07 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]>

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[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,  
**Cheri & Mark Lewis**

[Large redacted signature block]

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**FW: New form response notification**

City Clerk <[redacted]>

Mon 1/24/2022 5:07 PM

To: Agendadesk <[redacted]>

**From:** San José Constituent <[redacted]>

**Sent:** Monday, January 24, 2022 4:45 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

<TheOff[redacted]> City Clerk <[redacted]> CouncilMeeting

<CouncilMeet[redacted]>

**Subject:** New form response notification

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[E ternal Email]

Your form has a new entry. Here are all the answers.

<b>Email</b>	[redacted]
<b>[redacted]</b>	Dey
<b>Address/Council District</b>	[redacted] San Jose95121 D8
<b>Comments and/or questions</b>	It's imperative the gun owners are responsible for their action of being a moral citizen so I am supporting your current proposal and hope the ordinance passes with an overwhelming majority!

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### FW: New form response notification

City Clerk <[redacted]>

Mon 1/24/2022 5:07 PM

To: Agendadesk <[redacted]>

**From:** San José Constituent <[redacted]>

**Sent:** Monday, January 24, 2022 4:50 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

<TheOff[redacted]> City Clerk <[redacted]> CouncilMeeting

<CouncilMeet[redacted]>

**Subject:** New form response notification

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[E ternal Email]

Your form has a new entry. Here are all the answers.

<b>Email</b>	[redacted]
<b>Address/Council District</b>	[redacted] hills [redacted] District 3
<b>Comments and/or questions</b>	How many gun violence cases involve legal registered guns. Why put the burden on law abiding gun owners? This agenda item is ridiculous and needs to be stopped. What needs to be controlled is the endless supply of unregistered and ghost guns in this city. What next? This ordinance passes and you have to fight off endless lawsuits with taxpayer money i might add. As a law abiding tax payer in this county, please vote no and go after what is ROOT cause of gun violence in this city.

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### FW: New form response notification

City Clerk <[REDACTED]>

Mon 1/24/2022 5:07 PM

To: Agendadesk <[REDACTED]>

**From:** San José Constituent <[REDACTED]>

**Sent:** Monday, January 24, 2022 4:55 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

<TheOff[REDACTED]> City Clerk <[REDACTED]> CouncilMeeting

<CouncilMeet[REDACTED]>

**Subject:** New form response notification

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[E ternal Email]

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<b>Email</b>	[REDACTED]
<b>[REDACTED]</b>	Larkins
<b>Address/Council District</b>	[REDACTED] San Jose, CA 95124/District 9
<b>Comments and/or questions</b>	I urge you to support the Gun Harm Reduction Ordinance. It's the right thing to do.

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

### FW: New form response notification

City Clerk <[REDACTED]>

Mon 1/24/2022 5:08 PM

To: Agendadesk <[REDACTED]>

**From:** San José Constituent <[REDACTED]>

**Sent:** Monday, January 24, 2022 4:58 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

<TheOff[REDACTED]> City Clerk <[REDACTED]> CouncilMeeting

<CouncilMeet[REDACTED]>

**Subject:** New form response notification

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

[E ternal Email]

Your form has a new entry. Here are all the answers.

<b>Email address</b>	gf [REDACTED]
	[REDACTED] Flaherty
<b>Address/Council District</b>	[REDACTED]
<b>Comments and/or questions</b>	Please pass the measure to require gun owners to have insurance proposed by Mayor Liccardo!!!

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

### FW: New form response notification

City Clerk <[REDACTED]>

Mon 1/24/2022 5:08 PM

To: Agendadesk <[REDACTED]>

---

**From:** San José Constituent <[REDACTED]>

**Sent:** Monday, January 24, 2022 5:01 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

<TheOff[REDACTED]> City Clerk <[REDACTED]> CouncilMeeting

<CouncilMeet[REDACTED]>

**Subject:** New form response notification

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

[E ternal Email]

Your form has a new entry. Here are all the answers.

<b>Email</b>	[REDACTED]
[REDACTED]	[REDACTED]
<b>Council District</b>	District 3
<b>Comments and/or questions</b>	Please pass this ordinance. It is a critical piece to put into place for the safety of our children. Thank you.

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### FW: New form response notification

City Clerk <[redacted]>

Mon 1/24/2022 5:09 PM

To: Agendadesk <[redacted]>

**From:** San José Constituent <[redacted]>

**Sent:** Monday, January 24, 2022 5:05 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

<TheOff[redacted]> City Clerk <[redacted]> CouncilMeeting

<CouncilMeet[redacted]>

**Subject:** New form response notification

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

[E ternal Email]

Your form has a new entry. Here are all the answers.

