

**Fw: ordinance requiring most gun owners to pay a fee and carry liability insurance**

Agendadesk &lt;Agendadesk@sanjoseca.gov&gt;

Wed 1/26/2022 2:53 PM

To: Rules and Open Government Committee Agendas &lt;rulescommitteeagenda@sanjoseca.gov&gt;

**From:** Boards and Commissions Support <commissions@sanjoseca.gov>**Sent:** Wednesday, January 26, 2022 12:19 PM**To:** Agendadesk <Agendadesk@sanjoseca.gov>**Subject:** Fw: ordinance requiring most gun owners to pay a fee and carry liability insurance

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**From:** Jerry Peck <[REDACTED]>**Sent:** Wednesday, January 26, 2022 12:06 PM**To:** Boards and Commissions Support <commissions@sanjoseca.gov>**Subject:** ordinance requiring most gun owners to pay a fee and carry liability insuranceYou don't often get email from [REDACTED] [Learn why this is important](#)

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I read this story ( <https://www.msn.com/en-us/news/us/san-jose-california-just-voted-to-institute-first-in-the-nation-gun-ownership-requirements/ar-AAT9ea1?ocid=iehp&li=BBnb7Kz> ) and noticed something missing: the city should follow the State of Texas and adopt an ordinance which puts the public in charge of 'policing' and covered gun related non-compliance with the ordinance, i.e., similar to Texas S.B.8 (quotes taken from here: [https://reproductiverights.org/texas-abortion-ban-sb8-takes-effect/s\\_src=22RR1121sb8&s\\_src=19GAABORTION&gclid=Cj0KCQiA\\_8OPBhDtARIsAKQu0gbInC3iBkiyDJzNx5eZsYcMrAtkVlwCLPG4VzG\\_LLJt0c6yt2N4GH8aArfDEALw\\_wcB](https://reproductiverights.org/texas-abortion-ban-sb8-takes-effect/s_src=22RR1121sb8&s_src=19GAABORTION&gclid=Cj0KCQiA_8OPBhDtARIsAKQu0gbInC3iBkiyDJzNx5eZsYcMrAtkVlwCLPG4VzG_LLJt0c6yt2N4GH8aArfDEALw_wcB) )

“S.B. 8 Provides \$10,000 Incentive for Individuals to “Enforce” Texas Abortion Ban”

And

“Under the law, anyone who successfully sues a health center worker, an abortion provider, or any person who helps someone access abortion after six weeks will be rewarded with at least \$10,000, to be paid by the person sued. Lawsuits may be filed against a broad range of people—considered by the law to be “aiders and abettors”— including a person who drives their friend to obtain an abortion; abortion funds providing financial assistance to patients;

health center staff; and a member of the clergy who counsels or assists an abortion patient.

People who successfully defend themselves from such lawsuits, however, are prohibited under S.B. 8 from recovering their fees and costs.”

The U.S. Supreme Court as already deemed those actions as acceptable and outside the reach of the U.S. Supreme Court for any action on such laws.

I hope this email is taken as a serious idea and recommendation as the San Jose ordinance regarding gun control is one of the results which was predicated when the Supreme Court was debating on whether to take action on Texas S.B. 8 ... there will be no grounds to sue the City of San Jose regarding such enforcement and the City of San Jose has no enforcement power in the ordinance, yet every citizen, guest, or visitor in the City of San Jose will be such enforcer, and will be the recipient of the \$10,000.00 from the person successfully sued under the ordinance.

Texas S.B.8 opened the door.

The U.S. Supreme Court pushed the door fully open and set a door stop so as to keep the door open for other similar laws.

Thank you,

Jerry Peck

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

Agendadesk &lt;Agendadesk@sanjoseca.gov&gt;

Wed 1/26/2022 3:34 PM

To: Rules and Open Government Committee Agendas &lt;rulescommitteeagenda@sanjoseca.gov&gt;

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**From:** Robert Foster <[REDACTED]>**Sent:** Wednesday, January 26, 2022 3:33 PM

**To:** Agendadesk <Agendadesk@sanjoseca.gov>; Jones, Chappie <Chappie.Jones@sanjoseca.gov>; Jimenez, Sergio <sergio.jimenez@sanjoseca.gov>; Perez, Raul <Raul.Perez@sanjoseca.gov>; Cohen, David <David.Cohen@sanjoseca.gov>; Carrasco, Magdalena <Magdalena.Carrasco@sanjoseca.gov>; Davis, Dev <dev.davis@sanjoseca.gov>; Esparza, Maya <Maya.Esparza@sanjoseca.gov>; Syliva.arenas@sanjoseca.gov <Syliva.arenas@sanjoseca.gov>; Foley, Pam <Pam.Foley@sanjoseca.gov>; Mahan, Matt <Matt.Mahan@sanjoseca.gov>; Liccardo, Sam <sam.liccardo@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>; The Office of Mayor Sam Liccardo <TheOfficeofMayorSamLiccardo@sanjoseca.gov>; [REDACTED] <[REDACTED]>

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

[External Email]

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[External Email]

Dear Mayor and Council,

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

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

an enumerated constitutional right is discriminatory.

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

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

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

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

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

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

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

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

- Violation of the proposed changes will most likely result in an infraction.
- State law only allows for the impoundment of firearm for a felony or

one of 20 defined violent misdemeanors. Infractions do not reach the state threshold requirement to legally confiscate and/or impound property.

- Because the ordinance improperly compares the Second Amendment right to the privilege of owning a car for justification of these changes: California state law does not grant peace officers the authority to impound a vehicle on site for lack of insurance and requires a minimum of six months registration expiration before they can impound a vehicle [CVC 16028(a-c) and CVC22651(o)].

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

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

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

Yours Sincerely,  
Your Constituent

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**Fw: Gun Fee and Liability Insurance - REALLY?**

Agendadesk &lt;Agendadesk@sanjoseca.gov&gt;

Wed 1/26/2022 8:12 PM

To: Rules and Open Government Committee Agendas &lt;rulescommitteeagenda@sanjoseca.gov&gt;

**From:** City Clerk <city.clerk@sanjoseca.gov>**Sent:** Wednesday, January 26, 2022 6:30 PM**To:** Agendadesk <Agendadesk@sanjoseca.gov>**Subject:** FW: Gun Fee and Liability Insurance - REALLY?

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**From:** Greg Kisinger <[REDACTED]>**Sent:** Wednesday, January 26, 2022 4:44 PM**To:** City Clerk <city.clerk@sanjoseca.gov>**Subject:** Gun Fee and Liability Insurance - REALLY?

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Can you please forward this email to each of the San Jose City Council members?

Council Members,

You, and the Mayor are typical politicians. The only tool in your tool box is "ADDITIONAL FEES", which is offensive.

Just like new parents, there should be required classes for new politicians/law makers, since neither group has any idea how to do their jobs correctly. I have yet to see a politician/law maker fix a problem, but they sure know how to collect more money. Doesn't that make you wonder about how effective and efficient you are in your job, or do you even care?

"Yes", gun violence the related cost of that violence is out of control. However, penalizing LEGAL gun owners isn't the way to fix this problem, and what you'll find is that the additional fees collected won't fix the problem either.

I don't know if any of you are parents, but if you are then would you penalize the good child while ignoring the poor behavior of the bad child? Of course not. However, that's what politicians/law makers do every day with their misguided laws. Assessing fees/taxes is an easy thing to do, but it's the wrong thing to do.

I'll give you a couple of tips:

- If a solution to a problem appears easy, then it's probably not the correct solution. In fact, it will probably make the problem worse. Do yourself a favor and invest in a better education for your job. Take Problem Solving classes, including root cause analysis. It will be rewarding and everyone will benefit.

- Learn to live within your existing revenue stream and spend half your time seeking out “waste” in your city and eliminate it. You’d be surprised how much money you’ll save if you eliminate wasteful governmental spending.

