

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

Richard Pierce <[REDACTED]>

Tue 1/25/2022 9:38 AM

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

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

Item 4.1 proposes unlawful and unenforceable changes to the Municipal Code which will not stop gun violence in San José. Legal owners of firearms will be unduly punished because, by definition, they are the only people that will be impacted by these proposals. Targeting 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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- 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."

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

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

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

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

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2. Establish the Gun Harm Reduction Commission (GHRC) pilot program with balanced community representation
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4. Support recommendations 1 through 5 of the 9/16/2021 Rules and Open Government Committee memorandum entitled, "Community Violence Prevention & Response"
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: 'No' on gun insurance

City Clerk <[REDACTED]>

Tue 1/25/2022 9:39 AM

To: Agendadesk <[REDACTED]>

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

From: mmcpharlin <[REDACTED]>

Sent: Tuesday, January 25, 2022 9:21 AM

To: City Clerk <[REDACTED]>

Subject: 'No' on gun insurance

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Please do not pass the bill requiring insurance on legally owned guns. You are penalizing law abiding citizens and not addressing the real problems like ghost guns, straw purchases, and access to illegal guns from surrounding states and countries. Criminals do not care about laws or regulations. Please vote 'no' and work towards more effective solutions. Thank you.

Sent from my iPad

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Agenda item 22 04514.1 Public SafetyGun Harm Reduction Ordinance.

mikesiri <[REDACTED]>

Tue 1/25/2022 9:40 AM

To: City Clerk <[REDACTED]>

[External Email]

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I urge each council member to vote no on this ordinance. A few of the many reasons for your no vote would include the following;

As a gun owner, I and all other would not be able to comply with the ordinance since there are no insurance policies in existence that are available for gun owners to buy.

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.

The ordinance ignores steps the city could take that are known to be effective at stopping gun violence. Including: Confiscate guns in the hands of known armed prohibited persons. Target gang members and drug sellers.

The ordinance would implement taxes at the local level, in violation of the California Constitution on special taxes, Article XIII C Section 2(d)

There are many more reasons not the least of which is that this will only adversely affect law-abiding citizens, which is not where the problem resides.

Please vote no on this flawed illogical ordinance.

Thank you,

Michael Siri

[REDACTED]

Sent from my cell phone

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Forwarding email from Michele Lew Health Trust regarding item 4.1

Guimera, Christina <[REDACTED]>

Tue 1/25/2022 9:47 AM

To: City Clerk <[REDACTED]>

Forwarding email regarding item 4.1

Dear Mayor Liccardo and City Council Members:

The Health Trust supports the Gun Harm Reduction Initiative. As a nonprofit operating foundation focused on building health equity in Silicon Valley, we believe that gun violence is a public health concern that demands immediate attention.

In California, 71% of homicides involve the use of a gun, and Black Californians are 10 times more likely to die from gun violence than white Californians. In addition, 85% of all intimate partner gun homicide victims are women. Horrifically, guns are the third leading cause of death for children and teens in the State, more than child and teen deaths by motor vehicle accidents.

The time has long passed for us to collectively move from thoughts and prayers to action, and we can no longer wait for national change.

We welcome continued collaboration on both this and future initiatives to address gun violence in our community. Please do not hesitate to contact us if we might be of assistance.

Sincerely,

Michele Lew
Chief Executive Officer
The Health Trust

Agenda Item 4.1 22 045 Gun Harm Reduction Ordinance

Donn Diebert <[REDACTED]>

Tue 1/25/2022 9:56 AM

To: City Clerk <[REDACTED]>

[External Email]

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To the members of the San Jose City Council,

Agenda Item 4.1 22 045 Gun Harm Reduction Ordinance should not be passed. The United States Constitution identifies life, liberty and the pursuit of happiness. It specifically calls out several amendments just so it is clear what life, liberty, and the pursuit of happiness means. Free speech is the first amendment which above all else allows open and honest discussion. So thank you for the ability to comment on the above titled proposed ordinance.

As representatives of the people (all people), you should be aware that **Item 4.1 22-045 Gun Harm Reduction Ordinance** does not address Gun Harm. It actually harasses law abiding citizen, with legally owned firearms, by placing an extra burden to gun ownership that violates the constitution by infringing on the rights of gun ownership. It does nothing to the criminal element and would probably not be enforced against them.

I say the above based on what is happening here and other parts of the country where judges and politicians continue to release convicted criminals before they have paid their debt to society. Even though there are minimum sentence guidelines the politicians just release criminals early. Now with DA's being soft on crime and police being defunded this is not the time to continue to burden financially struggling law abiding people through additional taxes.

Do not pass this Ordinance!

Thank you for your time and consideration.

Sincerely,

Donn Diebert

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

Beau Radoicich <[REDACTED]>

Tue 1/25/2022 9:59 AM

To: City Clerk <[REDACTED]>

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[External Email]

Greetings Council Members,

I have friends and family in San Jose, and one of them asked me to submit a comment concerning the proposed Gun Harm Reduction Ordinance. I'm no lawyer, but I tend to follow Gun Control bills & policy in the state rather closely, and read many of the related Federal Circuit Court decisions.

I visit San Jose sometimes when I get free time to take mom to see her old hometown again. I usually try to get dinner at Original Joe's, which has some of the best food in the area (The flattened Italian Sausage there is perfect as a side to a good steak dinner), and it's also the restaurant where my grandfather proposed to my grandmother, so there's a sentimental charm to it also. In general visiting the San Jose area is a treat and usually a good day to be enjoyed.

But enough about me and advertising for Original Joe's, *located on the corner of South First Street and San Carlos, open tonight from 4PM to 10PM!* Instead, I'll start discussing the ordinance. I generally oppose the proposed ordinance, however I don't think it's helpful to the City Council that I tell them merely that I oppose the ordinance. Instead, I will primarily discuss the technical issues of two provisions of the proposed ordinance, and then a summary. This way, even if you do not oppose the ordinance, maybe you'll see wisdom in voting no tonight, as you may see the ordinance still needs some work.

1.) Section 10.32.230: The paperwork requirement.