<b>Email address</b>	<a href="#">[redacted]</a>
<b>[redacted]</b>	Jones
<b>Address/Council District</b>	[redacted]
<b>Comments and/or questions</b>	Since most of the guns are in the hands of bad guys and gang members, how do you plan to enforce this useless law? Sportsmen and hunters should not be required to sponsor or fund illegal gun owners.

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

Erin Will <[redacted]>

Mon 1/24/2022 5:18 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]>

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

[External Email]

Dear Mayor and Council, I am writing to inform you of my objection to the proposed changes to Chapter 10 of the San José Municipal Code as defined in the Gun Harm Reduction Ordinance Memorandum dated January 14, 2022, scheduled to be heard on January 25, 2022 as Item 4.1. I urge you to VOTE NO on this item. Item 4.1 proposes unlawful and unenforceable changes to the Municipal Code which will not stop gun violence in San José. Legal owners of firearms will be unduly punished because, by definition, they are the only people that will be impacted by these proposals. Taxing and isolating a group of people purely based on their decision to embrace an enumerated constitutional right is discriminatory. **\*\*Proposed Change: 10.32.210 Liability Insurance Required\*\*** "Specifically covering losses or damages resulting from any negligent or accidental use of the Firearm, including but not limited to death, injury or property damage." - Negligent use of a firearm is defined in CA Penal Code 246.3 as someone who willfully discharges a firearm (pulls the trigger intentionally) which could result in injury or death to a person. - The City Council is requiring firearm owners to purchase insurance for intentionally pulling the trigger of a firearm to harm life and/or property, which is already defined as a serious violent crime. - This type of insurance does not exist and if it did, would be so cost prohibitive that it would place an unconstitutional barrier to the free exercise of the Second Amendment. - Lawmakers are allowed to approve the ordinance without defining the insurance coverage type and limits, having up to six months after the vote to define it. - *Murdock v. Pennsylvania*, 319 U.S. 105 (1943) established that the government "may not impose a charge for the enjoyment of a right protected by the federal constitution." **\*\*Proposed Change: 10.32.215 Annual Gun Harm Reduction Fee\*\*** "A person who resides in the City and owns or possesses a Firearm in the City shall pay an Annual Gun Harm Reduction Fee to the Designated Nonprofit Organization each year." - San José is taxing gun-owning, law abiding residents and visitors for the illegal actions of criminals. - The City is creating a law which forces gun owners to financially support a business they may not agree with. - The City Council is opening the floodgate for corruption, allowing former City employees to sit on the board of this nonprofit to be paid using additional monies from taxpayer dollars in the form of City grants. No former city employee should ever be allowed to sit on this board. - What is the fee? Lawmakers are allowed to approve the ordinance without defining the fee and have up to six months after the vote to define it. - *Murdock v. Pennsylvania*, 319 U.S. 105 (1943) the Supreme Court ruled that "since the privilege in question is guaranteed by the Federal Constitution, and exists independently of state [or municipal] authority, the inquiry as to whether the State [or Municipality]

has given something for which it can ask for a return is irrelevant." \*\*Proposed Change: 10.32.245 Impoundment\*\* "The Firearm or Firearms of a person that is not in compliance with this Part may be impounded subject to a due process hearing." - Violation of the proposed changes will most likely result in an infraction. - State law only allows for the impoundment of firearm for a felony or one of 20 defined violent misdemeanors. Infractions do not reach the state threshold requirement to legally confiscate and/or impound property. - Because the ordinance improperly compares the Second Amendment right to the privilege of owning a car for justification of these changes: California state law does not grant peace officers the authority to impound a vehicle on site for lack of insurance and requires a minimum of six months registration expiration before they can impound a vehicle [CVC 16028(a-c) and CVC22651(o)]. \*\*\*Focus on Real Solutions to Stopping Gun Violence\*\*\* Our elected officials need to address the criminals who commit violence in our city and the solution to this problem should not be to punish the innocent law-abiding residents of San José. Please look at taking the following actions to stop gun violence: 1. Have the city council write and approve an amicus curia resolution to send to the California Assembly and Senate to repeal Propositions 47, 57, and AB109 2. Establish the Gun Harm Reduction Commission (GHRC) pilot program with balanced community representation 3. Enforce and prosecute existing gun laws 4. Support recommendations 1 through 5 of the 9/16/2021 Rules and Open Government Committee memorandum entitled, "Community Violence Prevention & Response" 5. Fund attorneys that will prosecute gun crimes in the county 6. Hire more police officers 7. Build mental health hospitals and fund sobriety programs Yours Sincerely, A concerned CA resident

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

Allister Will <[redacted]>

Mon 1/24/2022 5:28 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]>

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

[External Email]

Dear Mayor and Council,

I am writing to inform you of my objection to the proposed changes to Chapter 10 of the San José Municipal Code as defined in the Gun Harm Reduction Ordinance Memorandum dated January 14, 2022, scheduled to be heard on January 25, 2022 as Item 4.1.

