

"Ghost Gun" Ordinance May 10: Item 4.1

Jonathan Fleming · [REDACTED]

Fri 5/6/2022 1:20 PM

To: 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>

Cc: Zarate, Sarah <Sarah.Zarate@sanjoseca.gov>; Frimann, Nora <nora.frimann@sanjoseca.gov>; Chaffee, Terra <Terra.Chaffee@sanjoseca.gov>; Maguire, Jennifer <jennifer.maguire@sanjoseca.gov>

 1 attachments (266 KB)

20220506 Untraceable PMF Ordinance Letter.pdf;

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Mayor and Councilmembers,

We have worked with the City Manager's Office and the City Attorney's Office on the issue of untraceable privately made firearms, commonly referred to as "ghost guns."

The current ordinance language issued on April 29, 2022 is overreaching and criminalizes a constitutionally protected right for law abiding residents.

We have made minor changes to it that allow you to accomplish your direction while preserving the right of residents in our city to legally build firearms.

Please accept our language changes to the ordinance proposal for adoption on May 10, 2022.

Thank you and all the best,

Jonathan Fleming

CEO & Executive Director

Silicon Valley Public Accountability Foundation

SVPAF.org

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May 6, 2022

Mayor, City Council, and Staff,

We read through the ordinance and believe it is too far overreaching and burdensome on San Joseans.

The City Council direction stated, "Ghost Guns: Direct the City Attorney to craft a prohibition on the possession, assembly, and manufacturing of any untraceable gun lacking a serial number, in collaboration with partner organizations such as Brady United and Gifford Law Center, to cover gaps in California state prohibitions, most of which do not take effect until July 2022."

The ordinance as written will not stop any criminals who wish to violate the law. It does create a new law addressing Council's direction, however it does so by taking away the constitutionally protected rights of individuals to privately manufacture their own firearms in a legal manner. We have re-written the ordinance to only focus on "ghost guns" and which also preserves the rights of law-abiding residents in our city to legally privately manufacture their own firearm.

Finally, there are distinctions between illegally made firearms without serial numbers, firearms that are legally made at home, and defaced firearms which were legally manufactured but the serial number has been illegally removed by a criminal.

Problems with Ordinance as written:

The ordinance uses terms and creates definitions that are not factually accurate. Examples:

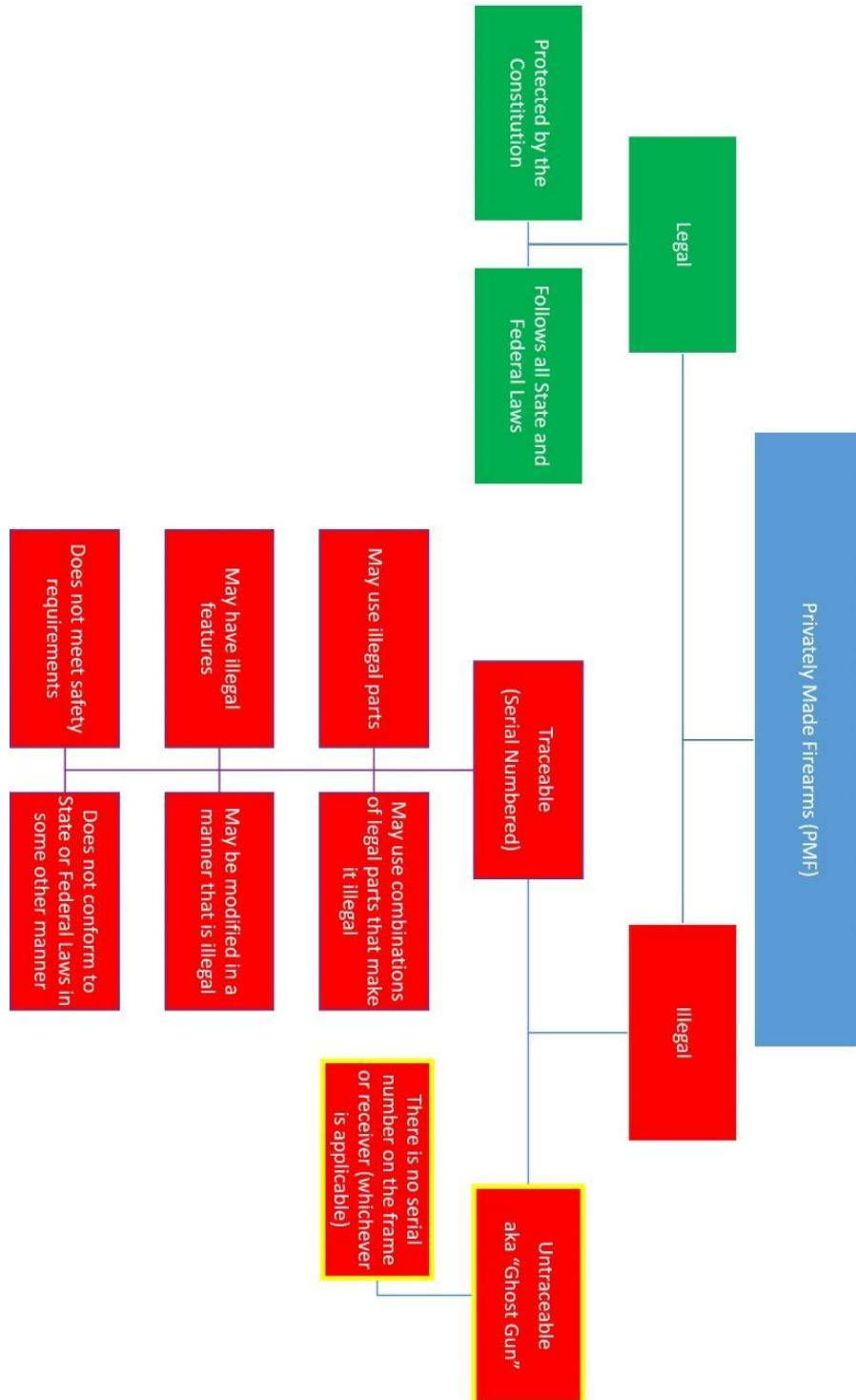
1. "'**Privately Manufactured Firearm**' means any finished firearm that is assembled from (1) unfinished frames or receivers or (2) printed from a 3-dimensional ("3-D") printer."
2. "'**Unfinished Frame or Receiver**' means a piece of any material that does not constitute the finished frame or receiver of a firearm, rifle, or shotgun but that has been shaped or formed in any way to become the frame or receiver of a firearm, rifle, or shotgun, and
 - (1) which may readily be made into a functional frame or receiver through milling, drilling, or other means; or
 - (2) is marketed or sold to the public to become or be used as the frame or receiver of a functional firearm once completed, assembled or converted."