As proposed in the ordinance, each gun owning/possessing San Jose resident shall "keep the attestation form with the Firearms

where they are being stored or transported", that's the proof of insurance, and "affix proof of payment of the annual Gun Harm Reduction Fee to the attestation form and keep it with the Firearm or Firearms where they are being stored or transported", and as introduced in the memorandum on 1/21, shall "present the form when lawfully requested to do so by a peace officer who knows or has reason to believe that a person possesses a firearm". Reading this, I see a lot of issues with how this is supposed to function in the real world. Consider the following: A SJPD officer pulls a driver over, perhaps solely for a moving violation or perhaps as a pretextual stop. The officer asks for license and registration, and then goes to their computer, which is hooked into CLETS (California Law Enforcement Telecommunication System), which also has access to AFS (Automated Firearm System), which means the officer can cross reference any person with their ownership records at California DOJ; so any traffic stop could become pretense for a SJPD officer to check for this paperwork from any gun-owning resident. However, maybe the officer saw a bag or case that looked like it may contain a firearm.

So then the officer goes back, and asks the driver if they have any firearms with them. The driver says they do. The officer then asks them to present their paperwork. The driver then reaches for the firearm, because the paperwork, according to ordinance, is to be stored with the firearm. I think about one person when considering this part of the ordinance, and that's Philando Castile. For those who aren't aware or don't remember, Philando Castile was a 32-year old black man who was a Nutrition Services Supervisor at a school in Minnesota, and also possessed a legally issued conceal carry license. He was pulled over for a traffic stop with his girlfriend Diamond Reynolds in the passenger seat and her four year old daughter in the back seat. The officer asking for his proof of insurance and ID. After that, Philando Castile informed the officer that he had a firearm. Sometime after that, when Philando Castile was reaching for his ID, the officer shot 7 shots, 5 of which struck Philando Castile, ending his life.

As proposed, this ordinance's paperwork requirement will lead to more police interactions that result in shootings like the one that ended Philando Castile's life. I'm not sure why Mayor Liccardo thought that requiring the storing of the paperwork *with the firearm* during transport was the right idea or having it rely on some sort of folded up paperwork at all. Why isn't there some sort of card? Perhaps Mayor Liccardo thought such a system that would have a database of all the gun owners in San Jose would bring up more opposition from gun owners, or perhaps Mayor Liccardo thought that such a system might be costly and complex for San Jose to implement, and further make the city liable for data breaches if they accidentally leaked gun owner information much like California DOJ has in the past. Mayor Liccardo mentioned something about checking paperwork after bar fights, which I'm not sure how common that is in San Jose, but that's not specified in the proposed ordinance; the proposed ordinance applies to practically any police interaction.

No matter the reason, to avoid more police interactions that lead to shootings similar to Philando Castile, the paperwork requirement as proposed must be changed, or the proposed ordinance must be opposed. This is not something that can be fixed in regulations; this section is core to the proposed ordinance and must be changed after proper consideration of a different method of compliance that works in real life; if the ordinance is to be approved at all.

2.) Section 10.32.225 (C): The "poor exemption".

The proposed ordinance makes multiple exemptions; two of which are Law Enforcement Officers and for Conceal Carry Weapon License holders. I'll only mention these briefly but Mayor Liccardo, as far as I know, has not explained why Law Enforcement Officers or Conceal Carry Weapon License holders (which there are very few carry license holders, unless you meet very narrow requirements by SJPd or perhaps you're politically connected, or if you make campaign donations to Santa Clara County Sheriff Laurie Smith, but that's another topic!): Why is it that they're exempt? I'd really like to hear Mayor Liccardo's reasoning on this, because I don't think that I've read any justification for this exemption.

But no matter, we get to the third exemption: The Poor. These are people that, according to CA GOV 68632(a) & (b) as referenced in the proposed ordinance, make 125% or less than the current federal poverty level, or they receive one of the listed government assistance benefits. Again, I'd like to try and look at this exemption in real life. Let's assume that an officer stops a person who fits this third exemption, and let's also assume that this interaction doesn't result in a shooting like the one that killed Philando Castile. Perhaps the person in question is on foot, legally transporting their firearm in a sealed container between two legal locations. The Officer stops the person and asks them if they have a firearm, seeing what they believe to be a firearm in some sort of container, and the person responds that they do. They then ask for their paperwork as required by the proposed ordinance, and the person responds to the officer, telling them they're exempt because they make less than 125% of the Federal Poverty Level. Setting aside that this kind of thing is not something that the person might want to share within earshot of anyone else, the officer then must make a decision. To accept the word of the person, or to ask for proof. The ordinance makes no requirement that this person carry proof, yet by

default because the exemption exists the officer is left to determine if the person is actually exempt (and furthermore, how will the officers choose who they enforce these investigations against day to day? Which is a whole different can of worms).

If the officer decides they want to investigate the person, how is this person supposed to prove how poor they are? The example I gave was that they make less than 125% of the federal poverty limit. Are they to carry their proof of income with them? Must they prove how many are in their household? How long will the officer detain them until they're satisfied? Even if the person in the example were to be on one of the other programs, not all of them come with proof that nicely fits in a wallet.

To me it seems that the inclusion of low income gun owners and how they'll navigate this proposed ordinance in day to day life wasn't given much thought. In fact, when I read the discussion section of the memorandum from Mayor Licardo, Vice Mayor Jones, Councilmember Cohen, and Councilmember Carrasco from 1/21, the only discussion of gun owners who are poor being exempt, is in the discussion about how it fulfills some US constitutional criteria about whether "a modest fee substantially burdens the exercise" of a right, and how they provide "an explicit exemption for those unable to pay", thus "it imposes no such burden". I'm sorry, but you can't just tokenize those with low incomes that happen to own or desire to own a firearm, just so that you can meet some legal burden. They're real people, and they're going to have to navigate this ordinance, and the police interactions that result from it. This section is, by the reasoning of the memorandum, core to the ordinance. This must be changed so that it doesn't lead to interactions where those who have low incomes, who choose to own a firearm, aren't harassed, and police officers shouldn't be put in a crappy situation like that. Either this section must be changed, after given much consideration, or the proposed ordinance must be opposed.

In Summary:

To avoid police interactions that may lead to deaths like that of Philando Castile, and to avoid police interactions that result in potential harassment of low income gun owners and putting police in a situation that they'd rather not be in, this proposed ordinance must be opposed. If you believe in the ordinance, at least for today the ordinance must be voted down so that proper changes can be made, because clearly this ordinance is not ready, and it should not be passed to be "fixed later". I believe Council Member Dev Davis was right when she likened passing the current barebones ordinance now to "shooting first and aiming later".