I urge you to VOTE NO on this item. Item 4.1 proposes unlawful and unenforceable changes to the Municipal Code which will not stop gun violence in San José. Legal owners of firearms will be unduly punished because, by definition, they are the only people that will be impacted by these proposals. Taxing and isolating a group of people purely based on their decision to embrace an enumerated constitutional right is discriminatory.

**\*\*Proposed Change: 10.32.210 Liability Insurance Required\*\*** "Specifically covering losses or damages resulting from any negligent or accidental use of the Firearm, including but not limited to death, injury or property damage." - Negligent use of a firearm is defined in CA Penal Code 246.3 as someone who willfully discharges a firearm (pulls the trigger intentionally) which could result in injury or death to a person. - The City Council is requiring firearm owners to purchase insurance for intentionally pulling the trigger of a firearm to harm life and/or property, which is already defined as a serious violent crime. - This type of insurance does not exist and if it did, would be so cost prohibitive that it would place an unconstitutional barrier to the free exercise of the Second Amendment. - Lawmakers are allowed to approve the ordinance without defining the insurance coverage type and limits, having up to six months after the vote to define it. - *Murdock v. Pennsylvania*, 319 U.S. 105 (1943) established that the government "may not impose a charge for the enjoyment of a right protected by the federal constitution." **\*\*Proposed Change: 10.32.215 Annual Gun Harm Reduction Fee\*\*** "A person who resides in the City and owns or possesses a Firearm in the City shall pay an Annual Gun Harm Reduction Fee to the Designated Nonprofit Organization each year." - San José is taxing gun-owning, law abiding residents and visitors for the illegal actions of criminals. - The City is creating a law which forces gun owners to financially support a business they may not agree with. - The City Council is opening the floodgate for corruption, allowing former City employees to sit on the board of this nonprofit to be paid using additional monies from taxpayer dollars in the form of City grants. No former city

employee should ever be allowed to sit on this board. - What is the fee? Lawmakers are allowed to approve the ordinance without defining the fee and have up to six months after the vote to define it. - *Murdock v. Pennsylvania*, 319 U.S. 105 (1943) the Supreme Court ruled that "since the privilege in question is guaranteed by the Federal Constitution, and exists independently of state [or municipal] authority, the inquiry as to whether the State [or Municipality] has given something for which it can ask for a return is irrelevant." \*\*Proposed Change: 10.32.245 Impoundment\*\* "The Firearm or Firearms of a person that is not in compliance with this Part may be impounded subject to a due process hearing." - Violation of the proposed changes will most likely result in an infraction. - State law only allows for the impoundment of firearm for a felony or one of 20 defined violent misdemeanors. Infractions do not reach the state threshold requirement to legally confiscate and/or impound property. - Because the ordinance improperly compares the Second Amendment right to the privilege of owning a car for justification of these changes: California state law does not grant peace officers the authority to impound a vehicle on site for lack of insurance and requires a minimum of six months registration expiration before they can impound a vehicle [CVC 16028(a-c) and CVC22651(o)]. \*\*\*Focus on Real Solutions to Stopping Gun Violence\*\*\* Our elected officials need to address the criminals who commit violence in our city and the solution to this problem should not be to punish the innocent law-abiding residents of San José. Please look at taking the following actions to stop gun violence: 1. Have the city council write and approve an amicus curia resolution to send to the California Assembly and Senate to repeal Propositions 47, 57, and AB109 2. Establish the Gun Harm Reduction Commission (GHRC) pilot program with balanced community representation 3. Enforce and prosecute existing gun laws 4. Support recommendations 1 through 5 of the 9/16/2021 Rules and Open Government Committee memorandum entitled, "Community Violence Prevention & Response" 5. Fund attorneys that will prosecute gun crimes in the county 6. Hire more police officers 7. Build mental health hospitals and fund sobriety programs

Yours Sincerely,  
A concerned Californian

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**Agenda item: 4.1 22 045**

Valerie Simler <[REDACTED]>

Mon 1/24/2022 5:34 PM

To: City Clerk <[REDACTED]>

[External Email]

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[External Email]

I would like to show my support for this ordinance which would address the costs of gun violence and encourage safer practices that can potentially prevent firearm deaths and injuries. I believe that gun owners should take more responsibility by having liability insurance and helping to support the costs of programs related to gun safety.

Thanks for your consideration in this matter.