You’re probably basking in the spotlight when the “news” media says “city of San Jose is set to become the first in the United States to enforce an ordinance requiring most gun owners to pay a fee and carry liability insurance”, but wouldn’t it be better to be a shining example for other city’s Council Members with your ability to actually assess and solve problems, without seeking new revenue?

Our country needs more solutions, not more problems. This can start with each of you.

Greg Kisinger  
Washington State

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**Fw: File 22-045**

Agendadesk &lt;Agendadesk@sanjoseca.gov&gt;

Thu 1/27/2022 8:30 AM

To: Rules and Open Government Committee Agendas &lt;rulescommitteeagenda@sanjoseca.gov&gt;

Re File No. 22-045: 1/25/2022 CC Item 4.1 - Gun Harm Reduction Ordinance

**From:** City Clerk <city.clerk@sanjoseca.gov>**Sent:** Wednesday, January 26, 2022 6:30 PM**To:** Agendadesk <Agendadesk@sanjoseca.gov>**Subject:** FW: File 22-045

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**From:** Floyd Boyer <[REDACTED]>**Sent:** Wednesday, January 26, 2022 4:58 PM**To:** City Clerk <city.clerk@sanjoseca.gov>**Subject:** File 22-045You don't often get email from [REDACTED] [Learn why this is important](#)

[External Email]

Please register my opposition to File 22-045 with the city council. I have been considering leaving California for good and this could be the reason to make a final decision to leave.

**Floyd**Floyd L. Boyer  
The Villages Golf and Country Club[REDACTED]  
[REDACTED]  
[REDACTED] home  
[REDACTED] mobile  
[REDACTED]Sent from [AOL Desktop](#)

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## Fw: Thank you for passing Agenda Item 4.1 22-045

Agendadesk <Agendadesk@sanjoseca.gov>

Wed 1/26/2022 7:04 PM

To: Rules and Open Government Committee Agendas <rulescommitteeagenda@sanjoseca.gov>

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**From:** Anahid Gregg <[REDACTED]>  
**Sent:** Wednesday, January 26, 2022 5:49 PM  
**To:** City Clerk <city.clerk@sanjoseca.gov>  
**Subject:** Thank you for passing Agenda Item 4.1 22-045

[External Email]

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I was delighted to see this was passed by the San Jose City Council. I strongly believe that you have taken a big step in making our City safer, and have saved future lives.

I am disgusted by the NRA filing their lawsuit, it's appalling that they put the desires of their conservative membership ahead of the safety of our citizens.

Thank you for doing the right thing!

Anahid Avakian Gregg & Mark Gregg  
[REDACTED]  
[REDACTED]

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**Fw: OBJECTION to San Jose's attempt to require mandatory insurance on each and every firearm privately owned.**

City Clerk <city.clerk@sanjoseca.gov>

Wed 1/26/2022 7:12 PM

To: Rules and Open Government Committee Agendas <rulescommitteeagenda@sanjoseca.gov>

**Office of the City Clerk | City of San José**

200 E. Santa Clara St., Tower 14<sup>th</sup> Floor

San Jose, CA 95113

Main: 408-535-1260

Fax: 408-292-6207

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**From:** Irv Sutley <[REDACTED]>

**Sent:** Wednesday, January 26, 2022 6:20 PM

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

**Subject:** OBJECTION to San Jose's attempt to require mandatory insurance on each and every firearm privately owned.

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This is an attempt to confiscate lawfully owned weapons from residents who are unemployed, underemployed, on fixed incomes such as lower Social Security income recipients.

Also badly hurt by this proposal, are those of us with disabilities who have no means of taking a job in order to afford what will be outrageously and ever-increasing high annual premiums.

IMO this measure if passed will ultimately be defeated in the courts - and will cost the city multiple millions of dollars in legal fees and court assessed costs.

Please put me on your city email notification list about this and forward this email to each city council member.

Respectfully submitted.

/ Irv Sutley

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**Fw: OPPOSE File 22-045**

Agendadesk &lt;Agendadesk@sanjoseca.gov&gt;

Thu 1/27/2022 9:10 AM

To: Rules and Open Government Committee Agendas &lt;rulescommitteeagenda@sanjoseca.gov&gt;

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**From:** City Clerk <city.clerk@sanjoseca.gov>**Sent:** Thursday, January 27, 2022 6:49 AM**To:** Agendadesk <Agendadesk@sanjoseca.gov>**Subject:** Fw: OPPOSE File 22-045**Office of the City Clerk | City of San José**200 E. Santa Clara St., Tower 14<sup>th</sup> Floor

San Jose, CA 95113

Main: 408-535-1260

Fax: 408-292-6207

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**From:** Mark Warneke <[REDACTED]>**Sent:** Wednesday, January 26, 2022 7:20 PM**To:** City Clerk <city.clerk@sanjoseca.gov>**Subject:** OPPOSE File 22-045

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I oppose 22-045!!

How can a constitutional right require insurance?? Sounds like the 2nd amendment is treated as a government granted privilege. Also, how can I be required to pay a \$25 annual fee for a cause I don't believe in. Seems like a violation of my free speech!

The mayor is sworn to UPHOLD the constitution, not chip away at it; instead it sounds like the mayor has sworn to pursue a gun control agenda. By the way, how exactly would 22-045 solve gun violence?? 22-045 is garbage; just another gun grab & tax scheme.

mark w

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sources.

## Fw: Taxing & Licensing Guns

Agendadesk <Agendadesk@sanjoseca.gov>

Thu 1/27/2022 9:10 AM

To: Rules and Open Government Committee Agendas <rulescommitteeagenda@sanjoseca.gov>

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**From:** City Clerk <city.clerk@sanjoseca.gov>

**Sent:** Thursday, January 27, 2022 6:49 AM

**To:** Agendadesk <Agendadesk@sanjoseca.gov>

**Subject:** Fw: Taxing & Licensing Guns

### Office of the City Clerk | City of San José

200 E. Santa Clara St., Tower 14<sup>th</sup> Floor

San Jose, CA 95113

Main: 408-535-1260

Fax: 408-292-6207

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---

**From:** Daniel Alger Sr. <[REDACTED]>

**Sent:** Wednesday, January 26, 2022 7:30 PM

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

**Subject:** Taxing & Licensing Guns

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To whom it may concern:

Taxing and licensing guns is only going to hurt those of us who go through the trouble of doing things the RIGHT way.

It certainly will NOT stop anyone who has "other" intentions. When are politicians going to get this through their extremely thick skulls?

When YOU need help because you are being assaulted or shot at don't cry for help, because it won't be around.

Dan Alger Sr  
Vancouver, WA

Sent from my iPhone

**Fw: OPPOSE File 22-045**

Agendadesk &lt;Agendadesk@sanjoseca.gov&gt;

Thu 1/27/2022 9:11 AM

To: Rules and Open Government Committee Agendas &lt;rulescommitteeagenda@sanjoseca.gov&gt;

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**From:** City Clerk <city.clerk@sanjoseca.gov>**Sent:** Thursday, January 27, 2022 6:48 AM**To:** Agendadesk <Agendadesk@sanjoseca.gov>**Subject:** Fw: OPPOSE File 22-045**Office of the City Clerk | City of San José**200 E. Santa Clara St., Tower 14<sup>th</sup> Floor

San Jose, CA 95113

Main: 408-535-1260

Fax: 408-292-6207

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**From:** Spartans Never Die <[REDACTED]>**Sent:** Wednesday, January 26, 2022 11:35 PM**To:** City Clerk <city.clerk@sanjoseca.gov>**Subject:** OPPOSE File 22-045You don't often get email from [REDACTED] [Learn why this is important](#)

[External Email]