We have to ask why this ordinance is even here in city council, and why it's a fee and not a tax. The answer to the fee question, I believe, seems to be found in Article XIII C of the California Constitution. If you read the sections of that article, generally speaking, it requires that a local special tax, which this would be considered a special tax in that context, must be put forth to a vote before the residents of the local government, and it must pass a two-thirds vote. However, an exception exists if a charge (read: fee) is conferring or granting a benefit or privilege for those who pay the charge.

This exception allows Mayor Liccardo to put this before the council for a vote, which means he must believe that he can't convince 2/3rds of the residents of San Jose, who must live under this ordinance everyday, that his proposed ordinance has merit. For this reason too I believe this ordinance must be opposed.

Thank you council members for your time, and I hope my letter has been found helpful. If you want to hear my other concerns with the ordinance, feel free to contact me.

Beau Radoicich

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Agenda item 22 045 1 4.1 is unconstitutional

Nguyen Thi Binh <[REDACTED]>

Tue 1/25/2022 10:07 AM

To: City Clerk <[REDACTED]>

[External Email]

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STOP this ordinance NOW !!! This is a total joke to all of our San Jose residents

Sent from my iPhone

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Fw:

City Clerk <[REDACTED]>

Tue 1/25/2022 8:37 AM

To: Agendadesk <[REDACTED]>

Office of the City Clerk | City of San José

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

San Jose, CA 95113

Main 408 535 1260

Fax: 408-292-6207

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

From: Gary Stalter <[REDACTED]>

Sent: Tuesday, January 25, 2022 8:05 AM

To: City Clerk <[REDACTED]>

Subject:

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Do not pass the gun bill.

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

Dan Thach <[REDACTED]>

Tue 1/25/2022 8:48 AM

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

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6. Hire more police officers
7. Build mental health hospitals and fund sobriety programs

Yours Sincerely,
Your Constituent

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Item 4.1 OPPOSE Councilmember Peralez's Memo on Gun Harm

Tue 1/25/2022 8:54 AM

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 in OPPOSITION of Councilmember Raul Peralez's memo on the Gun Harm Reduction Ordinance ONLY THE LAW ABIDING CITIZENS WOULD PAY FOR INSURANCE. THE CRIMINALS WON'T.

Sincerely,

Scott Giammona

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FW: San Jose Gun Tax

City Clerk <[REDACTED]>

Tue 1/25/2022 9:05 AM

To: Agendadesk <[REDACTED]>

From: JeffK <[REDACTED]>**Sent:** Tuesday, January 25, 2022 8:49 AM**To:** City Clerk <[REDACTED]>**Subject:** San Jose Gun Tax

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I am opposed to the proposed gun tax because under California law we have a right to defend life and property, and the proposed gun tax is a tax on that right. Per US law you cannot tax a right. Therefore the proposed ordinance is unconstitutional on its face. Do not pass it.

CIVIL CODE - CIV**DIVISION 1. PERSONS [38 - 86]**

(*Heading of Division 1 amended by Stats. 1988, Ch. 160, Sec. 12.)*

PART 2. PERSONAL RIGHTS [43 53.7]

(*Part 2 enacted 1872.)*

[50.] Any necessary force may be used to protect from wrongful injury the person or property of oneself, or of a spouse, child, parent, or other relative, or member of one's family, or of a ward, servant, master, or guest.

(*Amended by Stats. 2016, Ch. 50, Sec. 4. (SB 1005) Effective January 1, 2017.*)

https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=50&lawCode=CIV

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Agenda item 22 045 1 4.1

Jason H <[REDACTED]>

Tue 1/25/2022 9:09 AM

To: City Clerk <[REDACTED]>

[External Email]

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[External Email]

Please don't impose this unethical restrictions, I'm a fully law abiding citizen, I follow the laws like all law abiding citizens. We shouldn't have to pay for the work of criminal. Criminals are completely separate from us. We should not be treated as one. This tax does nothing for crime. Criminals aren't going to pay this tax and law abiding citizens don't cause liability issues Criminals do. We shouldn't have to pay there way. Cost of living is already extreme please don't add any more undo stress or costs to be a responsible human.

Thank you for your time

Sent from my iPhone

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Remove Agenda item 22 045 1 4.1

Cha Yz <[REDACTED]>

Tue 1/25/2022 9:19 AM

To: City Clerk <[REDACTED]>

[External Email]

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Please remove **Agenda item [22-045 1 4.1](#)**.

I don't see any benefits of this ordinance at all except it will cost taxpayers funding for future letigations. It won't put even a scratch on fighting crimes and prevent murders. Basically, all I can see the intent of this ordinance is to punish innocent gunowner, disarm the citizen right to defend them selves and gave criminals more chance to become rampant. It's like you want to chop the fish, but the fish ain't there so then you just chop the chopping block instead.

STOP This ridiculous ordinance. It's childlike and total cannot be enforced.

Cha YZ

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Gun Harm Reduction Ordinance Item 4.122 045

RANDALL BEAMER <[REDACTED]>

Tue 1/25/2022 10:35 AM

To: City Clerk <[REDACTED]>

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To the City Clerk Agenda # 4.122 045 do not Pass Proposed Ordinance

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

kelly clark <[REDACTED]>

Tue 1/25/2022 11:07 AM

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

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Dear Mayor and Council,

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

Item 4.1 proposes unlawful and unenforceable changes to the Municipal Code which will not stop gun violence in San José. Legal owners of firearms will be unduly punished because, by definition, they are the only people that will be impacted by these proposals. Targeting 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.
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****Proposed Change: 10.32.245 Impoundment****

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

- Violation of the proposed changes will most likely result in an infraction.
- State law only allows for the impoundment of firearm for a felony or one of 20 defined violent misdemeanors. Infractions do not reach the state threshold requirement to legally confiscate and/or impound property.
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*****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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5. Fund attorneys that will prosecute gun crimes in the county
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Yours Sincerely,
Your Constituent
Kelly Clark

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

Victor Mojica <[REDACTED]>

Tue 1/25/2022 11:34 AM

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

[External Email]

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[External Email]

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SEND AN EMAIL

60 Seconds will make a difference!

1. Open your email client (Gmail, MSN, Yahoo, etc.)
2. Copy and paste the below information
3. Click send and make your voice heard!
4. You can also make a public comment on [San Jose's portal](#)

TO:



SUBJECT:

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

EMAIL BODY:

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5. Fund attorneys that will prosecute gun crimes in the county
6. Hire more police officers
7. Build mental health hospitals and fund sobriety programs

Yours Sincerely,
Your Constituent

--
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Victor Mojica, *President*

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Item 4.1 Approve Memo on Gun Harm Reduction

Guadalupe Friaiz <[REDACTED]>

Tue 1/25/2022 11:57 AM

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

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

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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. My young adult cousin was murdered over 20 years ago. He was not in a gang, he was kidnapped by some other young men in order to steal his truck. Every day we read about people getting killed on accident or just random things. Enough already!!! We need to create a safer and healthier community for all of our residents.