Steve and Valerie Simler

[REDACTED]

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

[Redacted] <[Redacted]>

Mon 1/24/2022 5:52 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]> 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]>

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

[External Email]

Dear Mayor and Council, I am writing to inform you of my objection to the proposed changes to Chapter 10 of the San José Municipal Code as defined in the Gun Harm Reduction Ordinance Memorandum dated January 14, 2022, scheduled to be heard on January 25, 2022 at 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 owner 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 limit, having up to 30 days 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 dollar in the form of City grant. 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 misdemeanor. Infraction 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 Solution 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 curiae resolution to send to the California Assembly and Senate to repeal Proposition 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

1/24/22, 10:50 PM

Mail - Agendadesk - Outlook

Government Committee memorandum entitled, "Community Violence Prevention & Response" 5. Fund attorneys that will prosecute gun crimes in the county 6. Hire more police officers 7. Build mental health hospitals and fund sobriety programs Yours Sincerely, Your Constituent

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

Patti <[redacted]>

Mon 1/24/2022 6:01 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]>

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

[External Email]

Dear Mayor and Council, I am writing to inform you of my objection to the proposed changes to Chapter 10 of the San José Municipal Code as defined in the Gun Harm Reduction Ordinance Memorandum dated January 14, 2022, scheduled to be heard on January 25, 2022 as Item 4.1. I urge you to VOTE NO on this item. Item 4.1 proposes unlawful and unenforceable changes to the Municipal Code which will not stop gun violence in San José. Legal owners of firearms will be unduly punished because, by definition, they are the only people that will be impacted by these proposals. Taxing and isolating a group of people purely based on their decision to embrace an enumerated constitutional right is discriminatory. **\*\*Proposed Change: 10.32.210 Liability Insurance Required\*\*** "Specifically covering losses or damages resulting from any negligent or accidental use of the Firearm, including but not limited to death, injury or property damage." - Negligent use of a firearm is defined in CA Penal Code 246.3 as someone who willfully discharges a firearm (pulls the trigger intentionally) which could result in injury or death to a person. - The City Council is requiring firearm owners to purchase insurance for intentionally pulling the trigger of a firearm to harm life and/or property, which is already defined as a serious violent crime. - This type of insurance does not exist and if it did, would be so cost prohibitive that it would place an unconstitutional barrier to the free exercise of the Second Amendment. - Lawmakers are allowed to approve the ordinance without defining the insurance coverage type and limits, having up to six months after the vote to define it. - *Murdock v. Pennsylvania*, 319 U.S. 105 (1943) established that the government "may not impose a charge for the enjoyment of a right protected by the federal constitution." **\*\*Proposed Change: 10.32.215 Annual Gun Harm Reduction Fee\*\*** "A person who resides in the City and owns or possesses a Firearm in the City shall pay an Annual Gun Harm Reduction Fee to the Designated Nonprofit Organization each year." - San José is taxing gun-owning, law abiding residents and visitors for the illegal actions of criminals. - The City is creating a law which forces gun owners to financially support a business they may not agree with. - The City Council is opening the floodgate for corruption, allowing former City employees to sit on the board of this nonprofit to be paid using additional monies from taxpayer dollars in the form of City grants. No former city employee should ever be allowed to sit on this board. - What is the fee? Lawmakers are allowed to approve the ordinance without defining the fee and have up to six months after the vote to define it. - *Murdock v. Pennsylvania*, 319 U.S. 105 (1943) the Supreme Court ruled that "since the privilege in question is guaranteed by the Federal Constitution, and exists independently of state [or municipal] authority, the inquiry as to whether the State [or Municipality]

has given something for which it can ask for a return is irrelevant." \*\*Proposed Change: 10.32.245 Impoundment\*\* "The Firearm or Firearms of a person that is not in compliance with this Part may be impounded subject to a due process hearing." - Violation of the proposed changes will most likely result in an infraction. - State law only allows for the impoundment of firearm for a felony or one of 20 defined violent misdemeanors. Infractions do not reach the state threshold requirement to legally confiscate and/or impound property. - Because the ordinance improperly compares the Second Amendment right to the privilege of owning a car for justification of these changes: California state law does not grant peace officers the authority to impound a vehicle on site for lack of insurance and requires a minimum of six months registration expiration before they can impound a vehicle [CVC 16028(a-c) and CVC22651(o)]. \*\*\*Focus on Real Solutions to Stopping Gun Violence\*\*\* Our elected officials need to address the criminals who commit violence in our city and the solution to this problem should not be to punish the innocent law-abiding residents of San José. Please look at taking the following actions to stop gun violence: 1. Have the city council write and approve an amicus curia resolution to send to the California Assembly and Senate to repeal Propositions 47, 57, and AB109 2. Establish the Gun Harm Reduction Commission (GHRC) pilot program with balanced community representation 3. Enforce and prosecute existing gun laws 4. Support recommendations 1 through 5 of the 9/16/2021 Rules and Open Government Committee memorandum entitled, "Community Violence Prevention & Response" 5. Fund attorneys that will prosecute gun crimes in the county 6. Hire more police officers 7. Build mental health hospitals and fund sobriety programs Yours Sincerely, Your Constituent