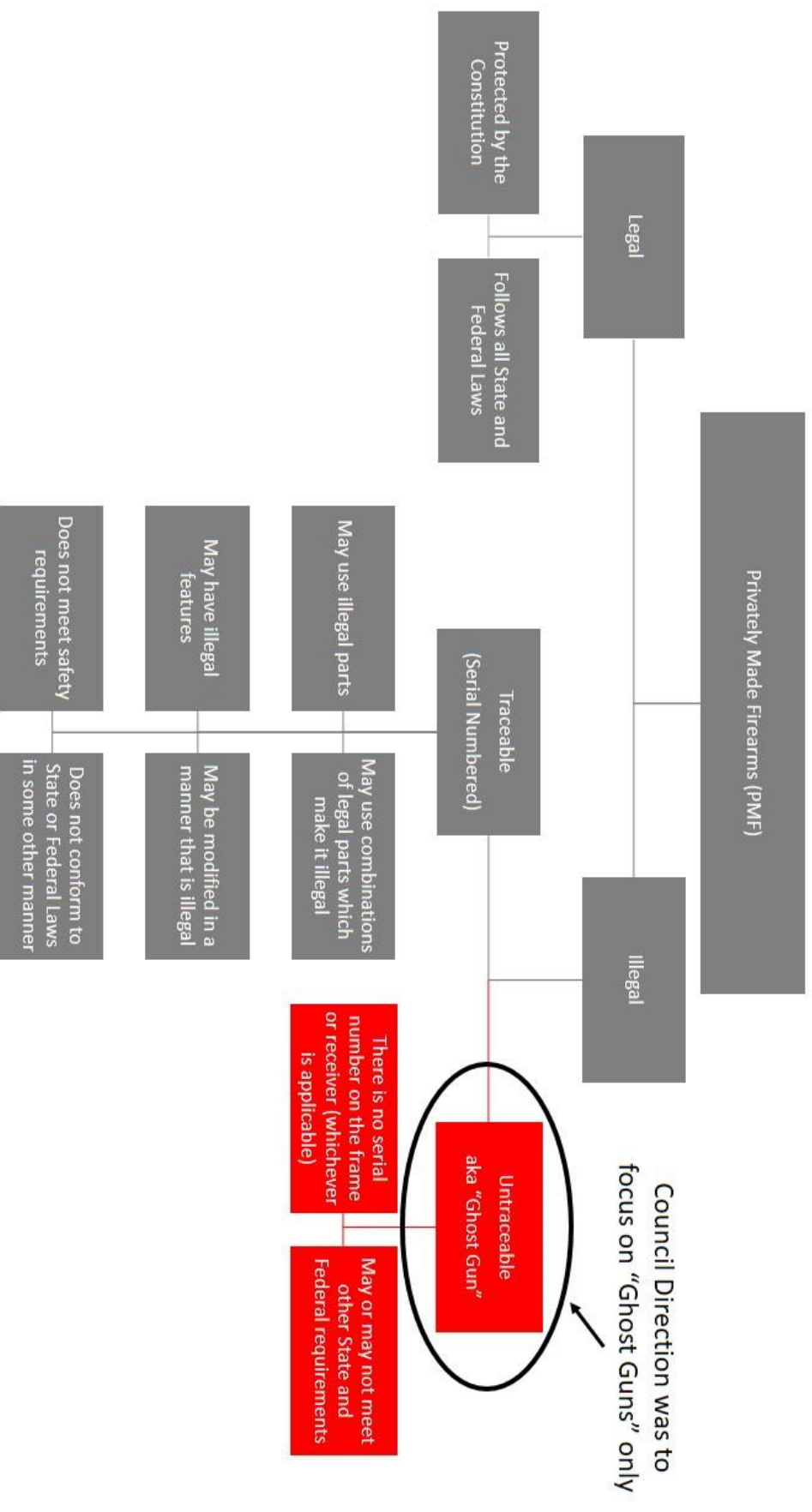
The ordinance incorrectly sets the background in the WHEREAS section with bias towards those who exercise their Second Amendment rights. Examples:

1. "**WHEREAS**, Privately Manufactured Firearms, sometimes referred to as "ghost guns," are untraceable and unregulated firearms that are often assembled by unlicensed individuals using build-it-yourself kits;" (Incorrect statement because ghost guns are PMF's that are illegally constructed. This sentence makes it sound like all PMF's are illegal, which is not the case)
2. **WHEREAS**, assembling the parts into a lethal Privately Manufactured Firearm can readily be done by untrained persons using common household tools; and (bias is implied with "lethal" adjective)

All Privately Made Firearms Are Not Ghost Guns

PMF's fall into several categories, but we have separated them into Legal and Illegal. A PMF can be illegal for several reasons, but we categorized it as Traceable vs Untraceable. The council direction specifically wants staff to develop an ordinance on untraceable PMF's, aka ghost guns.





Revisions to ordinance – deliver on the specific council direction:

10.32.260 Purpose and Intent

The purpose of this law is to protect public safety, reduce gun violence, and make the City safer from individuals who create Untraceable Privately Manufactured Firearms, including Readily Convertible Unfinished Frames or Unfinished Receivers.

"**WHEREAS**, "Ghost guns," are unregulated and Untraceable Privately Made Firearms that are often assembled by unlicensed individuals using build-it-yourself kits;"

WHEREAS, assembling the parts into a ~~lethal~~ Untraceable Privately Manufactured Firearm can readily be done by untrained persons using common household tools; and

10.32.270 Definitions

"**Privately Manufactured Firearm**" means any privately made firearm. A firearm, including a frame or receiver, completed, assembled, or otherwise produced by a person other than a licensed manufacturer.

"**Untraceable Privately Manufactured Firearm**" means any Privately Manufactured Firearm as defined above, that is completed and has not been imprinted with a serial number issued by a Federal Firearms Importer or Manufacturer, or has not been engraved or permanently affixed with a serial number provided by the California Department of Justice.

"**Readily Convertible Unfinished Frame or Receiver**" means a partially complete, disassembled, or nonfunctional frame or receiver, including those that have been three-dimensionally ("3-D") printed, that has reached a stage in manufacture where it may quickly and easily ("readily") be made to function as a "frame or receiver" and expressly excludes a block of metal, liquid polymers and other raw materials or a frame or receiver that has been destroyed.

10.32.280 Prohibitions on Readily Convertible Unfinished Receivers and Frames

Prohibition. It shall be unlawful for any person to possess, sell, offer to sell, transfer, purchase, transport, receive, or Manufacture **any Readily Convertible** Unfinished Frame or Receiver, unless either (1) the person possessing, transporting, or receiving the Unfinished Frame or Receiver is a Federal Firearms Importer or Manufacturer, or (2) the **Readily Convertible** Unfinished Frame or Receiver is either required by federal law to be and has been imprinted with a serial number issued by a Federal Firearms Importer or Manufacturer, or has been engraved or permanently affixed with a serial number provided by the California Department of Justice...

10.32.290 Prohibition on Untraceable Privately Manufactured Firearms

Prohibition. It shall be unlawful for any person to possess, sell, offer to sell, transfer, purchase, transport, receive, or Manufacture a Privately Manufactured Firearm that does not conform to state and federal law, unless either (1) the person possessing, transporting, or receiving the Unfinished Frame or Receiver is a Federal Firearms Importer or Manufacturer, or (2) the Unfinished Frame or Receiver is either required by federal law to be and has been imprinted with a serial number issued by a Federal Firearms Importer or Manufacturer, or has been engraved or permanently affixed with a serial number provided by the California Department of Justice...

10.32.300 Prohibition on Manufacturing Non-Serialized Firearms
(No changes suggested)

Please accept all changes to the proposed ordinance for adoption on May 10, 2022.

Yours Sincerely,

The Board of the Silicon Valley Public Accountability Foundation



SVPAF.org

STOP GHOST GUNS

jill jensen <[REDACTED]>

Sat 5/7/2022 10:08 AM

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

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As a volunteer with Moms Demand Action, I strongly support Moms Demand Action For Gun Sense In America!!