Sincerely,

Guadalupe Friaiz
 [REDACTED]

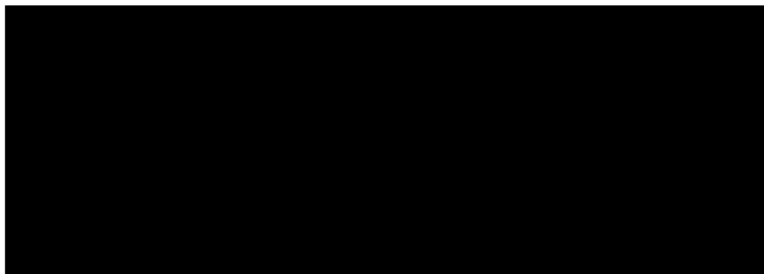
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Fw: Kudos to you guys

City Clerk <[REDACTED]>

Tue 1/25/2022 12:12 PM

To: Agendadesk <[REDACTED]>



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

From: Paul Valenti [REDACTED]

Sent: Tuesday, January 25, 2022 11:58 AM

To: City Clerk <[REDACTED]>

Subject: Kudos to you guys

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San Jose, California, is poised to take a step closer to first-in-the-nation gun ownership requirements

i hope you guys do this - its a damn good idea - except the annual cost should be more like \$100

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City Clerk <

To: Agendadesk <

From: Guimera, Christina <Christina.Guimera@cityofsanfrancisco.gov>
Sent: Tuesday, January 25, 2022 10:32 AM
To: City Clerk <CityClerk@cityofsanfrancisco.gov>
Subject: Fwd: New form response notification

From: Christina [REDACTED]
Sent: Tuesday, January 25, 2022 10 32 12 AM
To: Guimera, Christina Christ [REDACTED]
Subject: Fwd New form response notification

----- Forwarded message -----

[illegible]

Your form has a new entry Here are all the answers

Email address	[REDACTED]
Name	Michele Lew
Address/Council District	[REDACTED]
Comments and/or questions	<p>Dear Mayor Liccardo and City Council Members:</p> <p>The Health Trust supports the Gun Harm Reduction Initiative. As a nonprofit operating foundation focused on building health equity in Silicon Valley, we believe that gun violence is a public health concern that demands immediate attention.</p> <p>In California, 71% of homicides involve the use of a gun, and Black Californians are 10 times more likely to die from gun violence than white Californians. In addition, 85% of all intimate partner gun homicide victims are women. Horrifically, guns are the third leading cause of death for children and teens in the State, more than child and teen deaths by motor vehicle accidents.</p> <p>The time has long passed for us to collectively move from thoughts and prayers to action, and we can no longer wait for national change.</p> <p>We welcome continued collaboration on both this and future initiatives to address gun violence in our community. Please do not hesitate to contact us if we might be of assistance.</p> <p>Sincerely, Michele Lew Chief Executive Officer The Health Trust</p>

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Fw: Proposed Ordinance Requiring Ownership Insurance

City Clerk <[REDACTED]>

Tue 1/25/2022 12:14 PM

To: Agendadesk <[REDACTED]>

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

From: [REDACTED] <[REDACTED]>
Sent: Tuesday, January 25, 2022 10:21 AM
To: City Clerk <[REDACTED]>
Subject: Proposed Ordinance Requiring Ownership Insurance

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As a Forensic Chemist in the County Crime Lab [1557 Berger Drive], shortly after Lowell Bradford had retired from it, I worked on cases involving head-on collisions which caused multiple fatalities in the non-causal vehicle and where no demonstrable factor such as drugs, alcohol, fatigue, or mechanical problems could be shown to have been the cause. One couldn't prove, but outside evidence sometimes strongly suggested the "accident" was purposely caused, i.e. an intended suicide.

Subjects can have a number of reasons for choosing auto accidents to end their lives, but one clear reason is the difficulty of using other once-common means. Modern exhaust has very low levels of CO so doesn't cause loss of consciousness quickly or easily, and asphyxiation by CO₂, trace amounts of hydrocarbons and nitrogen oxides is both painful and thus difficult to endure. The unavailability of firearms, together with this Law of Unintended Consequences therefore can lead to more rather than less deaths, including those of innocent persons, when ill-thought laws said to reduce suicide just change the method chosen. Moreover, nobody has proposed any mechanism whereby requiring insurance to own firearms is even supposed to lessen firearm involvement in suicide.

Besides these theoretical unwanted consequences of this proposed law, any person of average intelligence should understand that Constitutional rights such as the ownership of firearms can legally not be taxed, regulated or impeded in this manner; the practice has long ago been fully examined and found to violate ones individual rights regarding voting, and the ownership of firearms is no different. Moreover, the courts are increasingly allowing prosecution of officials who, under the color of authority, violate the rights of others. Passing laws that an ordinary, reasonable person would understand to be

Unconstitutional and doing so for purely personal or political reasons can reasonably be considered outside the duties of those officials, thus not protected by the Immunity clauses, and thus actionable by either the harmed individuals or the general public whose funds paid to pass and attempt defense of the defective law.

Lastly, such wrong laws also have an effect on those in the law enforcement community, both by being adversely affected themselves, and sometimes even worse, their having to either help enforce the knowingly bad laws; quit the service; or by trying to walk an impossible "thin line", violate one's principles. None of those choices lead to a good result.

The old adage "decay leads to more decay" has been proven to also apply to criminal behavior. San Jose's reaction to the BLM riots demonstrated that when, for political reasons, the city wouldn't use all its resources to protect the lives and properties of its residents, they were on their own. Some justified allowing property damage by saying it could be replaced. Not true; property represents the time and energy spent to produce those items, assets that once gone, can never be recovered or relieved. And that ignores the mental aspect entirely. I will add that, as recent testimony has shown, the less-well-connected (particularly wrt the Sheriff), that meaning the good, hard working minorities like the Vietnamese and the old, legal citizens of Black and Mexican heritage, will be the ones most hurt by this useless law. It won't affect the members of gangs, the homeless drug-dependent bums living along the creeks or on freeway right-of-way properties, who somehow have gained the ability, by proclamation of some high politicians and a few irrational court rulings, to do so with impunity. Such laws will just hurt the decent citizens who have real need for the right to defend themselves: the innocent victims who often became the "folder [coroner] cases" I used to work on.