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### Agenda Item 4.1

Paulina Grzegorek <[REDACTED]>

Mon 1/24/2022 6:21 PM

To: Mahan, Matt <[REDACTED]> Liccardo, Sam <[REDACTED]> City Clerk  
<[REDACTED]> District1 <[REDACTED]> District2 <[REDACTED]> District3  
<[REDACTED]> District4 <[REDACTED]>

[External Email]

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[External Email]

Dear Council Members,

I am writing to express 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. Please vote no on this item.

It is unfair to punish legal gun owners by making them pay for other people's illegal activities. It is unlikely that those breaking the law and using guns for violence will be impacted by this law as they are not the ones who are registering their firearms and paying all necessary fees. This item only unfairly punishes people who follow the law, not the violent criminals who do not.

Thank you,  
Paulina Grzegorek

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**Re: Agenda Item 4.1 22 045**

Shani Eshel <[REDACTED]>

Mon 1/24/2022 6:36 PM

To: City Clerk <[REDACTED]>

[External Email]

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[External Email]

Hello San Jose representative,

This ordinance is 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 Jose, a safer California, and a safer nation. With this approach, we can move closer to that goal.

Shani Eshel Krohn

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

Patty Fishburn &lt;[REDACTED]&gt;

Mon 1/24/2022 6:43 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]>

[Some people who received this message don't often get email from [REDACTED] Learn why this is important at <http://aka.ms/LearnAboutSenderIdentification>.]

[External Email]

Dear Mayor and Council,

I'm sure you all have seen this form letter. Please grasp for your common sense hat and put it on. Thugs don't follow the law!! Why not turn that gun law around and charge the murderers for the loss of life, damages and trauma to family! Vote no on item 4.1!

What is the purpose of allowing unauthorized immigrants?! It's a slap in the face to those who applied and studied for their citizenship.

Thank you Dev Davis for voting No on a study re this subject! You have my vote for Mayor!!

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

Your Constituent,  
Patty Fishburn

SJ Action

Sent from my iPhone

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**VOTE YES Item 4.1 File #22 045, 01/25/2022 GUN HARM REDUCTION ORDINANCE**

Darlene Brannen <[REDACTED]>

Mon 1/24/2022 6:50 PM

To: Agendadesk <[REDACTED]> Jones, Chappie <[REDACTED]> Jimenez, Sergio <[REDACTED]>  
 <[REDACTED]> Perez, Raul <[REDACTED]> Cohen, David <[REDACTED]>  
 <[REDACTED]> <[REDACTED]> Davis, Dev <[REDACTED]> Esparza, Maya <[REDACTED]>  
 <[REDACTED]> Arenas, Sylvia <[REDACTED]> <[REDACTED]> Liccardo, Sam <[REDACTED]>  
 <[REDACTED]> City Clerk <[REDACTED]> District1 <[REDACTED]> District2 <[REDACTED]>  
 <[REDACTED]> District3 <[REDACTED]> District4 <[REDACTED]> District7 <[REDACTED]>  
 <[REDACTED]> District5 <[REDACTED]> District8 <[REDACTED]>

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[External Email]

Dear San Jose City Council Members,

I am writing in strong support to the proposed change to Chapter 10 of the San Jose 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 YES on this item.**

We need to make the common sense change to make San Jose safer for all Gun owner hip carrie responsibilities and the changes in our Municipal Code need to address some of the responsibilities.

Respectfully,

Darlene Brannen  
[REDACTED]

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

Rendell Boguiren <[REDACTED]>

Mon 1/24/2022 7:15 PM

To: Jones, Chappie <[REDACTED]> Jimenez, Sergio <[REDACTED]> Peralez, Raul <[REDACTED]>  
 <[REDACTED]> Cohen, David <[REDACTED]> Carrasco, Magdalena <[REDACTED]>  
 <[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]> District8 <[REDACTED]>

[E ternal Email]

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[E ternal Email]

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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.
- 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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  - California state law does not grant peace officers the authority to impound a vehicle on site for lack of insurance and requires a minimum of six months registration expiration before they can impound a vehicle [CVC 16028(a-c) and CVC22651(o)].

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

Our elected officials need to address the criminals who commit violence in our city and the solution to this problem should not be to punish the innocent law-abiding residents of San José.