I support the Privately Made Firearm ordinance which will ban the manufacture, sale, and possession of "ghost guns" in the City of San Jose. Such privately manufactured firearms can be readily assembled by untrained amateurs using common household tools and are untraceable and unregulated. The ease of access to these untraceable weapons contributes to the epidemic of gun violence plaguing our community.

Please help us stop this gun violence by outlawing Ghost Guns!!

Thank you

Jill Jensen

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please stop ghost guns

Eric Colson <[REDACTED]>

Sat 5/7/2022 10:47 AM

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

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hello all,

I am a volunteer with "Moms Demand Action For Gun Sense In America". I'd like to express my support for the Privately Made Firearm ordinance which will ban the manufacture, sale, and possession of "ghost guns" in the City of San Jose. No good will come from allowing guns to be assembled - especially since those homemade guns can't be registered. The potential for danger is paramount.

thank you.

Eric Colson

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(No subject)

Mehernaz Farsi <[REDACTED]>

Sat 5/7/2022 10:52 AM

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

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To Whom It May Concern,

As a San Jose resident and a volunteer with Moms Demand Action for Gun Sense in America, I support the Privately Made Firearm ordinance which will ban the manufacture, sale, and possession of "ghost guns" in the City of San Jose. Such privately manufactured firearms can be readily assembled by untrained amateurs using common household tools and are untraceable and unregulated. The ease of access to these untraceable weapons contributes to the epidemic of gun violence plaguing our community.

Please pass this ordinance. We need help controlling gun violence in our community. Thank you.

Sincerely,
Mehernaz H. Farsi
Realtor & Attorney Mediator

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No ghost guns

Maureen Medeiros <[REDACTED]>

Sat 5/7/2022 11:23 AM

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

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I am a volunteer with Moms Demand Action For Gun Sense In America. As a parent and a teacher, I am horrified at the deadly issue of guns in this country.

I wanted to write to say that I strongly support the Privately Made Firearm ordinance which will ban the manufacture, sale, and possession of "ghost guns" in the City of San Jose. These privately-manufactured firearms are truly terrifying, as they are untraceable and unregulated. The ease of access to these homemade weapons contributes to the massive epidemic of gun violence plaguing our country.

But at least our community of San Jose can do something about it, and set a precedent for the rest of the nation.

Thank you for voting on the right side of history,
Maureen Medeiros

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Ghost gun bill

Kelly Traver <[REDACTED]>

Sat 5/7/2022 11:59 AM

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

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Dear Council,

I am a physician and volunteer with Moms Demand Action. I support the Privately Made Firearm ordinance which will ban the manufacture, sale, and possession of "ghost guns" in the City of San Jose. Such privately manufactured firearms can be readily assembled by untrained amateurs using common household tools and are untraceable and unregulated. The ease of access to these untraceable weapons contributes to the epidemic of gun violence plaguing our community.

Did you know that the United States is already far and above all of the world's developed countries in rates of firearm deaths and that as of 2020 firearms are the leading cause of death for children in the United States? The leading cause! We have to do better! Please support this ordinance.

Thank you,
Kelly Traver

Sent from my iPhone

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Gun safety supporter- my support for the ordinance

Cindy Nelson <[REDACTED]>

Sat 5/7/2022 12:48 PM

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

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Dear City Council

As a volunteer with Moms Demand Action, I am writing to let you know that I support the Privately Made Firearm ordinance which will ban the manufacture, sale, and possession of "ghost guns" in the City of San Jose.

Such privately manufactured firearms can be readily assembled by untrained amateurs using common household tools and are untraceable and unregulated. The ease of access to these untraceable weapons contributes to the epidemic of gun violence plaguing our community.

Thank you

Cynthia Nelson

Volunteer for Moms Demand Action For Gun Sense In America

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Ghost guns

Debbie Israel <[REDACTED]>

Sat 5/7/2022 2:27 PM

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

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As a volunteer with Moms Demand Action, I support the Privately Made Firearm ordinance which will ban the manufacture, sale, and possession of "ghost guns" in the City of San Jose. Such privately manufactured firearms can be readily assembled by untrained amateurs using common household tools and are untraceable and unregulated. The ease of access to these untraceable weapons contributes to the epidemic of gun violence plaguing our community.

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Peace and blessings,
Rabbi Debbie Israel

"Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it's the only thing that ever has". Margaret Mead

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Regulate ghost gun parts sales in San Jose!

Leslie McNeil <[REDACTED]>

Sat 5/7/2022 3:25 PM

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

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Ghost Guns are the fastest growing gun safety problem in this country. The ease of obtaining parts and assembling these fully-functional and deadly weapons is a huge threat to all of us! Anyone found with these parts should be prosecuted as possessing illegal unlicensed firearms.

As a volunteer with Moms Demand Action, I support the Privately Made Firearm ordinance which will ban the manufacture, sale, and possession of "ghost guns" in the City of San Jose. Untrained amateurs can put these together using common household tools and so the guns are untraceable and unregulated. The ease of access to these untraceable weapons contributes to the epidemic of gun violence plaguing our community.

PLEASE TAKE ACTION NOW - BEFORE IT IS TOO LATE AND ANOTHER LIFE IS LOST.

Sincerely,

Leslie S. McNeil, a mom, a homeowner, and a registered voter in Santa Clara County

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Ghost guns

Annette Ladowitz <[REDACTED]>

Sat 5/7/2022 3:44 PM

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

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As a member of Moms Demand Action and a local resident, with many San José voting friends I urge you to ban the manufacture, sale and possession of ghost guns.

Thank you for all you do to promote and provide a model for safe cities.

Annette Ladowitz

LCSW

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4.1 Privately Made Firearm Ordinance

Nicole Buchwald <[REDACTED]>

Sat 5/7/2022 8:42 PM

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

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To Whom it May Concern,

As a San Jose resident and volunteer with Moms Demand Action For Gun Sense In America, I support the Privately Made Firearm ordinance which will ban the manufacture, sale, and possession of "ghost guns" in the City of San Jose.

This type of privately manufactured firearms can be readily assembled by untrained amateurs using common household tools and are untraceable and unregulated. The ease of access to these untraceable weapons contributes to the epidemic of gun violence plaguing our community. As a parent of a young child, gun laws & ordinances in CA and our local community are very important to me.

Thank you for your time,

Sincerely,
Nicole Buchwald

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Moms Demand Action For Gun Sense In America"

cora liu <[REDACTED]>

Sat 5/7/2022 11:42 PM

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

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[External Email]

Hi,

As a volunteer with Moms Demand Action, I support the Privately Made Firearm ordinance which will ban the manufacture, sale, and possession of "ghost guns" in the City of San Jose. Such privately manufactured firearms can be readily assembled by untrained amateurs using common household tools and are untraceable and unregulated. The ease of access to these untraceable weapons contributes to the epidemic of gun violence plaguing our community.

Regards,
Ying Chun Liu

Sent from my iPhone

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In support of Agenda item 4.1

BradySantaClara Chapter <[REDACTED]>

Sun 5/8/2022 1:52 PM

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

[External Email]

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Dear San Jose Mayor and City Council:

Thank you for what you've done these past two years to reduce the harm inherent in guns, and now for your proposal to ban ghost guns, the damage from which we have seen grow alarmingly.