Sincerely,
[redacted]

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Fw: 22 045 1 4.1 Public Safety Gun Harm Reduction Ordinance. TO BE HEARD AT 6:00 P.M.

City Clerk <[REDACTED]>

Tue 1/25/2022 12:15 PM

To: Agendadesk <[REDACTED]>

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

From: [REDACTED] <[REDACTED]>

Sent: Tuesday, January 25, 2022 10:08 AM

To: CouncilMeeting <CouncilMeet[REDACTED]> City Clerk <[REDACTED]>

Subject: 22-045 1 4.1 Public Safety Gun Harm Reduction Ordinance. - TO BE HEARD AT 6:00 P.M.

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I support two measures that no other city nor state in the United States has ever attempted gun liability insurance to support victims, and annual fees to fund violence reduction initiatives

[Trudy Ellerbeck ~ she/ella](#)

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

USFC <[REDACTED]>

Tue 1/25/2022 12:38 PM

To: City Clerk <[REDACTED]>

[External Email]

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[External Email]

The proposed Gun Harm Reduction Ordinance will not reduce crime in San Jose. It is not aimed at criminals, the ones who misuse firearms. We have gangs and other career criminals blighting the city, especially in socioeconomically disadvantaged east San Jose. Fighting criminal activity starts with enforcing laws already on the books.

The San Jose city government should:

1. Raise SJPd staffing to levels appropriate for the tenth biggest city in America
2. Make SJPd compensation competitive with those of police departments in other Bay Area cities
3. Support SJPd efforts to improve response times, which are double their stated target response times
4. Work with SJPd to maximize the city's crime-fighting effectiveness

Sonia Chang

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Fwd: New form response notification

City Clerk <[REDACTED]>

Tue 1/25/2022 1:26 PM

To: Agendadesk <[REDACTED]>

From: San José Constituent <sanjoseconstituent@[REDACTED]>**Sent:** Tuesday, January 25, 2022 12:39:36 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
<TheOfficeofMayorSamLiccardo@cityofsanjose.org> City Clerk <[REDACTED]> CouncilMeeting
<CouncilMeeting@cityofsanjose.org>**Subject:** New form response notification

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[External Email]

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

Email address	[REDACTED]
Name	Kristine
Address/Council District	District 6
Comments and/or questions	I am strongly in favor of this ordinance - Item 4.1. As a medical professional at Stanford Children's Hospital I believe this would reduce gun harm in San Jose.

Sent via [Google Form Notifications](#)

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

Gregg Mahurin <[REDACTED]>

Tue 1/25/2022 1:42 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]> District 6 <[REDACTED]>
 District7 <[REDACTED]>

[External Email]

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

[External Email]

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- *Murdock v. Pennsylvania*, 319 U.S. 105 (1943) the Supreme Court ruled that "since the privilege in question is guaranteed by the Federal Constitution, and exists independently of state [or municipal] authority, the inquiry as to whether the State [or Municipality] has given something for which it can ask for a return is irrelevant."

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

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

- Violation of the proposed changes will most likely result in an infraction.
- State law only allows for the impoundment of firearm for a felony or one of 20 defined violent misdemeanors. Infractions do not reach the state threshold requirement to legally confiscate and/or impound property.
- 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
Gregg D Mahurin

Sent from my iPad

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FW: New form response notification

City Clerk <[REDACTED]>

Tue 1/25/2022 1:54 PM

To: Agendadesk <[REDACTED]>

From: Guimera, Christina <[REDACTED]>**Sent:** Tuesday, January 25, 2022 1:39 PM**To:** City Clerk <[REDACTED]>**Subject:** Fw: New form response notification

From: Christina <[REDACTED]>**Sent:** Tuesday, January 25, 2022 1 38 PM**To:** Guimera, Christina <[REDACTED]>**Subject:** Fwd New form response notification

[External Email]

----- Forwarded message -----

From San José Constituent <[REDACTED]>**Date:** Tue, Jan 25, 2022 at 1:35 PM**Subject** New form response notification**To:** <[REDACTED]>

<[REDACTED]>

<[REDACTED]>

<[REDACTED]>

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

Email address**Name**

Esther Peralez-Dieckmann

Address/Council District

Council District 3

Comments and/or questions

On behalf of Next Door Solutions to Domestic Violence (Our Board and Staff) we urge the Councilmembers to pass the gun harm reduction ordinance for San Jose. This is a common sense approach to addressing gun violence and its devastating effects on families in our city. We thank you for your courage and leadership in proposing and passing this policy.

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FW: New form response notification

City Clerk <[REDACTED]>

Tue 1/25/2022 1:54 PM

To: Agendadesk <[REDACTED]>

From: San José Constituent <sanjoseconstituent@[REDACTED]>**Sent:** Tuesday, January 25, 2022 1:51 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
<TheOfficeofMayorSamLiccardo@[REDACTED]> City Clerk <[REDACTED]> CouncilMeeting
<CouncilMeeting@[REDACTED]>**Subject:** New form response notification

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[External Email]

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

Email [REDACTED]

[REDACTED] Vartan

Address/Council District

District 6

Comments and/or questions

Let's do you what you committed to do. Have an open and respectful dialog (not just one) and find solutions we can all agree on. It is clear many are not on the same page as you. Why don't you take responsibility for the issue and host dialog. You haven't even had a single meeting and you are making law. Come on.

Sent via [Google Form Notifications](#)

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FW: Gun control tax

City Clerk <[REDACTED]>

Tue 1/25/2022 1:54 PM

To: Agendadesk <[REDACTED]>

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

From: Richard Holmstrom <[REDACTED]>

Sent: Tuesday, January 25, 2022 1:48 PM

To: City Clerk <[REDACTED]>

Subject: Gun control tax

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[External Email]

Gentlemen

97,436 children were killed in the US last year, due to abortions. That's a lot.

Will you tax the Mothers too? Medical staff too?

RHolmstrom

Sent from my iPad

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Agenda Item 4.1 22 045 Gun Harm Reduction Ordinance

Jo Wiggins <[REDACTED]>

Tue 1/25/2022 2:06 PM

To: City Clerk <[REDACTED]>

[External Email]

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[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 can and 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.