Please look at taking the following actions to stop gun violence:

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7. Build mental health hospitals and fund sobriety programs

Yours Sincerely,  
Your Constituent  
Rendell Boguiren

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**This is for Agenda item 22 045 1 4.1**

ECHS &lt;[REDACTED]&gt;

Mon 1/24/2022 7:44 PM

To: City Clerk &lt;[REDACTED]&gt;

[External Email]

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**I oppose this unenforceable ordinance because :**

- 1.) They are overwhelmingly unconstitutional and mandate that lawful gunowners bear the financial responsibility for the misdeeds of criminals
- 2.) The ordinance is a violation of existing court rulings against Jim Crow laws that tax constitutional rights
- 3.) Insurance companies do not issue policies for firearm liability which means gun owners would not be able to comply with the law
- 4.) The proposal implements taxes at the local level, in violation of the California Constitution on special taxes, Article XIII C Section 2(d)
- 5.) If passed, legal action will be taken against the City, and San Jose residents will bear the fiscal brunt of a protracted legal battle
- 6.) This is worthless and is ripping off taxpayer's money

Jaime

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# Possible Racial Equity Issues with Proposed Gun Ordinance / Gun Harm Reduction Ordinance, Agenda Item 4.1, January 25, 2022

Sandra Delvin <[REDACTED]>

Mon 1/24/2022 7:47 PM

To City Clerk <[REDACTED]>

Cc Quevedo Matthew <[REDACTED]> Mahan Matt <[REDACTED]>

[External Email]

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[External Email]

Dear Honorable Mayor and Councilmember

RE Gun Harm Reduction Ordinance, Agenda Item 4.1, January 25, 2022  
Subject: Possible Racial Equity Issues with Proposed Gun Ordinance

In January 2021, the Almaden Valley Community Association, conducted a Zoom and Facebook Live meeting with 4 panelists on "Racial Equity in San Jose Policing". I found the information and presentation made by Jay Boyarsky, who at the time was the Chief Assistance District Attorney for the County of Santa Clara, very data driven and informative. His presentation can be found here [Log In or Sign Up to View](#) on the Almaden Valley Community Association Facebook page (not the group). He is introduced at the 10:59 minute mark. You might want him to update this presentation and talk to the policing commission and perhaps the council. Perhaps this presentation should occur before any vote on this Gun

**HAPPENING NOW: Racial Equity in San Jose Policing**

HAPPENING NOW: Learn about racial justice and its relationship to modern policing in San Jose and Santa Clara Co...

Ordinance.

Based on my understanding there are more police interactions with minority groups as a result of victim calls to 911 than with whites. (Not necessarily based on any bias of the police; but, just on who is calling the police. Additionally, more of the perpetrators based on 911 calls are minorities. At least that was my understanding from the data discussed.)



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Therefore, the proposed new ordinance may have an unequal impact on minority communities. This could impact “racial equity” efforts or outcomes depending on what is defined and measures. More members of minority groups will be impacted than others

Are we sure that the potential benefits of this proposed Ordinance out way the potential harm to our minority groups? Will this law increase adverse interactions between minority groups and police? Will this law prevent any additional gun violence? Will there be an unfair burden to our minorities?

Respectfully,

Sandra A. Delvin, PE

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## Agenda item 22 045 1 4.1

Ms Dao <[REDACTED]>

Mon 1/24/2022 7:54 PM

To: City Clerk <[REDACTED]>

[External Email]

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[External Email]

Stop this nonsense ordinance. This ain't going nowhere. It won't stick simply because not only it would not help to reduce crime, it will make honest and law abiding gun owners becoming criminals. That's very ludicrous. You are smarter than that, Liccardo. You simply take personal vengeance against innocent gunwoners after the VTA shooting incident. Your ordinance is worthless and will prevent nothing except severely violating our constitutional rights. You should step down.

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

luigi <[REDACTED]>

Mon 1/24/2022 8:01 PM

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

Kindly consider my vehement 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.

Kindly 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.

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

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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

Thank you in advance for your efforts to promote true safety and kindly vote NO on item 4.1.

Very truly yours,

Jesus L Borrillo MD

Sent from my Verizon, Samsung Galaxy smartphone

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**Agenda item: 4.1 22 045**

Jen <[REDACTED]>

Mon 1/24/2022 8:47 PM

To: City Clerk <[REDACTED]>

[External Email]

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[External Email]

Dear City Council Members,

I am writing in SUPPORT of Mayor Liccardo's proposal to require firearm owners to purchase liability insurance as well as pay an annual gun harm reduction fee.

The epidemic of gun violence in our country costs tens of thousands of lives every year, and has ripple effects throughout every family and community that is affected. It also costs taxpayers billions of dollars a year. Law-abiding citizens certainly have a right to bear arms, but taxpayers shouldn't have to foot the bill for poor choices that some gun owners make.

This ordinance is an innovative approach to address the cost of gun violence and incentivize safer practices that can potentially prevent firearm death 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.