The biggest benefit of the ordinance will be in those communities most traumatized by easy access to handguns, where young men of color are killed and imprisoned due to gun-enabled activity at disproportionate rates. The young men themselves are not the only victims. There are collateral victims, children killed in their beds by a stray bullet, not to mention the suffering of the people who love and mourn the lost young men. On top of this, law enforcement's acute awareness of how easy it is for a young man to get hold of and be carrying a gun has led to consequences which are tragic and demoralizing not only for the people directly involved but for the entire nation.

The time for thoughts and prayers is long past, and San Jose is stepping up again to take meaningful action.

Regards,
Don Veith, co-ordinator
Santa Clara County Chapter
Brady United

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Item 4.1 - 22-660 Privately Made Firearm Ordinance

kirk vartan <[REDACTED]>

Sun 5/8/2022 11:29 PM

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>

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Mayor, City Council, and Staff,

Once again, the Mayor has done NO OUTREACH to the public. Whether you agree with this direction or not, I hope you will all agree that any laws that affect the entire city should be discussed in public and widely debated. By having the council approve the guidance to the City Attorney last June 2021, Mayor Liccardo has bypassed all required discussion on these issues. It is a shameful one and seems pretty calculated. And it unfortunately wreaks of a political agenda, one the Mayor is seeking. Four of the five people that signed onto the original memo are not even going to be on council.

Why has the Mayor not held any meetings or town halls on gun laws he wants to create? Why is he pushing the laws through without public discussion? The process matters and the Mayor seems to feel the ends justify the means.

I read through the ordinance and believe it is too far overreaching and burdensome on San Joseans.

The City Council direction stated, "Ghost Guns: Direct the City Attorney to craft a prohibition on the possession, assembly, and manufacturing of any untraceable gun lacking a serial number, in collaboration with partner organizations such as Brady United and Gifford Law Center, to cover gaps in California state prohibitions, most of which do not take effect until July 2022."

The ordinance as written will not stop any criminals who wish to violate the law. It does create a new law addressing Council's direction, however it does so by taking away the constitutionally protected rights of individuals to privately manufacture their own firearms in a legal manner. We have re-written the ordinance to only focus on "ghost guns" and which also preserves the rights of law-abiding residents in our city to legally privately manufacture their own firearm.

Finally, there are distinctions between illegally made firearms without serial numbers, firearms that are legally made at home, and defaced firearms which were legally manufactured but the serial number has been illegally removed by a criminal.

Problems with Ordinance as written:

The ordinance uses terms and creates definitions that are not factually accurate. Examples:

"'Privately Manufactured Firearm' means any finished firearm that is assembled from (1) unfinished frames or receivers or (2) printed from a 3-dimensional ("3-D") printer."

"'Unfinished Frame or Receiver' means a piece of any material that does not constitute the finished frame or receiver of a firearm, rifle, or shotgun but that has been shaped or formed in any way to become the frame or receiver of a firearm, rifle, or shotgun, and which may readily be made into a functional frame or receiver through milling, drilling, or other means; or is marketed or sold to the public to become or be used as the frame or receiver of a functional firearm once completed, assembled or converted."

The ordinance incorrectly sets the background in the WHEREAS section with bias towards those who exercise their Second Amendment rights. Examples:

"WHEREAS, Privately Manufactured Firearms, sometimes referred to as "ghost guns," are untraceable and unregulated firearms that are often assembled by unlicensed individuals using build-it-yourself kits;" (Incorrect statement because ghost guns are PMF's that are illegally constructed. This sentence makes it sound like all PMF's are illegal, which is not the case)

WHEREAS, assembling the parts into a lethal Privately Manufactured Firearm can readily be done by untrained persons using common household tools; and (bias is implied with "lethal" adjective)

All Privately Made Firearms Are Not Ghost Guns

PMF's fall into several categories, but we have separated them into Legal and Illegal. A PMF can be illegal for several reasons, but we categorized it as Traceable vs Untraceable. The council direction specifically wants staff to develop an ordinance on untraceable PMF's, aka ghost guns.

Please accept the following revisions to the ordinance and deliver on the specific council direction:

10.32.260 Purpose and Intent

The purpose of this law is to protect public safety, reduce gun violence, and make the City safer from individuals who create Untraceable Privately Manufactured Firearms, including Readily Convertible Unfinished Frames or Unfinished Receivers.

"WHEREAS, "Ghost guns," are unregulated and Untraceable Privately Made Firearms that are often assembled by unlicensed individuals using build-it-yourself kits;"

WHEREAS, assembling the parts into a lethal Untraceable Privately Manufactured Firearm can readily be done by untrained persons using common household tools; and

10.32.270 Definitions

"Privately Manufactured Firearm" means any privately made firearm. A firearm, including a frame or receiver, completed, assembled, or otherwise produced by a person other than a licensed manufacturer.

"Untraceable Privately Manufactured Firearm" means any Privately Manufactured Firearm as defined above, that is completed and has not been imprinted with a serial number issued by a Federal Firearms Importer or Manufacturer, or has not been engraved or permanently affixed with a serial number provided by the California Department of Justice.

"Readily Convertible Unfinished Frame or Receiver" means a partially complete, disassembled, or nonfunctional frame or receiver, including those that have been three-dimensionally ("3-D") printed, that has reached a stage in manufacture where it may quickly and easily ("readily") be made to function as a "frame or receiver" and expressly excludes a block of metal, liquid polymers and other raw materials or a frame or receiver that has been destroyed.

10.32.280 Prohibitions on Readily Convertible Unfinished Receivers and Frames

Prohibition. It shall be unlawful for any person to possess, sell, offer to sell, transfer, purchase, transport, receive, or Manufacture any Readily Convertible Unfinished Frame or Receiver, unless either (1) the person possessing, transporting, or receiving the Unfinished Frame or Receiver is a Federal Firearms Importer or Manufacturer, or (2) the Readily Convertible Unfinished Frame or Receiver is either required by federal law to be and has been imprinted with a serial number issued by a Federal Firearms Importer or Manufacturer, or has been engraved or permanently affixed with a serial number provided by the California Department of Justice...

10.32.290 Prohibition on Untraceable Privately Manufactured Firearms

Prohibition. It shall be unlawful for any person to possess, sell, offer to sell, transfer, purchase, transport, receive, or Manufacture a Privately Manufactured Firearm that does not conform to state and federal law, unless either (1) the person possessing, transporting, or receiving the Unfinished Frame or Receiver is a Federal Firearms Importer or Manufacturer, or (2) the Unfinished Frame or Receiver is either required by federal law to be and has been imprinted with a serial number issued by a Federal Firearms Importer or Manufacturer, or has been engraved or permanently affixed with a serial number provided by the California Department of Justice...

10.32.300 Prohibition on Manufacturing Non-Serialized Firearms

(No changes suggested)

Please accept all changes to the proposed ordinance for adoption on May 10, 2022.

Sincerely,
Your Constituent

Kirk Vartan

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Item 4.1 - 22-660 Privately Made Firearm Ordinance

Jess B. Guy <[REDACTED]>

Mon 5/9/2022 7:23 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>

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Mayor, City Council, and Staff, I have read through the ordinance and believe it is duplicative of State law.

I oppose the ordinance as written as a waste of time and energy and is nothing more than a feel good political stunt. The ordinance as written will not stop any criminal behavior.