Hello,

My name is Carlos Chavez and I am a first generation American citizen, coming from a Mexican family that worked hard to get where we are now and telling you to please oppose File 22-045. This is an attempt to punish law-abiding gun owners for owning a lawful product, by making them pay for the activities of criminals. It is not fair placing this financial burden on us for which we have done nothing wrong and during these difficult times you would cripple your fellow citizens that have the right to arm themselves for self defense especially during hard times like the covid outbreak where crime has increased. For this reason I made firearm purchases in order to keep my family safe due all the crime occuring in our neighborhood. Times are tough and even though my father sacrificed everything for us to have a better life here in the USA, I am telling you that I will not be able to afford this insurance, because I have to take care of my family and even more so due to our father passing away on Sep 11 2021. File 22-045 will cripple those already financially unstable, especially the minority group that live in areas more prone to violence. These years have been tough on everyone and I understand that, but

it seems that our city council has no heart in caring about other humans in San Jose, because if you cared about us humans in San Jose you would have addressed the underlying issues to why we were having all these shootings and tackle the problem head on instead of diverting the problem to us?! Please oppose File 22-045, thank you.

take care,

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

Agendadesk &lt;Agendadesk@sanjoseca.gov&gt;

Thu 1/27/2022 9:09 AM

To: Rules and Open Government Committee Agendas &lt;rulescommitteeagenda@sanjoseca.gov&gt;

**From:** Jennifer Zamudio <[REDACTED]>**Sent:** Thursday, January 27, 2022 7:36 AM

**To:** CouncilMeeting <CouncilMeeting@sanjoseca.gov>; Agendadesk <Agendadesk@sanjoseca.gov>; Jones, Chappie <Chappie.Jones@sanjoseca.gov>; Jimenez, Sergio <sergio.jimenez@sanjoseca.gov>; Peralez, Raul <Raul.Peralez@sanjoseca.gov>; Cohen, David <David.Cohen@sanjoseca.gov>; Carrasco, Magdalena <Magdalena.Carrasco@sanjoseca.gov>; Davis, Dev <dev.davis@sanjoseca.gov>; Esparza, Maya <Maya.Esparza@sanjoseca.gov>; Arenas, Sylvia <sylvia.arenas@sanjoseca.gov>; Foley, Pam <Pam.Foley@sanjoseca.gov>; Mahan, Matt <Matt.Mahan@sanjoseca.gov>; Liccardo, Sam <sam.liccardo@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>; The Office of Mayor Sam Liccardo <TheOfficeofMayorSamLiccardo@sanjoseca.gov>; [REDACTED] <[REDACTED]>

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

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[External Email]

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

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Yours Sincerely,  
Your Constituent

Sent from my iPhone

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**Fw: Recent gun control ordinance suggestion**

Agendadesk &lt;Agendadesk@sanjoseca.gov&gt;

Fri 1/28/2022 8:25 AM

To: Rules and Open Government Committee Agendas &lt;rulescommitteeagenda@sanjoseca.gov&gt;

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**From:** City Clerk <city.clerk@sanjoseca.gov>**Sent:** Friday, January 28, 2022 6:40 AM**To:** Agendadesk <Agendadesk@sanjoseca.gov>**Subject:** Fw: Recent gun control ordinance suggestion**Office of the City Clerk | City of San José**200 E. Santa Clara St., Tower 14<sup>th</sup> Floor

San Jose, CA 95113

Main: 408-535-1260

Fax: 408-292-6207

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**From:** JOHN ALLER <[REDACTED]>**Sent:** Thursday, January 27, 2022 10:13 PM**To:** City Clerk <city.clerk@sanjoseca.gov>**Subject:** Recent gun control ordinance suggestionYou don't often get email from [REDACTED]. [Learn why this is important](#)

[External Email]

To whom it may concern.

I will be as brief as possible.

I would like to suggest insurance for all guns carried in public. If they never leave owners property, they don't have to have insurance.

Another suggestion, if a gun is carried in public, there should not be a bullet in the chamber. If the gun "accidentally" discharges while in public the owner should face a stiff fine and or jail time. A gun that is used to cause harm in a public place, and is not insured, the owner/operator should face immediate jail time and or a fine.

I have proposed this to many gun owners here in Ohio, and they were all for it. A few already have insurance to carry their weapon in public. Having insurance to cover a gun that is used/discharged in public, will help pay for the medical expenses of innocent victims and help pay for law enforcement officers that are harmed.

I don't have a problem with people owning guns, I have a problem with them in public and causing financial or physical harm to people that are innocent victims.

We got the Thompson machine guns off the streets many years ago, legally. We can do more, we need to. The people's right to have a safe life in public, is more important than the misinterpreted second amendment right someone has, that never needed a gun to protect themselves out in public their entire life, to carry one.

Thank you for your time. Good luck!

Regards,  
John Aller

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This is clearly a violation of the second Amendment, and will never go into affect once the courts that know and understand the Constitution. The only cost that fire arms have to the city are criminals. Guns don't kill or hurt anyone..it is MORONS who aren't trained and criminals.

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

Charley Hoy &lt;[REDACTED]&gt;

Sat 1/29/2022 9:16 AM

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

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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

Bill Clark &lt;[REDACTED]&gt;

Sat 1/29/2022 3:05 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]

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

**Proposed Change: 10.32.210 Liability Insurance Required**

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- Negligent use of a firearm is defined in CA Penal Code 246.3 as someone who willfully discharges a firearm (pulls the trigger intentionally) which could result in injury or death to a person
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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
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- *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
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- Violation of the proposed changes will most likely result in an infraction
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Yours Sincerely,  
Your Constituent



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

Richard Every &lt;[REDACTED]&gt;

Sat 1/29/2022 4:19 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]>  
 <[REDACTED]> District4 <[REDACTED]> District5 <[REDACTED]> District 6 <[REDACTED]>  
 <[REDACTED]> District7 <[REDACTED]>

[E ternal Email]

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[E ternal Email]

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Your Constituent

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

Mon 1/31/2022 12:20 PM

To: Arenas, Sylvia <[REDACTED]> Folev, Pam <[REDACTED]> Mahan, Matt <[REDACTED]>  
 <[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 <[REDACTED]>

[External Email]

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[External Email]

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Yours Sincerely,  
Your Constituent

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## FW: Gun ownership

City Clerk <[REDACTED]>

Mon 1/31/2022 2:31 PM

To: Agendadesk <[REDACTED]>

---

**From:** John Carr <[REDACTED]>

**Sent:** Monday, January 31, 2022 1:44 PM

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

**Subject:** Gun ownership

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[External Email]

Since when did constitutional rights change to allow municipalities to charge for exercising them? At the same time, why are only law abiding citizens being held accountable for criminal behaviors? This is a classic example of form over substance and why few if any people have faith in government anymore.

John Carr

San Jose

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**Fw: File 22 045**

City Clerk <[REDACTED]>

Tue 2/1/2022 6:31 AM

To: Agendadesk <[REDACTED]>

**Office of the City Clerk | City of San José**

200 E. Santa Clara St., Tower 14<sup>th</sup> Floor

San Jose, CA 95113

Main 408 535 1260

Fax: 408-292-6207

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---

**From:** Scott Boyd <[REDACTED]>

**Sent:** Tuesday, February 1, 2022 2:33 AM

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

**Subject:** File 22-045

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[External Email]

The people of San Jose need to immediately remove anyone in support of this wholly communist ordinance from public office. Do these people have NO respect for the Constitution. We don't need your approval to own firearms, under the second amendment, you have no right or authority to implement this attack on personal freedom. Those in support of this ordinance are the very reason for the second amendment.