Thank you for your consideration.  
Sincerely,  
Jennifer Burton

- 

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

william fok <[REDACTED]>

Mon 1/24/2022 8:56 PM

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

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Yours Sincerely,  
Your Constituent

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# Re: Call to Action: Preventing Gun Violence in San José

[Redacted] <[Redacted]>

Mon 1/24/2022 9:20 PM

To: District1 <[Redacted]> District2 <[Redacted]> District3 <[Redacted]> District4 <[Redacted]>  
District5 <[Redacted]> District6 <[Redacted]> District7 <[Redacted]>  
District8 <[Redacted]> District9 <[Redacted]> District10 <[Redacted]>  
The Office of Mayor Sam Liccardo <[Redacted]> Agendadesk <[Redacted]>

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I am writing to voice my opposition to the "Gun Harm Reduction Ordinance" being pushed by the mayor. This ordinance will do nothing to help reduce "gun violence," it will only penalize people who already care for their guns and have never been involved with any unlawful use. Once again the government is making people who will never be part of the issue pay for others. Although "The intent of this ordinance is to address the epidemic of gun violence," it will do nothing except penalize responsible firearm owners. Just another level of government intrusion into people's lives.

Thank you,

Terry Harnish

[Redacted]

[Redacted]

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

From: Councilmember Raul Perez <[Redacted]>  
To: [Redacted]  
Sent: Mon, Jan 24, 2022 12:00 pm  
Subject: Call to Action: Preventing Gun Violence in San José

Dear Residents,

I'm writing to make you aware of an important issue coming before the City Council and how you can get engaged to help make San José healthier and safer for all. On Tuesday, January 25, the Council will be considering a Gun Harm Reduction Ordinance, which would require, with certain exception, that San José residents who own firearms:

- *Obtain and maintain liability insurance;*

- *Pay an annual gun harm reduction fee to a designated nonprofit organization that will use the fee proceeds to provide gun harm reduction services to residents of the City who own or possess a gun or to members of their household; and*
- *Pay any cost recovery fees associated with program implementation, including any associated third-party costs.*

The intent of this ordinance is to address the epidemic of gun violence that plagues our society and cuts so many lives short each and every day. I am happy to support the ordinance and pleased to see that it was returned to us so quickly, following robust community input. Moving forward, I want to ensure that we keep our focus on how we as a City can address the root causes of violence.

On September 22, 2021, the Rules and Open Government Committee approved my proposed initiative entitled [Community Violence Prevention and Response](#), a three-pronged approach at examining and ultimately addressing the social and mental causation of gun violence in our community. We have an opportunity to break down traditional silos and engage in a robust dialogue on how to provide help to those who need it before they cause harm to themselves or others. That is why I have written a [memo](#) to my colleagues calling on the City Manager and City Attorney to:

1. Report back with a status of the Community Violence Prevention and Response initiative as well as next steps on any outstanding items;
2. Schedule a joint study session with the County Board of Supervisors with a focus on gun violence prevention as it relates to mental health, Intimate Partner Violence (IPV), Intimate Partner Homicide (IPH) and substance abuse with a diverse panel that includes but is not limited to mental health professionals, social service professionals and firearm experts; and
3. Provide a timeline and work plan on designating a nonprofit to administer the Gun Harm Reduction policy before it takes effect, and respond to a number of important questions about the efficacy and sustainability of the program.

These recommendations will not only strengthen the proposed ordinance but also refocus our efforts on preventing violence in all forms in our community and ultimately save lives.

Please consider sharing your support for my memo by emailing my Council colleagues or by speaking during public comment at the City Council meeting. The item will be heard no earlier than 6:00pm. You can [join via Zoom](#) or call into the meeting by phone: (888) 475 4499. The Webinar ID is 993 4684 3938. Click \*9 to raise a hand to speak. Click \*6 to unmute when called.

[Click here](#) for a pre drafted email you can edit. The text is included below if you prefer to copy and paste. And please feel free to make the message your own!

Thank you in advance for your support.

Raul Peralez  
Councilmember, District 3  
City of San José

**SUBJECT: Item 4.1 - Approve Councilmember Peralez's Memo on Gun Harm Reduction**

Dear Mayor Liccardo and San José City Council,

I am emailing in support of Councilmember Raul Peralez' 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,

Name

Address (optional)

Email to



Councilmember Raul Perez



Councilmember Raul Perez, City of San José District 3 | 200 E. Santa Clara St., San José, CA 95113

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**Opposition to Agenda item 22 045 1**

Mon 1/24/2022 9:26 PM

To: City Clerk <

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I am emailing in OPPOSITION to the short-sighted, unconstitutional attempt to circumvent the Second Amendment by the City of San Jose.