Of particular concern is the following statement:

WHEREAS, assembling the parts into a lethal Privately Manufactured Firearm can readily be done by untrained persons using common household tools;

The above is an ignorant statement. "Untrained persons" means the person does not have the ability to accomplish the task. "Readily be done" means rapidly...something not available on any precursor frame or receiver.

"Common household tools" - wrong. Hammers and screwdrivers will not make any firearm receiver.

The State of California will have its own restrictive ordinance in July of this year.

Quit wasting taxpayer money just so you can go around and brag about your so-called war on guns.

Jess B. Guy
[REDACTED]

If you're not on a government watchlist by now, you're not trying hard enough.

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Item 4.1 - 22-660 Privately Made Firearm Ordinance

Tobin Gilman <[REDACTED]>

Mon 5/9/2022 7:24 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>

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[External Email]

Mayor, City Council, and Staff,

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The City Council direction stated, "Ghost Guns: Direct the City Attorney to craft a prohibition on the possession, assembly, and manufacturing of any untraceable gun lacking a serial number, in collaboration with partner organizations such as Brady United and Gifford Law Center, to cover gaps in California state prohibitions, most of which do not take effect until July 2022."

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Finally, there are distinctions between illegally made firearms without serial numbers, firearms that are legally made at home, and defaced firearms which were legally manufactured but the serial number has been illegally removed by a criminal.

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""Unfinished Frame or Receiver' means a piece of any material that does not constitute the finished frame or receiver of a firearm, rifle, or shotgun but that has been shaped or formed in any way to become the

frame or receiver of a firearm, rifle, or shotgun, and which may readily be made into a functional frame or receiver through milling, drilling, or other means; or is marketed or sold to the public to become or be used as the frame or receiver of a functional firearm once completed, assembled or converted."

The ordinance incorrectly sets the background in the WHEREAS section with bias towards those who exercise their Second Amendment rights. Examples:

"WHEREAS, Privately Manufactured Firearms, sometimes referred to as "ghost guns," are untraceable and unregulated firearms that are often assembled by unlicensed individuals using build-it-yourself kits;" (Incorrect statement because ghost guns are PMF's that are illegally constructed. This sentence makes it sound like all PMF's are illegal, which is not the case)

WHEREAS, assembling the parts into a lethal Privately Manufactured Firearm can readily be done by untrained persons using common household tools; and (bias is implied with "lethal" adjective)

All Privately Made Firearms Are Not Ghost Guns

PMF's fall into several categories, but we have separated them into Legal and Illegal. A PMF can be illegal for several reasons, but we categorized it as Traceable vs Untraceable. The council direction specifically wants staff to develop an ordinance on untraceable PMF's, aka ghost guns.

Please accept the following revisions to the ordinance and deliver on the specific council direction:

10.32.260 Purpose and Intent

The purpose of this law is to protect public safety, reduce gun violence, and make the City safer from individuals who create Untraceable Privately Manufactured Firearms, including Readily Convertible Unfinished Frames or Unfinished Receivers.

"WHEREAS, "Ghost guns," are unregulated and Untraceable Privately Made Firearms that are often assembled by unlicensed individuals using build-it-yourself kits;"

WHEREAS, assembling the parts into a lethal Untraceable Privately Manufactured Firearm can readily be done by untrained persons using common household tools; and

10.32.270 Definitions

"Privately Manufactured Firearm" means any privately made firearm. A firearm, including a frame or receiver, completed, assembled, or otherwise produced by a person other than a licensed manufacturer.

"Untraceable Privately Manufactured Firearm" means any Privately Manufactured Firearm as defined above, that is completed and has not been imprinted with a serial number issued by a Federal Firearms Importer or Manufacturer, or has not been engraved or permanently affixed with a serial number provided by the California Department of Justice.

"Readily Convertible Unfinished Frame or Receiver" means a partially complete, disassembled, or nonfunctional frame or receiver, including those that have been three-dimensionally ("3-D") printed, that has reached a stage in manufacture where it may quickly and easily ("readily") be made to function as a "frame or receiver" and expressly excludes a block of metal, liquid polymers and other raw materials or a frame or receiver that has been destroyed.

10.32.280 Prohibitions on Readily Convertible Unfinished Receivers and Frames

Prohibition. It shall be unlawful for any person to possess, sell, offer to sell, transfer, purchase, transport, receive, or Manufacture any Readily Convertible Unfinished Frame or Receiver, unless either (1) the person possessing, transporting, or receiving the Unfinished Frame or Receiver is a Federal Firearms Importer or Manufacturer, or (2) the Readily Convertible Unfinished Frame or Receiver is either required by federal law to be and has been imprinted with a serial number issued by a Federal Firearms Importer or Manufacturer, or has been engraved or permanently affixed with a serial number provided by the California Department of Justice...

10.32.290 Prohibition on Untraceable Privately Manufactured Firearms

Prohibition. It shall be unlawful for any person to possess, sell, offer to sell, transfer, purchase, transport, receive, or Manufacture a Privately Manufactured Firearm that does not conform to state and federal law, unless either (1) the person possessing, transporting, or receiving the Unfinished Frame or Receiver is a Federal Firearms Importer or Manufacturer, or (2) the Unfinished Frame or Receiver is either required by federal law to be and has been imprinted with a serial number issued by a Federal Firearms Importer or Manufacturer, or has been engraved or permanently affixed with a serial number provided by the California Department of Justice...

10.32.300 Prohibition on Manufacturing Non-Serialized Firearms

(No changes suggested)

Please accept all changes to the proposed ordinance for adoption on May 10, 2022.

Sincerely,
Tobin Gilman

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Item 4.1 - 22-660 Privately Made Firearm Ordinance

Joseph White <[REDACTED]>

Mon 5/9/2022 8:17 AM

To: CouncilMeeting <CouncilMeeting@sanjoseca.gov>; 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>; 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>

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"WHEREAS, "Ghost guns," are unregulated and Untraceable Privately Made Firearms that are often assembled by unlicensed individuals using build-it-yourself kits;"

WHEREAS, assembling the parts into a lethal Untraceable Privately Manufactured Firearm can readily be done by untrained persons using common household tools; and

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10.32.300 Prohibition on Manufacturing Non-Serialized Firearms

(No changes suggested)

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Sincerely,
Your Constituent

Sent from my iPhone

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Item 4.1 - 22-660 Privately Made Firearm Ordinance

Alice <[REDACTED]>

Mon 5/9/2022 8:54 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>

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10.32.300 Prohibition on Manufacturing Non-Serialized Firearms

(No changes suggested)

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Sincerely,
Your Constituent

Sent from my Galaxy

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Item 4.1 - 22-660 Privately Made Firearm Ordinance

LarryWCarr <[REDACTED]>

Mon 5/9/2022 9:14 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>

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10.32.300 Prohibition on Manufacturing Non-Serialized Firearms

(No changes suggested)

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Sincerely,
Your Constituent

Sent from my iPad

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Item 4.1 - 22-660 Privately Made Firearm Ordinance

patty fishburn [REDACTED]

Mon 5/9/2022 9:49 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>

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[External Email]

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The City Council direction stated, "Ghost Guns: Direct the City Attorney to craft a prohibition on the possession, assembly, and manufacturing of any untraceable gun lacking a serial number, in collaboration with partner organizations such as Brady United and Gifford Law Center, to cover gaps in California state prohibitions, most of which do not take effect until July 2022."