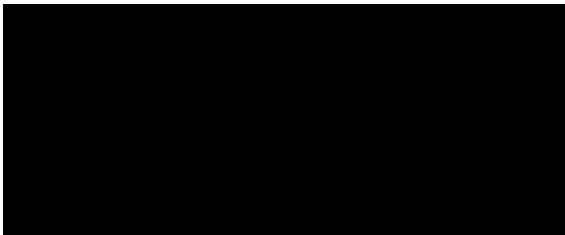
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**Fw: 22 045**

City Clerk <[REDACTED]>

Tue 2/1/2022 12:09 PM

To: Agendadesk <[REDACTED]>



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**From:** Joel Foster <[REDACTED]>

**Sent:** Tuesday, February 1, 2022 12:06 PM

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

**Subject:** 22-045

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

[External Email]

Your proposed gun bill would only affect law abiding citizens. It is so typical of the idiotic measures proposed and enacted by liberal cities that are all now in peril across this nation as probated violent criminals rule the streets. Even in the People's Republic of California San Jose is run by liberal lunatics. The Constitution is a bitch ain't it?  
Captain J.T. Foster Roebuck, South Carolina. California Escapee.

Sent from my iPhone

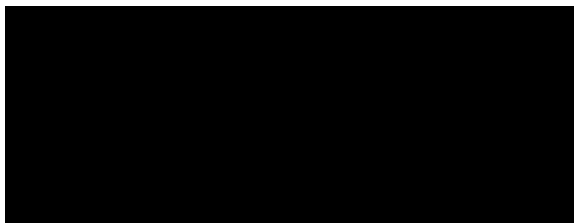
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**Fw: OPPOSE File 22 045.**

City Clerk <[REDACTED]>

Wed 2/2/2022 6:52 AM

To: Agendadesk <[REDACTED]>



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**From:** Brian Wang <[REDACTED]>

**Sent:** Tuesday, February 1, 2022 6:06 PM

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

**Subject:** OPPOSE File 22-045.

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

[External Email]

Hi,

This proposal is unconstitutional. Please do not waste resources on what will be destroyed in court anyways.

It would be nice if our city council would focus on actual matters that are your responsibility, such as the trash and homeless problems, instead of squandering taxpayer dollars on the violation of civil rights.

B

Thanks!

Brian Wang



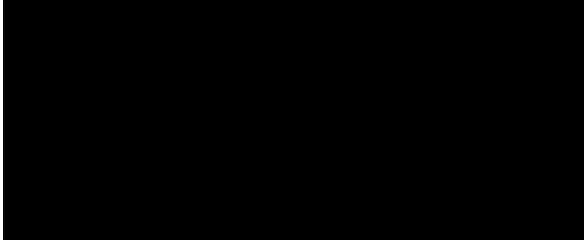
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**Fw: Taxing and requiring of liability insurance of gun owners**

City Clerk &lt;[REDACTED]&gt;

Wed 2/2/2022 6:53 AM

To: Agendadesk &lt;[REDACTED]&gt;



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

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**From:** antonio rial <[REDACTED]>**Sent:** Tuesday, February 1, 2022 5:23 PM**To:** City Clerk <[REDACTED]>**Subject:** Taxing and requiring of liability insurance of gun owners

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[External Email]

Just heard about the city's plan to tax guns and require liability insurance for gun owners in San Jose. That is blatant move to suppress a Constitutional right. I strongly urge the city council members to OPPOSE file 22-045. The wealthy should not be the only people capable of defending their family in their home, the right to bear arms to defend yourself and your family is a Constitutional right and infringing on it like this is terrible. With the cost of living and inflation right now, people will not be able to afford to own a gun if it is taxed and liability insurance is required. As I said before, only the well to do will be able to afford that. The blue collar workers and middle class will have their Constitutional rights infringed when they can't afford gun ownership. Guns are already expensive, ammo is expensive, and training, which all gun owners should do, is expensive!

OPPOSE file 22-045!

Antonio Rial

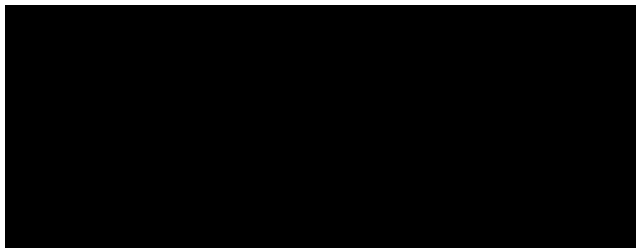
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**Fw: Gun tax**

City Clerk <[REDACTED]>

Tue 2/1/2022 10:18 AM

To: Agendadesk <[REDACTED]>



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

---

**From:** James Cannon <[REDACTED]>

**Sent:** Tuesday, February 1, 2022 7:23 AM

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

**Subject:** Gun tax

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

[External Email]

A tax on guns, like any other progressive tax, is a tax on the poor, which ultimately is racist, as it targets certain types of people.

Stop racist taxes that impact the poor unfairly.

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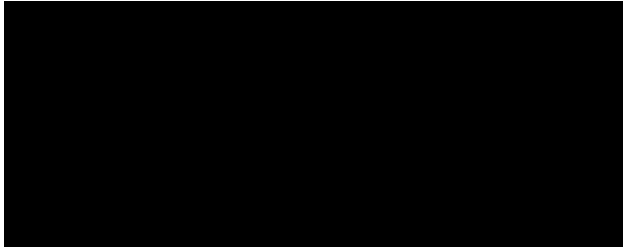
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**Fw: Ordinance File 22 045**

City Clerk &lt;[REDACTED]&gt;

Thu 2/3/2022 12:00 PM

To: Agendadesk &lt;[REDACTED]&gt;



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

---

**From:** Kenneth Werner <[REDACTED]>**Sent:** Thursday, February 3, 2022 11:34 AM**To:** City Clerk <[REDACTED]>**Subject:** Ordinance File 22-045

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

[External Email]

2/3/2022

Gentlemen:

The following is in regards to your proposed ordinance File 22-045 which would require those possessing guns within San Jose to acquire liability insurance and pay an "annual gun harm reduction fee."

This ordinance would do nothing to reduce crime and/or promote public safety. It appears to be a blatant attempt to price law abiding citizens out of their ability to possess a fire arm for the protection of themselves and their families. It also appears to be an unconstitutional restriction on our second amendment rights. I urge the City Council to reject this proposed ordinance.

Thank you for the opportunity to comment on this matter.

Sincerely, Ken Werner

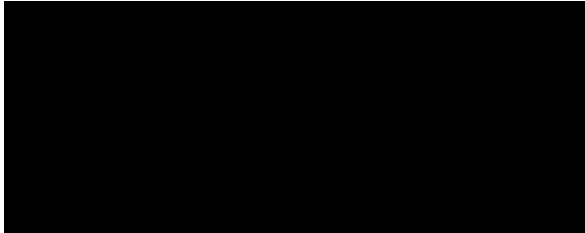
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## Fw: Gun tax and insurance

City Clerk <[REDACTED]>

Fri 2/4/2022 12:46 PM

To: Agendadesk <[REDACTED]>



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

---

**From:** Victor Lewkowicz <[REDACTED]>

**Sent:** Friday, February 4, 2022 12:16 PM

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

**Subject:** Gun tax and insurance

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

[External Email]

I'm against any vote for tax or insurance for owning a gun. Go after the criminals who commit gun crimes. This proposed law dose not make sense.

Sent from my iPhone

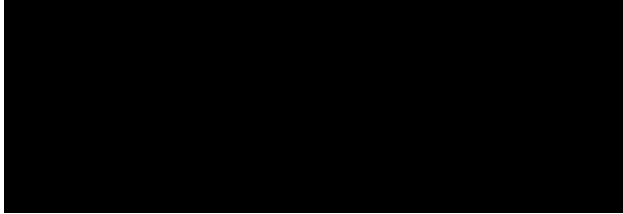
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**Fw: File 22 045**

City Clerk <[REDACTED]>

Fri 2/4/2022 12:48 PM

To: Agendadesk <[REDACTED]>



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

---

**From:** Felix Katich <fkati[REDACTED]>

**Sent:** Friday, February 4, 2022 10:20 AM

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

**Subject:** File 22-045

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[External Email]

This piece of legislation does absolutely nothing to reduce crime or take illegal firearms off the streets. It penalizes the law-abiding firearm owner. As a lifelong resident of San Jose of over 60 years this is one of the most idiotic things I've heard. Want to take guns off the street and minimize gun violence, then change the city's stance on releasing these criminals that are arrested and released. We need to keep them off the street. The city has the police officers hands constrained. Knowing several officers myself they are disgusted with how criminals are cited released and continue to be repeat offenders. It's no wonder the city is losing so many fine police officers.