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Agenda item 4.1 22 045 Gun Harm Reduction Ordinance

Manny Rios <[REDACTED]>

Tue 1/25/2022 2:12 PM

To: City Clerk <[REDACTED]>

[External Email]

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[External Email]

As a long time citizen of the city of S.J please do not vote in favor of this Ordinance.
Imposing a tax on legal responsible gun owners to carry the expenses created by the irresponsible, is in no way shape or form....FAIR.
City politicians have no right to create such an unfair burden on again.....the responsible citizens of San Jose,CA.
To think that this ordinance will go uncontested is irresponsible and will create in itself a financial burden to the City of San Jose,CA.
Does this City really need what ALL this will create?

Sent from my iPad

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

Jeffrey Stoesser <[REDACTED]>

Tue 1/25/2022 3:13 PM

To: CouncilMeeting <[REDACTED]> Agendadesk <[REDACTED]> Jones, Chappie
 <[REDACTED]> Jimenez, Sergio <[REDACTED]> Perez, 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]>

[E ternal Email]

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[E ternal 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 ba ed on their deci ion to embrace an enumerated con titutional right i di criminatory

****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 re ult in injury or death to a per on

- 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 o co t prohibitive that it would place an uncon titutional barrier to the free e rci e 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 con titution"

****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 criminal The City i creating a law which force gun owner to financially upport a bu ine 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 it on thi board What i the fee? Lawmaker 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 omething for which it can a k for a return i 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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Item 4.1 Approve Councilmember Peralez's Memo on Gun Harm Reduction

Karen White <[REDACTED]>

Tue 1/25/2022 4:26 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]> Agendadesk <[REDACTED]>

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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,

Karen White
[REDACTED]

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

The Huie Foundation <[REDACTED]>

Tue 1/25/2022 4:46 PM

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

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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.

My main concern. ... you swore an oath to uphold the Constitution of the United States AND the Constitution of California against ALL enemies foreign AND Domestic I'm not seeing that happening particularly in this proposed Code. My taxes pay for elected officials to do their jobs (including to uphold their oath) and a reminder that our vote counts at the ballot box.

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."

Obviously, no one desires injury or death of ANY kind, but particularly that caused by criminals By definition, criminals don't abide by the law. Your proposed code will NOT solve this problem and in fact the laws that already exist prevent me, a law abiding citizen, from protecting myself against criminal behavior with effective force. So congratulations for causing this mess. Do NOT make it any worse!

There are many more people killed by cars driving on the road each year Why not make black cars illegal? Limit the speed to no more than 5mph to prevent cars from colliding and killing pedestrians and cyclists? Limit the weight of vehicles to no more than 100 lbs to give the human a fighting chance at survival? ...My point is that past laws have failed to achieve any meaningful goal and have directly allowed the level of crime which we now face

I do NOT want me nor anyone else to be further harmed by criminals nor laws that hinder our ability to protect ourselves from them.

Regards,

~Keith Huie

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Submitting Public Comment for Item 4.1 on TODAY's SJ City Council Meeting

Vaughn Villaverde <[REDACTED]>

Tue 1/25/2022 5:14 PM

To: City Clerk <[REDACTED]> Liccardo, Sam <[REDACTED]> Jones, Chappie
<[REDACTED]> Jimenez, Sergio <[REDACTED]> Perez, Raul
<[REDACTED]> Cohen, David <[REDACTED]>
<[REDACTED]> Davis, Dev <[REDACTED]> Esparza, Maya
<[REDACTED]> Arenas, Sylvia <[REDACTED]> Foley, Pam <[REDACTED]>
Mahan, Matt <[REDACTED]>

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Dear Mayor Liccardo and Members of the San Jose City Council,

Please accept the attached letter, submitted on behalf of Asian Americans for Community Involvement (AACI), regarding Item 4.1 on today's City Council agenda. Thank you and please contact me with any questions.

Vaughn Villaverde, MPH (he/him)
Director of Advocacy

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Agenda item 4.1: Support Gun Harm Reduction Ordinance

Carmen B <[REDACTED]>

Tue 1/25/2022 5:59 PM

To: City Clerk <[REDACTED]> Liccardo, Sam <[REDACTED]> Jones, Chappie
 <[REDACTED]> Cohen, David <[REDACTED]> Davis, Dev <[REDACTED]>
 Carrasco, Magdalena <[REDACTED]> Mahan, Matt <[REDACTED]> Esparza, Maya
 <[REDACTED]> Foley, Pam <[REDACTED]> Perez, Raul <[REDACTED]>
 Jimenez, Sergio <[REDACTED]> Arenas, Sylvia <[REDACTED]> CouncilMeeting
 <[REDACTED]>

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[External Email]

Hi,

My name is Carmen Brammer. I'm a long time resident of San Jose District 8. I am also an active member of the Black Leadership Kitchen Cabinet, the REAL Coalition, Showing Up for Racial Justice (SURJ) South County and Solidarity Sundays San Jose.

I support Councilmember Arenas' memorandum agenda item 4.1 Gun Harm Reduction Ordinance and urge our City Council to vote in support of it. Mass shootings and gun violence have unfortunately been accepted as part of our new normal. Our City is taking a step to end this madness by taking an innovative approach to the problem. It is encouraging to see us hold gun owners accountable for the harm and violence they cause.

I know our City Council will use common sense and approve this ordinance.

Thank you.

Stay safe and healthy!

Best regards,
 Carmen Brammer
 [REDACTED]

"Of all the forms of inequality, injustice in health is the most shocking and the most inhuman because it often results in physical death " Dr Martin Luther King, Jr.

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Fwd: "Agenda Item 4.1 22 045 Gun Harm Reduction Ordinance"

aaa aaa <[REDACTED]>

Tue 1/25/2022 7:38 PM

To: City Clerk <[REDACTED]>

[External Email]

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[External Email]

Forwarded message

From: **aaa aaa** [REDACTED]

Date: Wed, Jan 19, 2022 at 7:55 PM

Subject: "Agenda Item 4.1 22 045 Gun Harm Reduction Ordinance"

To: [REDACTED]

Taking people who legally own guns does nothing to remove guns from criminals. Criminals will still have guns and use them, as criminals do.

Broken window policing works and gets illegal guns off the streets, and gets the criminals off the street and in jail where they belong. I am against any municipality trying to circumvent the second amendment in any way trying to take or remove guns from any legal gun owner.