The ordinance as written will not stop any criminals who wish to violate the law. It does create a new law addressing Council's direction, however it does so by taking away the constitutionally protected rights of individuals to privately manufacture their own firearms in a legal manner. We have re-written the ordinance to only focus on "ghost guns" and which also preserves the rights of law-abiding residents in our city to legally privately manufacture their own firearm.

Finally, there are distinctions between illegally made firearms without serial numbers, firearms that are legally made at home, and defaced firearms which were legally manufactured but the serial number has been illegally removed by a criminal.

Problems with Ordinance as written:

The ordinance uses terms and creates definitions that are not factually accurate. Examples:

""Privately Manufactured Firearm' means any finished firearm that is assembled from (1) unfinished frames or receivers or (2) printed from a 3-dimensional ("3-D") printer."

""Unfinished Frame or Receiver' means a piece of any material that does not constitute the finished frame or receiver of a firearm, rifle, or shotgun but that has been shaped or formed in any way to become the

frame or receiver of a firearm, rifle, or shotgun, and which may readily be made into a functional frame or receiver through milling, drilling, or other means; or is marketed or sold to the public to become or be used as the frame or receiver of a functional firearm once completed, assembled or converted."

The ordinance incorrectly sets the background in the WHEREAS section with bias towards those who exercise their Second Amendment rights. Examples:

"WHEREAS, Privately Manufactured Firearms, sometimes referred to as "ghost guns," are untraceable and unregulated firearms that are often assembled by unlicensed individuals using build-it-yourself kits;" (Incorrect statement because ghost guns are PMF's that are illegally constructed. This sentence makes it sound like all PMF's are illegal, which is not the case)

WHEREAS, assembling the parts into a lethal Privately Manufactured Firearm can readily be done by untrained persons using common household tools; and (bias is implied with "lethal" adjective)

All Privately Made Firearms Are Not Ghost Guns

PMF's fall into several categories, but we have separated them into Legal and Illegal. A PMF can be illegal for several reasons, but we categorized it as Traceable vs Untraceable. The council direction specifically wants staff to develop an ordinance on untraceable PMF's, aka ghost guns.

Please accept the following revisions to the ordinance and deliver on the specific council direction:

10.32.260 Purpose and Intent

The purpose of this law is to protect public safety, reduce gun violence, and make the City safer from individuals who create Untraceable Privately Manufactured Firearms, including Readily Convertible Unfinished Frames or Unfinished Receivers.

"WHEREAS, "Ghost guns," are unregulated and Untraceable Privately Made Firearms that are often assembled by unlicensed individuals using build-it-yourself kits;"

WHEREAS, assembling the parts into a lethal Untraceable Privately Manufactured Firearm can readily be done by untrained persons using common household tools; and

10.32.270 Definitions

"Privately Manufactured Firearm" means any privately made firearm. A firearm, including a frame or receiver, completed, assembled, or otherwise produced by a person other than a licensed manufacturer.

"Untraceable Privately Manufactured Firearm" means any Privately Manufactured Firearm as defined above, that is completed and has not been imprinted with a serial number issued by a Federal Firearms Importer or Manufacturer, or has not been engraved or permanently affixed with a serial number provided by the California Department of Justice.

"Readily Convertible Unfinished Frame or Receiver" means a partially complete, disassembled, or nonfunctional frame or receiver, including those that have been three-dimensionally ("3-D") printed, that has reached a stage in manufacture where it may quickly and easily ("readily") be made to function as a "frame or receiver" and expressly excludes a block of metal, liquid polymers and other raw materials or a frame or receiver that has been destroyed.

10.32.280 Prohibitions on Readily Convertible Unfinished Receivers and Frames

Prohibition. It shall be unlawful for any person to possess, sell, offer to sell, transfer, purchase, transport, receive, or Manufacture any Readily Convertible Unfinished Frame or Receiver, unless either (1) the person possessing, transporting, or receiving the Unfinished Frame or Receiver is a Federal Firearms Importer or Manufacturer, or (2) the Readily Convertible Unfinished Frame or Receiver is either required by federal law to be and has been imprinted with a serial number issued by a Federal Firearms Importer or Manufacturer, or has been engraved or permanently affixed with a serial number provided by the California Department of Justice...

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10.32.300 Prohibition on Manufacturing Non-Serialized Firearms

(No changes suggested)

Please accept all changes to the proposed ordinance for adoption on May 10, 2022.

Sincerely,
Your Constituent
Patty Fishburn
District 10

Sent from my iPhone

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Item 4.1 - 22-660 Privately Made Firearm Ordinance

Peter Hernandez <[REDACTED]>

Mon 5/9/2022 11:21 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>

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[External Email]

Mayor, City Council, and Staff,

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The City Council direction stated, "Ghost Guns: Direct the City Attorney to craft a prohibition on the possession, assembly, and manufacturing of any untraceable gun lacking a serial number, in collaboration with partner organizations such as Brady United and Gifford Law Center, to cover gaps in California state prohibitions, most of which do not take effect until July 2022."

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Problems with Ordinance as written:

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"WHEREAS, Privately Manufactured Firearms, sometimes referred to as "ghost guns," are untraceable and unregulated firearms that are often assembled by unlicensed individuals using build-it-yourself kits;" (Incorrect statement because ghost guns are PMF's that are illegally constructed. This sentence makes it sound like all PMF's are illegal, which is not the case)

WHEREAS, assembling the parts into a lethal Privately Manufactured Firearm can readily be done by untrained persons using common household tools; and (bias is implied with "lethal" adjective)

All Privately Made Firearms Are Not Ghost Guns

PMF's fall into several categories, but we have separated them into Legal and Illegal. A PMF can be illegal for several reasons, but we categorized it as Traceable vs Untraceable. The council direction specifically wants staff to develop an ordinance on untraceable PMF's, aka ghost guns.

Please accept the following revisions to the ordinance and deliver on the specific council direction:

10.32.260 Purpose and Intent

The purpose of this law is to protect public safety, reduce gun violence, and make the City safer from individuals who create Untraceable Privately Manufactured Firearms, including Readily Convertible Unfinished Frames or Unfinished Receivers.

"WHEREAS, "Ghost guns," are unregulated and Untraceable Privately Made Firearms that are often assembled by unlicensed individuals using build-it-yourself kits;"

WHEREAS, assembling the parts into a lethal Untraceable Privately Manufactured Firearm can readily be done by untrained persons using common household tools; and

10.32.270 Definitions

"Privately Manufactured Firearm" means any privately made firearm. A firearm, including a frame or receiver, completed, assembled, or otherwise produced by a person other than a licensed manufacturer.

"Untraceable Privately Manufactured Firearm" means any Privately Manufactured Firearm as defined above, that is completed and has not been imprinted with a serial number issued by a Federal Firearms Importer or Manufacturer, or has not been engraved or permanently affixed with a serial number provided by the California Department of Justice.

"Readily Convertible Unfinished Frame or Receiver" means a partially complete, disassembled, or nonfunctional frame or receiver, including those that have been three-dimensionally ("3-D") printed, that has reached a stage in manufacture where it may quickly and easily ("readily") be made to function as a "frame or receiver" and expressly excludes a block of metal, liquid polymers and other raw materials or a frame or receiver that has been destroyed.