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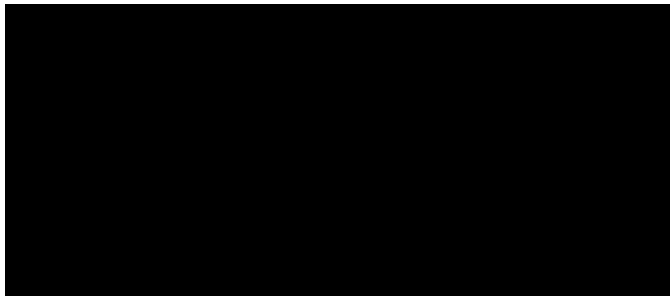


## Fw: Oppose File 22 045

City Clerk <[REDACTED]>

Fri 2/4/2022 12:49 PM

To: Agendadesk <[REDACTED]>



---

**From:** James Stewart <[REDACTED]>

**Sent:** Friday, February 4, 2022 12:31 PM

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

**Subject:** Oppose File 22-045

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

[External Email]

To the City Council

Taxing gun owners that follow laws will do nothing to reduce crime. Wouldn't be better to make sure that people who own guns store them properly and have the training to handle them safely? Common sense says that. People who have illegal firearms and use them to commit crimes could care less. I am disappointed that the mayor and the city council don't do enough to make sure the laws we have are followed. Who is going to pay for the lawsuits that are coming? How much is it going to cost? I believe this is just political.

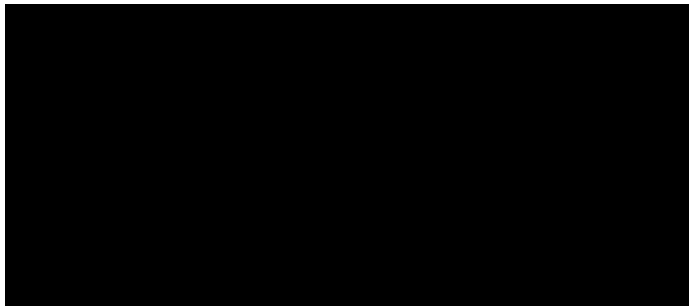
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## Fw: Gun control

City Clerk <[REDACTED]>

Fri 2/4/2022 6:45 AM

To: Agendadesk <[REDACTED]>



---

**From:** george hanson <[REDACTED]>

**Sent:** Friday, February 4, 2022 5:18 AM

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

**Subject:** Gun control

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

[External Email]

Hi

We do have a second amendment that protects our right to own a gun. I think you are interfering with that right by making it too expensive for the average person to afford one.

If I were a criminal, San Jose would be a great place to spend some time. I suggest you read a little George Orwell.

George

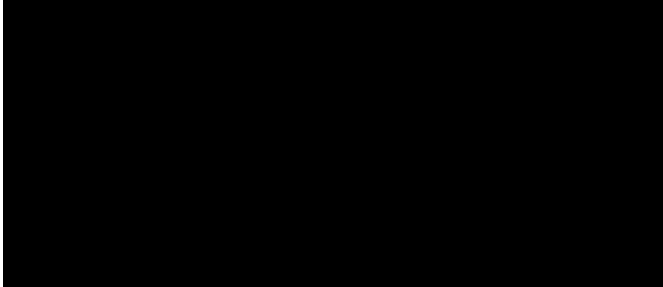
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**Fw: File 22 045**

City Clerk <[REDACTED]>

Fri 2/4/2022 10:04 AM

To: Agendadesk <[REDACTED]>



---

**From:** Mike Soetaert <[REDACTED]>

**Sent:** Friday, February 4, 2022 9:43 AM

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

**Subject:** File 22-045

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

[External Email]

To Whom it May Concern:

Please oppose this Gun Tax and Insurance Requirement. I don't see how this is legal; would you put a tax and insurance requirements on any other Rights guaranteed in the Constitution? I don't even know how to get insurance for a weapon. And it's not my responsibility to help pay for a criminal's gun related misdeeds and devilry.

I find this a massive overreach and completely onerous.

Please vote no.

Sincerely,  
Mike Soetaert

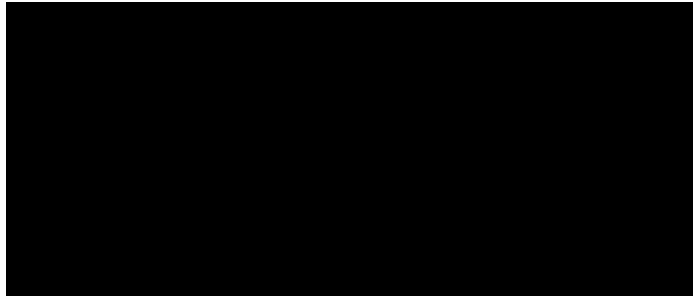
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**Fw: Firearms insurance**

City Clerk &lt;[REDACTED]&gt;

Fri 2/4/2022 10:05 AM

To: Agendadesk &lt;[REDACTED]&gt;



---

**From:** Robert Boomershine <[REDACTED]>  
**Sent:** Friday, February 4, 2022 8:47 AM  
**To:** City Clerk <[REDACTED]>  
**Subject:** Firearms insurance

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

[External Email]

I recently read about the proposal to force lawful gun owners to carry insurance and the idiotic attestation form. I know there are many good intelligent law abiding citizens in San Jose but obviously none of them are on the city council. You gun hating sheeple are setting yourselves up for a legal battle that you will lose. I hope for a Judge to award punitive damages to the law abiding citizens that are the target of your gun control hysteria.

Robert Boomershine  
Bethalto IL

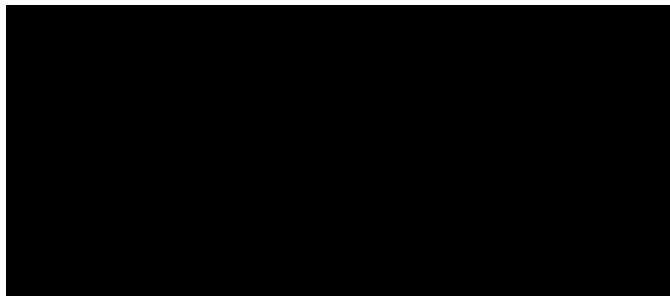
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**Fw: Vote YES Gun Harm Reduction Ordinance, Public Record**

City Clerk &lt;[REDACTED]&gt;

Fri 2/4/2022 10:05 AM

To: Agendadesk &lt;[REDACTED]&gt;

**From:** Bob Davis <[REDACTED]>**Sent:** Friday, February 4, 2022 8:29 AM

**To:** CouncilMeeting <CouncilMeeting@sanjoseca.gov> Agendadesk <[REDACTED]> Jones, Chappie <[REDACTED]> Jimenez, Sergio <[REDACTED]> Peralez, Raul <[REDACTED]> Cohen, David <[REDACTED]> Carrasco, Magdalena <[REDACTED]> Davis, Dev <[REDACTED]> Esparza, Maya <[REDACTED]> Arenas, Sylvia <[REDACTED]> Foley, Pam <[REDACTED]> Mahan, Matt <Matt.Mahan@sanjoseca.gov> 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 <TheOfficeofMayorSamLiccardo@sanjoseca.gov>

**Subject:** Vote YES Gun Harm Reduction Ordinance, Public Record

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

[External Email]

Please vote YES to the proposed changes of the San Jose Muni Code as defined in the Gun Harm Reduction Ordinance.

I am proud that San Jose has stepped up the fight to reduce gun violence.