Mr & Mrs Cronin

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Re: Item 4.1 Reducing Gun Harm, and the Public Burdens of Gun Violence

Charlotte Monte <[REDACTED]>

Wed 1/26/2022 6:31 AM

To: The Office of Mayor Sam Liccardo <[REDACTED]>

Cc: Jones, Chappie <[REDACTED]>, Jimenez, Sergio <[REDACTED]>, Perez, 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]>

[External Email]

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[External Email]

ABSOLUTELY NOT.

This is a draconian, BS proposal that targets law-abiding, tax-paying, conscientious gun owners and does absolutely nothing to protect the public or gun owners themselves.

How about you tyrannical democrats try to understand that a well-armed society is a polite society? And a SAFE society?

Have ANY of you done any research on ACTUAL gun statistics that show armed communities have LOWER crime rates? That insane gun events happen where there ARE NO GUNS allowed?

Seriously, you all are driving San Jose into the toilet. I can NOT WAIT TO GET OUT OF HERE.

~Charlotte Monte

"To suppress free speech is a double wrong. It violates the rights of the hearer as well as those of the speaker." ~Frederick Douglass, *A Plea for Free Speech*, 1860

Powered by [Mailbutler](#), the email extension that does it all

On Jan 24, 2022, at 4:35 PM, The Office of Mayor Liccardo <[REDACTED]> wrote:

Item 4.1 Reducing Gun Harm, and the Public Burdens of Gun Violence

Dear Neighbors,

The San José City Council will vote tomorrow on the [ordinance](#) requiring every household with a gun owner to have liability insurance coverage for their firearms and to invest in evidence based initiatives to reduce gun harm making San José the [first city or state in the nation with such gun violence reduction proposals](#). I, along with my colleagues Vice Mayor Chappie Jones (D1), Councilmember Raul Perez (D3), David Cohen (D4), and Magdalena Carrasco (D5), proposed these strategies in June, 2021 after a violent mass shooting at the VTA yard in San José, and the Council unanimously approved drafting the ordinance that will be considered tomorrow.

This is a critical need in a nation where [4.6 million children live in a household where a gun is kept unlocked and loaded](#), and 72% of gun injuries occur at home, causing 500 deaths and 26,000 injuries through unintentional shootings.

San José has been leading efforts to deploy several other interventions to reduce gun violence as well, such as [bolstering gun violence restraining orders](#), [banning untraceable "ghost guns"](#) and preventing illegal [straw purchasing](#). With resources from the current proposal, San Jose's community-based health organizations can also work to

coordinate early mental health interventions for individuals in gun owning households showing signs of distress

[Based on a recent study by the Pacific Institute on Research and Evaluation](#) (PIRE), San José taxpayers subsidize gun ownership by \$151 annually per firearm-owning household, or nearly \$40 million per year, to pay for gun violence response with publicly funded services such as emergency police and medical response, vic im assistance, incident investigation, health care, and perpetrator adjudication, and judicial sanctioning. When private financial costs to individuals and families are included, San José residents incur an annual burden of \$442 million per year

- Read more about my proposals in my [LA Times opinion piece](#)
- To read the full proposal, visit [here](#).
- Send your comments on the ordinance to your Councilmember, by filling out this [form](#) Or you can contact your Councilmember through social media or via email

Councilmember Twitter Handles / Councilmember Emails

@chappiejones	
@D2 ergioJimenez	
@RaulPerez	
@D4 anJose	
@CM Magdalena	
@DevDavisCA	
@MayaEsparza J	
@ylviaArenas	
@PamFoleyD9	
@MattMahan J	
@sliccardo	

Be well, and stay safe

Sincerely,

The Office of Mayor Sam Liccardo

Email

tay engaaged [https //linktr ee/MayorSamLiccardo](https://linktr.ee/MayorSamLiccardo)

Watch today's press conference!



Office Of San José Mayor Sam Liccardo
200 E Santa Clara St
18th Floor
San Jose, CA 95113

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Fw: Oppose Gun Harm Reduction Ordinance

Gregory, Barbara <[REDACTED]>

Wed 1/26/2022 6:52 AM

To: Agendadesk <[REDACTED]>

Thank You

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

From: Todd Harris <[REDACTED]>**Sent:** Tuesday, January 25, 2022 9:57 PM**To:** City Clerk <[REDACTED]>**Subject:** Oppose Gun Harm Reduction OrdinanceYou don't often get email from [REDACTED] [Learn why this is important](#)

[External Email]

This proposed Gun Harm Reduction Ordinance is a false promise. Taxing law abiding citizens will do nothing to reduce gun harm. Why do you attempt to blame an entire group, in this case gun owners, for the acts of a very very very small subgroup. All gun owners are not alike yet you want to straddle them with a tax and treat them as if they are the problem. This is the exact type of thought process that perpetuates racism. This notion that a group can be tainted by a small minority within that group. I thought we were beyond this. What group do you intend to discriminate against next, archers, produce pickers, truck drivers. Gun ownership is a constitutional right and a municipality has not legal or moral authority to usurp those rights by pretending a tax is going to fix everything. If you truly cared about the million people that live in san jose you would focus on creating more jobs, addressing the scourge of drug addiction that kills more people and ravages more families than any other calamity, and oh year hire some more police officers. You do those three things you won't need to worry about crime in you million person city.

Tom Harris, and I oppose the so called Gun Harm Reduction Ordinance.

PS why do you keep turning off the website comment section? I hope it is IT issues but sadly it seems like something more devious.

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Fw: New sources of govt revenue

Gregory, Barbara <[REDACTED]>

Wed 1/26/2022 6:54 AM

To: Agendadesk <[REDACTED]>

Thank You

Barb Gregory

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

From: Jeff Hill <[REDACTED]>
Sent: Tuesday, January 25, 2022 9:18 PM
To: City Clerk <[REDACTED]>
Subject: FW: New sources of govt revenue

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[External Email]

Jeff Hill
[REDACTED]
[REDACTED]

----- Original message -----

From: [REDACTED]
Date: 1/25/22 8:42 PM (GMT-08:00)
To: Jeff Hill <[REDACTED]> 'Edward O'Connell'
<[REDACTED]> 'Michael Smith' <[REDACTED]>
Subject: New sources of govt revenue

<https://www.sanjoseca.gov/home/showpublisheddocument/75359>

As long as we're taxing guns, (guns being protected by the 2nd amendment) why not find other sources of income? Tax the other amendments, and pay for the damage they cause. Amendment taxes:

1st: Tax free speech. If you want to say something publicly, you must pay a tax. Think of all the damage caused by, for instance, bad covid info, or the Big Lie

4th Pay up or the police can raid your home and do full body cavity searches whenever they feel like it

5th Relying on the 5th amendment to not be forced to testify against yourself? Pay a tax or lose the right.