10.32.280 Prohibitions on Readily Convertible Unfinished Receivers and Frames

Prohibition. It shall be unlawful for any person to possess, sell, offer to sell, transfer, purchase, transport, receive, or Manufacture any Readily Convertible Unfinished Frame or Receiver, unless either (1) the person possessing, transporting, or receiving the Unfinished Frame or Receiver is a Federal Firearms Importer or Manufacturer, or (2) the Readily Convertible Unfinished Frame or Receiver is either required by federal law to be and has been imprinted with a serial number issued by a Federal Firearms Importer or Manufacturer, or has been engraved or permanently affixed with a serial number provided by the California Department of Justice...

10.32.290 Prohibition on Untraceable Privately Manufactured Firearms

Prohibition. It shall be unlawful for any person to possess, sell, offer to sell, transfer, purchase, transport, receive, or Manufacture a Privately Manufactured Firearm that does not conform to state and federal law, unless either (1) the person possessing, transporting, or receiving the Unfinished Frame or Receiver is a Federal Firearms Importer or Manufacturer, or (2) the Unfinished Frame or Receiver is either required by federal law to be and has been imprinted with a serial number issued by a Federal Firearms Importer or Manufacturer, or has been engraved or permanently affixed with a serial number provided by the California Department of Justice...

10.32.300 Prohibition on Manufacturing Non-Serialized Firearms

(No changes suggested)

Please accept all changes to the proposed ordinance for adoption on May 10, 2022.

Sincerely,
Peter Hernandez

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

Support for 4.1 Privately Made Firearm Ordinance

kpandula@comcast.net <[REDACTED]>

Mon 5/9/2022 12:34 PM

To: 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>

Cc: City Clerk <city.clerk@sanjoseca.gov>

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[External Email]

Dear Mayor Liccardo and Councilmembers,

America is experiencing an increase in gun violence, particularly by people using privately made firearms. San Jose is no exception.

Privately made firearms make it harder for law enforcement to do their job.

- **Unregistered:** Police put their lives in danger when they visit a home with an unregistered firearm.
- **Undetectable:** Firearms manufactured from plastic are undetectable from security scanning systems.
- **Untraceable:** Law enforcement cannot properly investigate a crime when the firearm is untraceable.

I ask that you support the Privately Made Firearm ordinance. We need to do all we can to save lives in our community and help our law enforcement.

Thank you,
Karen Pandula

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Item #4, Ghost Guns

caroleandsteve eittreim <[REDACTED]>

Mon 5/9/2022 12:36 PM

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

[External Email]

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[External Email]

Dear City Council Members,

The United States has an epidemic of guns so it is imperative that the San Jose City Council pass an ordinance to ban ghost guns which only increases the availability of deadly weapons. It is time we stood up for our children and future generations and bring some common sense to gun ownership in this country.

Thank you.

Sincerely,
Caroleann Eittreim
[REDACTED]

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Item 4.1 - 22-660 Privately Made Firearm Ordinance

Pauhana <[REDACTED]>

Mon 5/9/2022 1:03 PM

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>

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[External Email]

Mayor, City Council, and Staff.

I have read through the ordinance and believe it is too far overreaching and burdensome to residents of San Jose. I oppose the ordinance as written, and ask you to modify it with the revisions detailed below for acceptance.

The City Council direction stated, "Ghost Guns: Direct the City Attorney to craft a prohibition on the possession, assembly, and manufacturing of any untraceable gun lacking a serial number, in collaboration with partner organizations such as Brady United and Gifford Law Center, to cover gaps in California state prohibitions, most of which do not take effect until July 2022." The ordinance as written will not stop any criminals who wish to violate the law. It does create a new law addressing Council's direction, however it does so by taking away the constitutionally protected rights of individuals to privately manufacture their own firearms in a legal manner. We have re-written the ordinance to only focus on "ghost guns" and which also preserves the rights of law-abiding residents in our city to legally privately manufacture their own firearm. Finally, there are distinctions between illegally made firearms without serial numbers, firearms that are legally made at home, and defaced firearms which were legally manufactured but the serial number has been illegally removed by a criminal.

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The ordinance incorrectly sets the background in the WHEREAS section with bias towards those who exercise their Second Amendment rights. Examples: "WHEREAS, Privately Manufactured Firearms, sometimes referred to as "ghost guns," are untraceable and unregulated firearms that are often assembled by unlicensed individuals using build-it-yourself kits;" (Incorrect statement because ghost guns are PMF's that are illegally constructed. This sentence makes it sound like all PMF's are illegal, which is not the case) WHEREAS, assembling the parts into a lethal Privately Manufactured Firearm can readily be done by untrained persons using common household tools; and (bias is implied with "lethal" adjective) All Privately Made Firearms Are Not Ghost Guns PMF's fall into several categories, but we have separated them into Legal and Illegal. A PMF can be illegal for several reasons, but we categorized it as Traceable vs Untraceable. The council direction specifically wants staff to develop an ordinance on untraceable PMF's, aka ghost guns.

Please accept the following revisions to the ordinance and deliver on the specific council direction:

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10.32.270 Definitions "Privately Manufactured Firearm" means any privately made firearm. A firearm, including a frame or receiver, completed, assembled, or otherwise produced by a person other than a licensed manufacturer. "Untraceable Privately Manufactured Firearm" means any Privately Manufactured Firearm as defined above, that is completed and has not been imprinted with a serial number issued by a Federal Firearms Importer or Manufacturer, or has not been engraved or permanently affixed with a serial number provided by the California Department of Justice. "Readily Convertible Unfinished Frame or Receiver" means a partially complete, disassembled, or nonfunctional frame or receiver, including those that have been three-dimensionally ("3-D") printed, that has reached a stage in manufacture where it may quickly and easily ("readily") be made to function as a "frame or receiver" and expressly excludes a block of metal, liquid polymers and other raw materials or a frame or receiver that has been destroyed.

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10.32.300 Prohibition on Manufacturing Non-Serialized Firearms (No changes suggested).

Please accept all changes to the proposed ordinance for adoption on May 10, 2022.

Sincerely,

Carl K

Your constituent

Sent with [ProtonMail](#) secure email.

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Privately Made Firearm ordinance

Brooke Strishock <[REDACTED]>

Mon 5/9/2022 1:57 PM

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

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As a volunteer with Moms Demand Action, I support the Privately Made Firearm ordinance which will ban the manufacture, sale, and possession of "ghost guns" in the City of San Jose. Such privately manufactured firearms can be readily assembled by untrained amateurs using common household tools and are untraceable and unregulated. The ease of access to these untraceable weapons contributes to the epidemic of gun violence plaguing our community. It's terrifying to think about people who shouldn't have access to guns at all, ordering or printing parts to get around the system. This puts us all in danger.

Brooke Strishock
she/her

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Item 4.1 - 22-660 Privately Made Firearm Ordinance

Mary Benson <[REDACTED]>

Mon 5/9/2022 2:22 PM

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>

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[External Email]

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10.32.280 Prohibitions on Readily Convertible Unfinished Receivers and Frames

Prohibition. It shall be unlawful for any person to possess, sell, offer to sell, transfer, purchase, transport, receive, or Manufacture any Readily Convertible Unfinished Frame or Receiver, unless either (1) the person possessing, transporting, or receiving the Unfinished Frame or Receiver is a Federal Firearms Importer or Manufacturer, or (2) the Readily Convertible Unfinished Frame or Receiver is either required by federal law to be and has been imprinted with a serial number issued by a Federal Firearms Importer or Manufacturer, or has been engraved or permanently affixed with a serial number provided by the California Department of Justice...