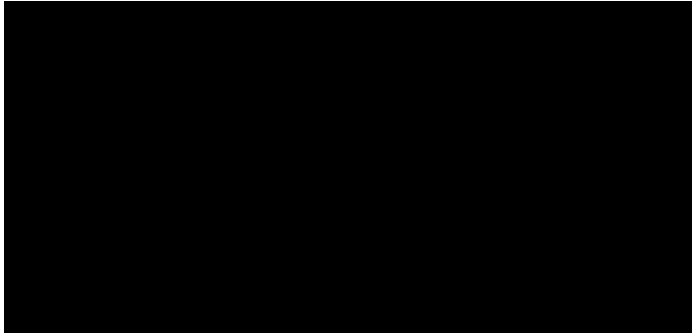
Sincerely,  
James Robert Davis

**Fw: File 22 045 Gun Harm Reduction**

City Clerk &lt;[REDACTED]&gt;

Fri 2/4/2022 11:24 AM

To: Agendadesk &lt;[REDACTED]&gt;



---

**From:** Steven Papoulias <[REDACTED]>**Sent:** Friday, February 4, 2022 11:09 AM**To:** City Clerk <[REDACTED]>**Subject:** File 22-045 - Gun Harm Reduction

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

[External Email]

**San Jose City Council**

I am sending this to ask that you do not pass this legislation. Figure out some other way to combat gun violence rather than trying to tax law abiding citizens who are simply benefitting from the freedoms guaranteed in our constitution. This will NOT help stop criminals from obtaining guns and using them in their evil ways.

It is clear that this is an attempt by Liccardo to try to stop awful gun violence. I agree that any crime is awful, and clearly guns can be used in a very destructive way. But this is not going to help, and the government does not even have the right to do this. This measure will only be fought in the courts and San Jose will lose both money and the eventually the actual case.

Thanks for your consideration.

Steve Papoulias  
San Jose, CA

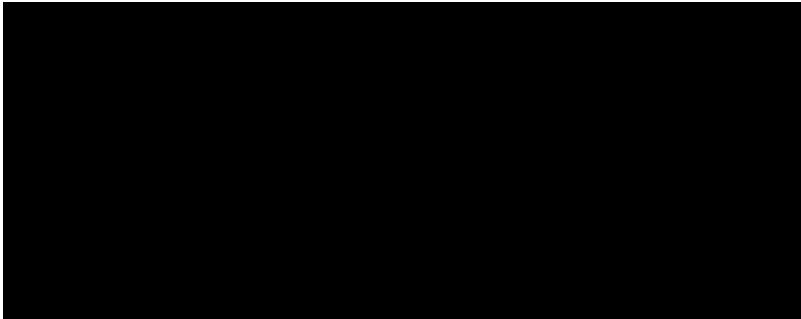
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**Fw: File 22 045: Vote NO (Infringement of 2nd ammendment)**

City Clerk &lt;[REDACTED]&gt;

Fri 2/4/2022 3:20 PM

To: Agendadesk &lt;[REDACTED]&gt;

**From:** Greg Greg <[REDACTED]>**Sent:** Friday, February 4, 2022 1:38 PM**To:** City Clerk <[REDACTED]> Greg Greg <[REDACTED]>**Subject:** File 22-045: Vote NO (Infringement of 2nd ammendment)

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[External Email]

Tuesday Feb 08: File 22-045: SJ City Council vote to infringe on Second Amendment Gun Rights

(1) Is this even Constitutional ? Do you care about the Rule of Law, and the American Constitution ?

(2) How many of our City Council Members, side with "Defund the Police" and "Anti Fascist Fascists" ?

People walking free, that periodically threaten SJ with crime and rioting as in so many other of our sister cities ?

Will those intimidating criminals, ever be brought to justice ?

(3) Is this SJ ordinance, exploiting the "Un Ending Fear" brought by Covid lock downs, to impose more unlawful Nanny-State overreach, into our Private Lives ?

(3) Oh surely, the entrenched Gangs and Underworld of the South Bay, would comply with this proposed law.

(4) Uh, what about our Obvious Failures ?

- \* Busted Budgets

- \* Filthy Streets

- \* Homeless Encampments burning neighborhood lands

- \* Property Crimes

- \* The long list of real and pressing issues facing the South Bay ?

(5) Any Thoughts ? #~Do-You~Know-They~Way-Out~of-San-Jose=?

(6) Please email a public comment to [REDACTED] submit an eComment

, and click the button below, to contact City Council members and ask them to OPPOSE "File 22 045"

(7) (nraia.org): "... This is an attempt to punish law-abiding gun owners for owning a lawful product, by making them pay for the activities of criminals. Taxing lawful ownership and requiring insurance will do nothing to reduce gun violence, which is often committed by repeat criminals who will not be paying the

fees or obtaining insurance. It simply increases the cost for law-abiding citizens to exercise a constitutional right. Violent criminals in illegal possession of firearms cannot be required to comply with these measures, as the ordinance's attestation requirements violate their right against self-incrimination..."

==> <https://www.nraila.org/articles/20220204/california-feb-8-is-final-vote-for-san-jose-gun-tax-insurance-requirement>

(8) Mayor London Breed Announces Crime Crackdown in Tenderloin ==>

<https://www.youtube.com/watch?v=wFolcZzGLy4>

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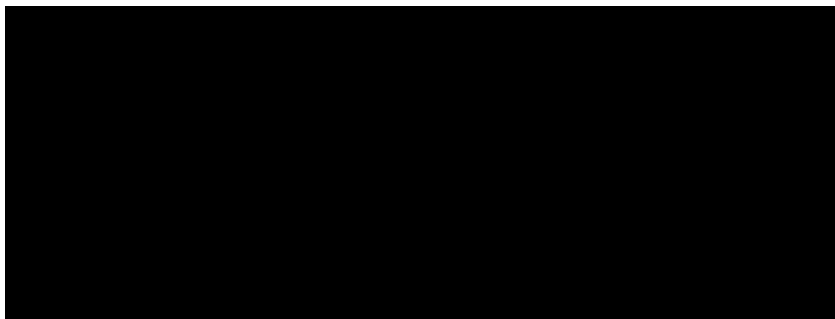


## Fw: Gun Tax

City Clerk <[REDACTED]>

Fri 2/4/2022 3:21 PM

To: Agendadesk <[REDACTED]>



---

**From:** Janine <[REDACTED]>  
**Sent:** Friday, February 4, 2022 12:52 PM  
**To:** City Clerk <[REDACTED]>  
**Subject:** Gun Tax

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

[External Email]

Dear Council,  
We did not vote you into office so you then can turn around and take away our rights.  
The Constitution is not negotiable, the Council needs to stand down.

Thank you, Janine Ketchum

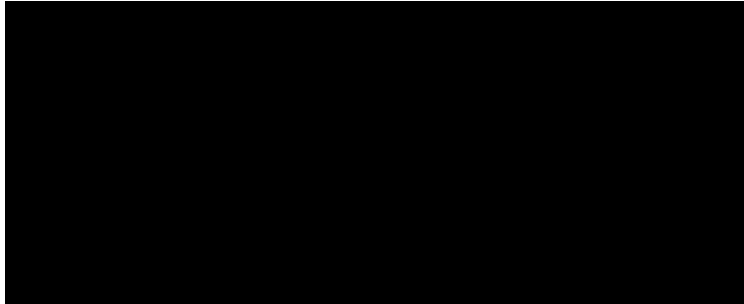
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**Fw: File 22 045**

City Clerk <[REDACTED]>

Fri 2/4/2022 3:21 PM

To: Agendadesk <[REDACTED]>



---

**From:** Felix Katich <fkati[REDACTED]>

**Sent:** Friday, February 4, 2022 10:20 AM

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

**Subject:** File 22-045

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[External Email]

This piece of legislation does absolutely nothing to reduce crime or take illegal firearms off the streets. It penalizes the law-abiding firearm owner. As a lifelong resident of San Jose of over 60 years this is one of the most idiotic things I've heard. Want to take guns off the street and minimize gun violence, then change the city's stance on releasing these criminals that are arrested and released. We need to keep them off the street. The city has the police officers hands constrained. Knowing several officers myself they are disgusted with how criminals are cited released and continue to be repeat offenders. It's no wonder the city is losing so many fine police officers.