6th : Tax the right to counsel. If you hire a lawyer, you must pay a tax. Think of the tremendous cost to society of lawyers

7th You want a jury trial? Pay a tax

8th You don't want to be subject to cruel and unusual punishment? Pay a tax or it's the "rack" for you

13th You don't want to be a slave? Pay up

14th Pay a tax if you want to be a citizen

15th If you're black and want to vote, pay a tax

19th If you're a woman and want to vote, pay up

-Jim

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Fw: New form response notification

Gregory, Barbara <[REDACTED]>

Wed 1/26/2022 6:54 AM

To: Agendadesk <[REDACTED]>

Thank You

Barb Gregory

**How is our service? [Please take our short survey.](#)****From:** San José Constituent <sanjoseconstituent@[REDACTED]>**Sent:** Tuesday, January 25, 2022 7:12 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
<TheOfficeofMayorSamLiccardo@[REDACTED]> City Clerk <[REDACTED]> CouncilMeeting
<CouncilMeeting@[REDACTED]>**Subject:** New form response notification

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

[External Email]

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

Email address**Name**

Elena Klaw

Address/Council District



Comments and/or questions

I fully support gun reform, gun regulation, gun control ,and gun violence prevention. I vote yes on the ordinance. Please pass it.

Sent via [Google Form Notifications](#)

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Fw: Gun Harm Reduction Ordinance

Gregory, Barbara <[REDACTED]>

Wed 1/26/2022 6:54 AM

To: Agendadesk <[REDACTED]>

Thank You

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

From: Sharon Aby <[REDACTED]>**Sent:** Tuesday, January 25, 2022 6:34 PM**To:** City Clerk <[REDACTED]>**Subject:** Gun Harm Reduction OrdinanceYou don't often get email from [REDACTED] [Learn why this is important](#)

[External Email]

Hello,

I oppose this ordinance. It's a tax grab and penalty on legal citizen gun owners that's unconstitutional. I recall when this was initiated with the San Jose Transit shooting. The shooting had nothing to do with citizens with guns, it had everything to do with mis-management of personnel. The "employee" shooter believed he'd been denied his work schedule and that his job was in jeopardy. Tax and require increased liability insurance on the transit authority – not the tax payers that support the transit. Stop the nonsense.

Sharon Aby

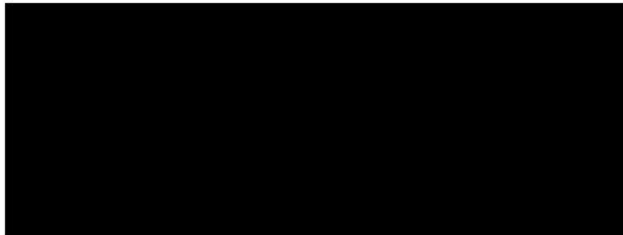
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Fw: Gun Insurance Ordinance

City Clerk <[REDACTED]>

Wed 1/26/2022 9:29 AM

To: Agendadesk <[REDACTED]>



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

From: Allison Adey <[REDACTED]>

Sent: Wednesday, January 26, 2022 9:26 AM

To: City Clerk <[REDACTED]>

Subject: Gun Insurance Ordinance

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

[External Email]

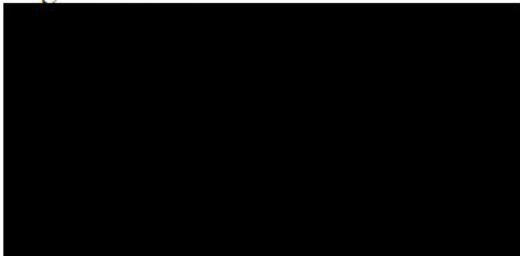
Good morning,

I have seen the recent news about the liability insurance requirement that passed last night. This is something our members would like to look at more closely. Can you please share the language that was voted on last night, or point me in the direction of where to find it?

Thank you,

Allison

Allison Adey
Legislative Advocate



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Fw: Proposed Firearm Law

City Clerk <[REDACTED]>

Wed 1/26/2022 9:32 AM

To: Agendadesk <[REDACTED]>

*How is our service? [Please take our short survey.](#)***From:** Casey Tharp <[REDACTED]>**Sent:** Wednesday, January 26, 2022 7:51 AM**To:** Jones, Chappie <[REDACTED]> Jimenez, Sergio <[REDACTED]> Peralez,

Raul <[REDACTED]> Cohen, David <[REDACTED]> Carrasco, Magdalena

<[REDACTED]> Davis, Dev <[REDACTED]> Esparza, Maya

<[REDACTED]> <[REDACTED]> Foley, Pam

<[REDACTED]> Mahan, Matt <Matt.[REDACTED]> Liccardo, Sam

<[REDACTED]> 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 <TheOff[REDACTED]>

Subject: Proposed Firearm LawYou don't often get email from [REDACTED] [Learn why this is important](#)

[External Email]

Dear City Leaders,

I understand you are considering requiring lawful gun orders in the city to pay a fee every year and carry insurance. This is incredibly disrespectful to all military veterans and those that gave their lives in defense of our country fighting for constitutional rights including the second amendment. Many military veterans have lifelong injuries from their service in defense of **your** freedom. Those of us who were fortunate enough to complete our military service without coming home in a flag draped coffin now are not allowed to have firearms in our own home (which we hope we would never have to use) for self defense if necessary? Our country expects us to engage in combat using firearms but bureaucrats in San Jose who more than likely **never served** anyone other than themselves say we can't keep a firearm in our own home for self defense without paying a fee? I also notice you make an exemption to these fees for retired police officers but not military veterans. Military veterans put our lives on the line for all constitutional rights including the second amendment. Now you are telling military veterans (and all lawful gun owners) who live in San Jose they have to pay a fee for their second amendment rights that are guaranteed in the constitution.

I am strongly in opposition to this proposal. In addition, crime goes down when there are more lawful gun owners. If you make it a burden to own guns in San Jose, criminals will be aware of this. It is proven that there is less crime in

cities where there are more lawful gun owners because it is a deterrent to criminals. If any of you would like to talk to me about this to obtain more information from a military veteran's perspective feel free to contact me, I am available to meet with you at any time.

Sincerely,
Casey Tharp

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