10.32.290 Prohibition on Untraceable Privately Manufactured Firearms

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10.32.300 Prohibition on Manufacturing Non-Serialized Firearms

(No changes suggested)

Please accept all changes to the proposed ordinance for adoption on May 10, 2022.

Sincerely,
Your Constituent

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Item 4.1 - 22-660 Privately Made Firearm Ordinance

Lawrence A. Townsend <[REDACTED]>

Mon 5/9/2022 2:43 PM

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>

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Mayor, City Council, and Staff,

I have read through the ordinance and believe it is too far overreaching and burdensome on San Joseans. I oppose the ordinance as written and ask you to modify it with the revisions detailed below for acceptance.

The City Council direction stated, "Ghost Guns: Direct the City Attorney to craft a prohibition on the possession, assembly, and manufacturing of any untraceable gun lacking a serial number, in collaboration with partner organizations such as Brady United and Gifford Law Center, to cover gaps in California state prohibitions, most of which do not take effect until July 2022."

The ordinance as written will not stop any criminals who wish to violate the law. It does create a new law addressing Council's direction, however it does so by taking away the constitutionally protected rights of individuals to privately manufacture their own firearms in a legal manner. We have re-written the ordinance to only focus on "ghost guns" and which also preserves the rights of law-abiding residents in our city to legally privately manufacture their own firearm.

Finally, there are distinctions between illegally made firearms without serial numbers, firearms that are legally made at home, and defaced firearms which were legally manufactured but the serial number has been illegally removed by a criminal.

Problems with Ordinance as written:

The ordinance uses terms and creates definitions that are not factually accurate. Examples:

"'Privately Manufactured Firearm' means any finished firearm that is assembled from (1) unfinished frames or receivers or (2) printed from a 3-dimensional ("3-D") printer."

"'Unfinished Frame or Receiver' means a piece of any material that does not constitute the finished frame or receiver of a firearm, rifle, or shotgun but that has been shaped or formed in any way to become the frame or receiver of a firearm, rifle, or shotgun, and

which may readily be made into a functional frame or receiver through milling, drilling, or other means; or
is marketed or sold to the public to become or be used as the frame or receiver of a functional firearm once completed, assembled or converted."

The ordinance incorrectly sets the background in the WHEREAS section with bias towards those who exercise their Second Amendment rights. Examples:

"WHEREAS, Privately Manufactured Firearms, sometimes referred to as "ghost guns," are untraceable and unregulated firearms that are often assembled by unlicensed individuals using build-it-yourself kits;" (Incorrect statement because ghost guns are PMF's that are illegally constructed. This sentence makes it sound like all PMF's are illegal, which is not the case)

WHEREAS, assembling the parts into a lethal Privately Manufactured Firearm can readily be done by untrained persons using common household tools; and (bias is implied with "lethal" adjective)

All Privately Made Firearms Are Not Ghost Guns

PMF's fall into several categories, but we have separated them into Legal and Illegal. A PMF can be illegal for several reasons, but we categorized it as Traceable vs Untraceable. The council direction specifically wants staff to develop an ordinance on untraceable PMF's, aka ghost guns.

Please accept the following revisions to the ordinance and deliver on the specific council direction:

10.32.260 Purpose and Intent

The purpose of this law is to protect public safety, reduce gun violence, and make the City safer from individuals who create Untraceable Privately Manufactured Firearms, including Readily Convertible Unfinished Frames or Unfinished Receivers.

"WHEREAS, "Ghost guns," are unregulated and Untraceable Privately Made Firearms that are often assembled by unlicensed individuals using build-it-yourself kits;"

WHEREAS, assembling the parts into a lethal Untraceable Privately Manufactured Firearm can readily be done by untrained persons using common household tools; and

10.32.270 Definitions

"Privately Manufactured Firearm" means any privately made firearm. A firearm, including a frame or receiver, completed, assembled, or otherwise produced by a person other than a licensed manufacturer.

"Untraceable Privately Manufactured Firearm" means any Privately Manufactured Firearm as defined above, that is completed and has not been imprinted with a serial number issued by a Federal Firearms Importer or Manufacturer, or has not been engraved or permanently affixed with a serial number provided by the California Department of Justice.

"Readily Convertible Unfinished Frame or Receiver" means a partially complete, disassembled, or nonfunctional frame or receiver, including those that have been three-dimensionally ("3-D") printed, that has reached a stage in manufacture where it may quickly and easily ("readily") be made to function as a "frame or receiver" and expressly excludes a block of metal, liquid polymers and other raw materials or a frame or receiver that has been destroyed.

10.32.280 Prohibitions on Readily Convertible Unfinished Receivers and Frames

Prohibition. It shall be unlawful for any person to possess, sell, offer to sell, transfer, purchase, transport, receive, or Manufacture any Readily Convertible Unfinished Frame or Receiver, unless either (1) the person possessing, transporting, or receiving the Unfinished Frame or Receiver is a Federal Firearms Importer or Manufacturer, or (2) the Readily Convertible Unfinished Frame or Receiver is either required by federal law to be and has been imprinted with a serial number issued by a Federal Firearms Importer or Manufacturer, or has been engraved or permanently affixed with a serial number provided by the California Department of Justice...

10.32.290 Prohibition on Untraceable Privately Manufactured Firearms

Prohibition. It shall be unlawful for any person to possess, sell, offer to sell, transfer, purchase, transport, receive, or Manufacture a Privately Manufactured Firearm that does not conform to state and federal law, unless either (1) the person possessing, transporting, or receiving the Unfinished Frame or Receiver is a Federal Firearms Importer or Manufacturer, or (2) the Unfinished Frame or Receiver is either required by federal law to be and has been imprinted with a serial number issued by a Federal Firearms Importer or Manufacturer, or has been engraved or permanently affixed with a serial number provided by the California Department of Justice...

10.32.300 Prohibition on Manufacturing Non-Serialized Firearms

(No changes suggested)

Please accept all changes to the proposed ordinance for adoption on May 10, 2022.

Sincerely,
Your Constituent

Lawrence (Larry) Townsend

President, SCCMC-NRA

Benefactor, #010316394

[REDACTED]

[REDACTED]

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4.1- Privately Made Firearm Ordinance

julie.henig@gmail.com <[REDACTED]>

Mon 5/9/2022 2:44 PM

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

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For the San Jose City Council:

I am a San Jose city resident, and a volunteer with the San Jose local group of Moms Demand Action for Gunsense in America (national gun-violence prevention non-profit). I support the Privately Made Firearm ordinance (4.1) which will ban the manufacture, sale, and possession of so-called "ghost guns" in the city of San Jose. These privately manufactured firearms can be readily assembled by anyone using common household tools, and are untraceable and unregulated. The ease of access to these deadly weapons contributes to the epidemic of gun violence plaguing our neighborhoods and communities, and MUST BE STOPPED.

Thank you for your efforts to keep our citizens safe from gun violence!

Ms. Julie Henig
[REDACTED]

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Item 4.1 - 22-660 Privately Made Firearm Ordinance

minh lu <[REDACTED]>

Mon 5/9/2022 4:03 PM

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>

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 1. which may readily be made into a functional frame or receiver through milling, drilling, or other means; or
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Sincerely,
Your Constituent
Minh Lu

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