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**OPPOSE Agenda Item 22 138 gun harm tax etc.**

Mark Towber &lt;[REDACTED]&gt;

Sun 2/6/2022 1:01 PM

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

Cc: District3 <[REDACTED]> District5 <[REDACTED]> District7 <[REDACTED]> District9  
<[REDACTED]> District6 <[REDACTED]> District8 <[REDACTED]> District1  
<[REDACTED]> District4 <[REDACTED]>

[External Email]

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

[External Email]

Last week the Council voted to approve the Mayor's gun harm initiative in complete disregard to the over 1,000 citizens who objected .

I can not understand how the Council could completely disregard this outpouring of opposition.

I can not understand how the Council could completely disregard the fatal flaws in the ordinance.

**No such insurance exists.:** The Mayor's claim that there are insurance policies available to meet the requirement has no basis in fact. Insurance companies do not offer liability coverage for intentional acts like suicide and criminal activity. And yet the Mayor's proposal clearly states these are the two areas causing the problem.

**Criminals wont obey it and they cause the financial harm.:** The Mayor himself admits he does not expect criminals to obey this ordinance . And the Mayor's proposal relies on the PIRE study that shows over 86% of the cost of gun harm being directly caused by criminal behavior.

**Legal tar pit:** Within hours of your vote on Tues Jan 25th, the City was sued. And based on comments from the Gun Owners of CA, The Firearms Policy Council and the Second Amendment Foundation, more suits are coming. The Mayor may need some publicity to find a new position after being termed out of office but that is no reason for San Jose to pay the price for his job search.

**AT A MINIMUM, this ordinance must be reconsidered.** And not only by the gun control groups that have the Mayor's ear. The rest of the community must have input. We can not be left out of the discussion again.

Mark T  
San Jose.

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

**Fwd: Please OPPOSE File 22 045**

City Clerk <[REDACTED]>

Mon 2/7/2022 8:18 AM

To: Agendadesk <[REDACTED]>

---

**From:** Neil Kruse <[REDACTED]>

**Sent:** Friday, February 4, 2022 4:47:45 PM

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

**Subject:** Please OPPOSE File 22-045

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[External Email]

Hello City Clerk,  
I'm writing in opposition of File 22-045

Thanks, Neil

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## Fwd: Please OPPOSE File 22 045

City Clerk <[REDACTED]>

Mon 2/7/2022 8:18 AM

To: Agendadesk <[REDACTED]>

---

**From:** Bill Heath <[REDACTED]>

**Sent:** Saturday, February 5, 2022 4:21:32 AM

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

**Subject:** Please OPPOSE File 22-045

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

[External Email]

Please oppose File 22-045. The supreme court has ruled previously that taxes cannot be used to discourage the exercise of a constitutional right. If passed, this regulation would be defeated in court. Please do not waste tax payer money by supporting or passing this.

Thank you,  
Bill Heath

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**Fwd: Gun ordinance.**

City Clerk <[REDACTED]>

Mon 2/7/2022 8:19 AM

To: Agendadesk <[REDACTED]>

---

**From:** Wallace Gardner <wallygardner@att.net>

**Sent:** Saturday, February 5, 2022 11:18:56 AM

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

**Subject:** Gun ordinance.

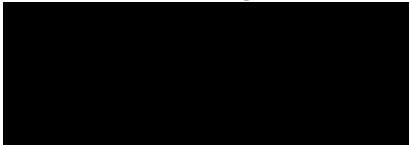
[External Email]

When a check is sent with the form provided by the Attorney General to the non-profit selected by the City Council it will identify me as a law abiding gun owner. That will allow the non profit to build a list of people who are eligible to receive mental health because they own a firearm.

When that list falls into the wrong hands and the brutal home invasion robberies start everyone will know who is responsible for the attack on law abiding families.

What are the criminal and/or civil penalties for purposely/carelessly losing control of the list?

Respectfully,  
Wallace S. Gardner



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## Re: Gun Harm Reduction Ordinance, Public Record

Kevin Brogdon &lt;[REDACTED]&gt;

Sat 2/5/2022 4:19 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]>  
 <[REDACTED]> District4 <[REDACTED]> District5 <[REDACTED]> District6 <[REDACTED]>  
 <[REDACTED]> District7 <[REDACTED]>

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

[External Email]

Hello, I hope this letter finds you well and I thank you for taking the time in advance to read through this.

I am confused. If anyone could take the time for a response explaining this I would greatly appreciate it.

How will imposing another fee on legally registered gun owners reduce gun violence? Will this new ordinance take unregistered guns out of criminals hands and off the streets? Will the owners of unregistered "ghost" guns be required to register their weapons or surrender them?

I do understand the intent of the ordinance of course, and I am sure that every council member that took the time to read this will agree that there are few more emotionally charged debates. It is every individual citizens constitutional right to keep and bear arms. It is also every individual citizens constitutional right to the peaceful pursuit of life, liberty and happiness and to not have that right taken away by others. I believe that if a society cannot do this on its own then it is up to the elected leadership to do so by enacting and enforcing laws that protect each individual citizens rights without infringing upon those rights or punishing one group of people because of the actions of others.

So I would like to offer a suggestion or two if I may. Instead of the current 10 day waiting period between signing DROS forms and pick up of a weapon perhaps a 15 or even 20 day waiting period during which time a mandatory in person gun safety course for all individuals wishing to purchase a firearm and all the individuals within that home should take the course as well that are over the age of maybe 12 years old. I think you would find many responsible gun owners would be more willing to support and adopt legislation of this nature as opposed to feeling like we are being punished for the actions of others. I stress the term responsible. As I mentioned before, I do understand the reasoning and the desire to create such a legislation is this, I just do not understand how it will be accomplished. It makes no sense to charge responsible gun owners a fee and then call that a gun violence reduction fee. The people that are committing violent crimes with guns typically and more often than not are using a weapon that is not registered to them and has been illegally obtained.



Thank you for taking time during your busy schedule to read through this letter and I wish you all the best and success for the future.

Kevin Brogdon Sr.

San Jose resident and gun owner in 95111. 408-348-8033.

On Jan 23, 2022, at 21:10, Kevin Brogdon <[REDACTED]> wrote:

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,  
Kevin Brogdon SR.

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

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**Fwd: Ordinance 30716 Unconstitutional**

City Clerk &lt;[REDACTED]&gt;

Mon 2/7/2022 8:19 AM

To: Agendadesk &lt;[REDACTED]&gt;

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**From:** Jim Krepelka <[REDACTED]>**Sent:** Sunday, February 6, 2022 9:45:42 AM**To:** City Clerk <[REDACTED]>**Subject:** Ordinance 30716 Unconstitutional

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Hello City Council and Mayor,

I don't usually get involved in local politics or in making donations to political groups. But in this case I think I need to make an exception.

After reviewing the core principles of this ordinance (take money from people who never caused harm and who obeyed the law to fund a service which those payers don't want or need) is morally wrong.

I am not sure I will ever comply with this ordinance, however, I will respond with financial resources.

My money is best used to fund the people who voted against this ordinance.

My money is best used to fund the political opponents of the people who voted for this ordinance.

My money is best used to get the word out to the thousands of new gun owners in San Jose so that they know who exactly to blame when they vote.

Regards, Jim Krepelka  
62 year Californian  
40 year San Jose Resident

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**FW: Gun owner liability ins. Vote**

City Clerk <[REDACTED]>

Mon 2/7/2022 2:36 PM

To: Agendadesk <[REDACTED]>

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

From: Fay Linson <[REDACTED]>

Sent: Monday, February 7, 2022 2:32 PM

To: City Clerk <[REDACTED]>

Subject: Gun owner liability ins. Vote

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[External Email]

Hello,

I strongly urge you to not vote in favor of the bill that would have every gun owner have to purchase liability insurance. This is an unconstitutional measure and I want you to know that I and my family are against it.