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 cannot direct how funds are used by the slush fund.
4. Gun owners can't 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.
6. The ordinance is window dressing..... It ignores steps the city could take that are known to be effective at stopping gun violence: Enforce existing laws. Plus, 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)

Douglas Bolsover, Esq.  
California resident

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### Agenda Item 4.1 22 045 Gun Harm Reduction Ordinance

David Germain <[REDACTED]>

Mon 1/24/2022 10:20 PM

To: City Clerk <[REDACTED]>

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To: The Honorable Mayor and City Council  
From: David Germain  
San Jose, CA 95118

Please reject the Gun Harm Reduction Ordinance in its present form. There are several defects that will prevent it from being implemented.

The Second Amendment, which the Fourteenth makes applicable to the states, declares that

"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."

A longstanding Supreme Court ruling finds any charge (a tax or fee, especially directed at a specific group) to allow the exercise of a constitutionally protected right by a state or municipal government is unconstitutional.

"The state cannot and does not have the power to license, nor tax, a Right guaranteed to the people, and No state shall convert a liberty into a license, and charge a fee therefore. *Murdock v. Pennsylvania*, 319 U.S. 105 (1943)

The proposed ordinance imposes two unconstitutional charges; the Annual Gun Harm Reduction Fee and the charge for liability insurance on residents so that they may exercise their right to keep and bear arms within the city. If proof of payment of the Annual Gun Harm Reduction Fee and the attestation of liability insurance is not produced upon request of a law enforcement officer, the firearm may be impounded (confiscated) further violating the resident's Second Amendment right "to keep ... Arms" and violating a resident's Fifth Amendment Right "...nor be deprived of ... property, without due process of law;"

The Annual Gun Harm Reduction Fee should be specified within the ordinance and collected from all residents of San Jose. It need not be a condition of gun possession within the city.

While liability insurance that covers accidental injury, death or property damage is a good idea, it cannot be required as a condition of exercising a resident's Second Amendment right (lawful possession, transport and use of a firearm). It is within the City's police power to enforce state law for any **negligent** use of the firearm, including fines and prison time. The City Council is free to propose an ordinance to recover the costs of investigating **accidental** use of a firearm that causes injury, death or property damage from the individual(s) involved. Such an ordinance would motivate gun owners to obtain liability insurance voluntarily.

The Annual Gun Harm Reduction Fee should be identified as a tax and levied on all residents of San Jose as any resident can become a victim of gun violence. Perhaps it can be levied through a utility fee (power or water). This would broaden the tax's base, increase the revenue and likely fully cover the costs attributed to gun violence estimated in the Incidence and Cost of Firearm Injuries in San Jose, CA report dated January 19, 2022.

While it is commendable the City Council wants to address gun violence and devise a way to cover the costs attributed to careless or unlawful gun use, the Council should not run afoul of costly litigation challenging this unconstitutional approach.

Respectfully,  
David Germain  
Lifetime resident of San Jose

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

Christian Shindler <[REDACTED]>

Mon 1/24/2022 10:22 PM

To: City Clerk <[REDACTED]>

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My name is Christian Shindler. I live at 553 Dales Pony Dr, Oakdale CA 95361.

Please vote no on this new ordinance

This ordinance requires that people pay to exercise their right to bear arms. This places a heavy burden on the people trying to exercise their rights. This could be too much for people to afford. This will cause great confusion and make people criminals that already own firearms but don't stay up to date on firearm news because they aren't enthusiasts.

Under this ordinance people will likely have to pay big fines or potentially go to jail for simply being unaware of this ridiculous new law.

This will cause trouble for people who have run-ins with law enforcement simply for passing through town because they happen to have lawfully owned firearms on them for lawful purposes, but they don't live in the area and don't have the required paperwork or insurance.

Making law abiding citizens who own firearms pay additional fees on top of all the other CA firearm related fees, will not reduce gun harm, but it will burden American Citizens with fees for trying to exercise the second amendment.

Lastly this ordinance does not list how much the fees to own firearms will be. This is an undetermined number that will be decided after it is passed. This number could be outrageously high. This ordinance is unconstitutional and it needs to be voted down.

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## Agenda item 22 045 1 4.1 "Gun Harm Reduction Ordinance"

nighthawk <[REDACTED]>

Mon 1/24/2022 10:31 PM

To: City Clerk <[REDACTED]>

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This is a poorly thought out proposal.

- Liability insurance doesn't cover assault.
- Insurance companies don't issue policies for firearm liability.
- This will be impossible to enforce.
- You can't tax a constitutional right.
- This ordinance is a violation of both the state and US Constitutions.
- This will disproportionately affect people with limited means and those in minority communities.

This is just going to get tossed out by the courts and make you look silly.

Vote "NO" on this proposal.

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