Please vote NO!

Sincerely,

Fay Linson

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**FW: Insurance for gun owners**

City Clerk &lt;[REDACTED]&gt;

Mon 2/7/2022 2:36 PM

To: Agendadesk &lt;[REDACTED]&gt;

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**From:** John Powell <jott[REDACTED]>**Sent:** Monday, February 7, 2022 2:17 PM**To:** City Clerk <[REDACTED]>**Subject:** Insurance for gun owners

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[External Email]

I would suggest insurance for errors of elected people since the government makes more gross errors than anyone.

San Jose was once a commercial/industrial city. Today it is heading the way of San Francisco, when will you offer your own poop maps?

The mayor and his staff think they override the rights of citizens for their own agenda! What a disgrace to everyone.

California government has become the laughingstock of the nation. The working people are leaving and the freeloaders are moving in.

Sam is not solving anything, he is simply part of the problem by not doing his job to stop the criminals.

Be the first democrat to actually get the job done instead of trying for popularity.

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**FW: Liability Insurance**

City Clerk &lt;[REDACTED]&gt;

Mon 2/7/2022 2:36 PM

To: Agendadesk &lt;[REDACTED]&gt;

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**From:** Dwayne Meyers <[REDACTED]>**Sent:** Monday, February 7, 2022 2:16 PM**To:** City Clerk <[REDACTED]>**Subject:** Liability Insurance

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I thinks it's wrong to keep targeting law abiding citizens. We do our part each and everyday giving back to society but because some owns a gun their bad. What about the bad people who hurt individuals they walk a get away with the things they do. It's already a system in place for those who are violent it's court and jail and the tax payers like myself already pay. Please stop looking the other way and make those who do wrong accountable. We never here anything about those who wrongly use a gun. I don't agree with what you are doing and you should stop targeting law abiding citizens.

[Sent from Yahoo Mail on Android](#)

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**FW: New proposed gun laws for San Jose**

City Clerk &lt;[REDACTED]&gt;

Mon 2/7/2022 2:37 PM

To: Agendadesk &lt;[REDACTED]&gt;

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**From:** Dr. John Willow Glen [REDACTED]**Sent:** Monday, February 7, 2022 1:28 PM**To:** City Clerk <[REDACTED]>**Subject:** New proposed gun laws for San Jose

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[External Email]

**To Whom It May Concern:**

The two new gun laws proposed for San Jose's legal gun owners are a terrible idea for several reasons. These include:

1. The liability insurance proposed doesn't currently exist. An analogy would be to ask me to purchase liability insurance for illegal actions taken by thieves after they stole my car. I don't have that insurance because I am not liable for the illegal actions of others.
2. The annual tax apparently will be funneled to a non profit group that will look into ways to reduce gun violence. I feel this tax is a boondoggle meant to virtue signal to others that the city cares without any concrete ability to change anything.
3. Finally, since these measures have questionable Constitutionality, to pass them will embroil the city in litigation that will cost money better spent on public safety.

I truly feel these measures will have no positive effect and will cost money.

Sincerely,  
John M Pisacane



San Jose

**John M Pisacane DMD**



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**FW: Do not pass the Gun Harm Reduction Ord**

City Clerk &lt;[REDACTED]&gt;

Mon 2/7/2022 2:37 PM

To: Agendadesk &lt;[REDACTED]&gt;

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**From:** Rob O <[REDACTED]>**Sent:** Monday, February 7, 2022 1:17 PM**To:** City Clerk <[REDACTED]>**Subject:** Do not pass the Gun Harm Reduction Ord

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The Gun Harm Reduction Ordinance hearing held last month was a shocking reveal that the government in San Jose does not care for the opinions of it's citizens. We overwhelmingly opposed the ordinance and called to voice that in droves. Easily outweighing any of the bought and paid for and illogical supporting arguments.

1. The idea that insurance to drive a car is even remotely the same is ridiculous because we are talking about a Fundamental Right. The Inalienable right to self defence, to bear arms, and which shall not be infringed. This is not a privilege like driving a car but rather a right.
2. The idea that having gun owners fund their own enemies in the way of forcing us to finance an unknown organization that undoubtedly will be bias against guns is preposterous. We have no idea what this fee will be but I can tell you people will not comply to having their rights taxes and their private information given to a non profit that has no oversight. It was telling that during the meeting Licardo admitted to starting work on the non profit for an ordinance that has "yet to be decided on".
3. The other major issue is Sam Licardo lied to all who listened to that meeting saying no guns would be taken from people. In the ordinance it mentions confiscation. Is someone not telling the Mayor that those are the same things? I guess the logic is, no guns will be taken from legal gun owners because you will simply make all gun owners unlawful then take them?

You must correct your path or this state will continue to be the highest taxes most unaffordable state. It will continue to have some of the worst violent crime statistics. As well as continue to force Californians to flee in droves from this festering socialist hell hole. Fix it.

Clear cut, taxation without representation.

-Robert

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**FW: Gun Liability Insurance.**

City Clerk &lt;[REDACTED]&gt;

Mon 2/7/2022 2:37 PM

To: Agendadesk &lt;[REDACTED]&gt;

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

From: Brent Dickinson &lt;[REDACTED]&gt;

Sent: Monday, February 7, 2022 1:06 PM

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

Subject: Gun Liability Insurance.

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[External Email]

Please note that I am opposed to the new Gun Liability Insurance that has been passed by the San Jose City council. Again government infringement of our 2nd amendment "right of the people to keep and bear Arms, shall not be infringed. This new ordinance is just that another infringement by the City of San Jose on law abiding citizens. My recommendation is enforce the laws already on the books and leave those that do not have criminal records or mental health issues alone. The over taxation, excessive gun fees and letting those that have committed criminal offenses is not solving the problems as anyone can see. Look at San Jose downtown and drive by any freeway underpass and it doesn't take a rocket scientist to see the system is broke. Throwing more money isn't working folks. Honest, hard working taxpayers are sick of the excuses and the constant need for more money. In the 30 years that I've been in San Jose is the city safer, cleaner or worse with crime, homeless, and the constant taxation of its working class? Pretty simple answer for me, worse. Making gun owners continue to pay excessive fees is wrong. Fix the people please, that's what you pubic servants are being paid to do.

Brent Dickinson

Sent from my iPhone

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## FW: Constitutional Overreach

City Clerk <[REDACTED]>

Mon 2/7/2022 2:37 PM

To: Agendadesk <[REDACTED]>

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**From:** Martin Morrison <[REDACTED]>

**Sent:** Monday, February 7, 2022 12:36 PM

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

**Subject:** Constitutional Overreach

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[External Email]

the right of the people to keep and bear Arms, shall not be infringed.

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**FW: Do your job**

City Clerk &lt;[REDACTED]&gt;

Mon 2/7/2022 3:06 PM

To: Agendadesk &lt;[REDACTED]&gt;

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**From:** harte robba <[REDACTED]>**Sent:** Monday, February 7, 2022 3:06 PM**To:** City Clerk <[REDACTED]>**Subject:** Do your job

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[External Email]

Sirs,

Instead of passing feel-good legislation that does nothing to support the rights of legal gun owning Americans, why don't you concentrate on the real issues at hand? The ones that most affect Americans living in California....like homeless issues, illegal immigrants flooding our borders, high taxes, excessive regulations, Corrupt politicians, high inflation, sales taxes that go up constantly, overpriced property values. The list goes on and on.

But instead you put forth this pathetic legislation that would needlessly affect only law abiding gun owners! I respectfully request you rethink this poorly crafted legislation and concentrate on really important issues.

Sincerely,

Harte Robba

[REDACTED]  
[REDACTED]  
[REDACTED]

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