

San José Will Become the First U.S. City to Require Liability Insurance & Fees on Gun Ownership

In June, the San José City Council unanimously approved Mayor Liccardo's direction to the City Attorney to draft an ordinance requiring gun owners living in the City of San José to obtain and maintain a City-issued document evincing (1) payment of an annual fee (or a properly executed waiver), and (2) attestation of insurance coverage for unintentional firearm-related death, injury, or property damage. If approved in the Fall, this dual requirement will serve multiple objectives:

- **Incentivize safer gun ownership:** Risk-adjusted premiums can encourage firearm owners to take safety classes, use gun safes, install trigger locks, or utilize chamber-load indicators, in the same way that auto insurers have long offered discounts for good driving and the use of safety features like airbags, [reducing per-mile auto fatalities more than 80% in four decades](#). This nation needs a similar approach to address gun accident risk, because [4.6 million children live in a household where a gun is kept unlocked and loaded](#), and 72% of gun injuries occur at home. Nearly 500 Americans die from preventable, unintentional shootings every year, including many children.
- **Help victims:** Injuries from unintentional shootings—which are generally insurable—[comprise more than a third of all gun-related injuries](#). An insurance mandate will ensure proper medical care and rehabilitation for many of [the 26,000 injured victims of unintentional shootings annually](#), including [more than 7,000 children](#).
- **Reduce the financial cost of gun violence on the taxpaying public:** Direct costs of gun violence to taxpayers in California for gunshot-related medical treatment, police response, ambulance transport, and the like exceeded \$1.4 billion in 2018. Gun users should bear that cost, not taxpayers. [A recent assessment of gun violence response costs to San José taxpayers exceeded \\$40 million](#).
- **Take guns away from criminals:** Criminals, of course, won't obey these insurance and fee requirements. Accordingly, the ordinance provides police with a constitutionally compliant means to seize guns from individuals who refuse to obtain insurance or pay the fee. This can make communities safer; for example, when police respond to a domestic violence call and ask the victim if there is a gun in the house, a noncompliant gun owner--and abuser-- will have his gun seized.
- **Fund critical public services:** State law restricts the use of fee revenue to only pay the cost of public services triggered by gun violence, such as emergency medical treatment and police. Fines for non-compliance, however, could compensate victims and fund violence prevention or gun buy-backs.

Reducing Violence and Crime Through A Harm-Reduction Strategy

The insurance and fee proposals comprise part of a larger harm-reduction strategy to reduce gun violence and crime. In a nation with 300 million guns, no panacea exists for rising violence in American cities. Public health gains in reducing death and serious injuries from tobacco use, automobile collisions, and other sources have demonstrated the benefits of a multi-faceted "harm reduction" approach, however. As a former criminal prosecutor, Mayor Liccardo recognizes the benefit of a harm-reduction strategy to violence, and has introduced several evidence-based and innovative policies to address factors correlated with rising violence and crime, including the following recent actions (in June 2021):

- **Launched San José Resilience Corps**

As the adage goes, “nothing stops a bullet like a job.” Mayor Liccardo’s approved budget allocated \$20 million in American Recovery Plan and FEMA dollars to employ hundreds of low-income young adults in jobs supporting pandemic response, climate resilience, educational recovery, and economic recovery. Today, Resilience Corps members work in summer and after-school learning programs to help young students overcome learning loss, clear defensible space in wildfire-exposed neighborhoods, support COVID vaccination efforts at community health clinics, plant trees to reduce heat-island effect impacts, and engage in other resilience-building work. This evidence-driven approach recognizes that unemployment among young adults is roughly double that of the rest of our workforce, and young adults disproportionately commit and are victimized by crime.

- **Enacted a Straw Purchasing Ordinance to Prevent Unlawful Firearm Purchases**

In June, the San José City Council unanimously approved Mayor Liccardo’s [proposed ordinance](#) to prevent “straw purchasing” of firearms, by mandating video and audio recording of all gun sales, tighter gun inventory regulations, and police-initiated training for sales staff to better detect third-parties seeking to purchase for criminal organizations. The ordinance also requires that gun stores display information at point-of-sale about local gun laws, suicide warning signs, and Santa Clara County-approved resources for suicide prevention and domestic violence. The United States sees [more than 30,000 straw purchases of firearms each year](#), and according to the BATFE, [nearly 60,000 guns are trafficked across state lines each year](#), overwhelmingly from states with weak gun laws.

- **Introduced “Walking Beat” Patrols in High-Crime Neighborhoods**

The Mayor’s budget utilized federal ARP funding to support expansion of overtime walking police beats in Downtown and high-crime neighborhoods, and to support “community policing” efforts. Meanwhile, San José has embarked on an extensive community engagement process to reimagine the City’s response to public safety concerns that do not require a sworn police officer.

- **Expanded Work-Based Homeless Assistance Program**

Mayor Liccardo’s budget also expands “San José Bridge,” an innovative program employing unhoused and formerly incarcerated residents to clean and beautify the city. Participants receive wages, job training, rehousing services, counseling, and other support.

- **Banned Ghost Guns**

Council approved Mayor Liccardo’s June proposal to fill a gap in state law to prohibit possession or manufacture of “ghost guns”-- untraceable firearms that owners can buy online and assemble at home.

- **Strengthen Gun Violence Restraining (“Red Flag”) Orders**

Council approved Mayor Liccardo’s proposal to increase public education, update police training, and sponsor state legislation to strengthen compliance with GVRO’s and penalties for noncompliance.

- **Defend Assault Weapons Ban**

Mayor Liccardo announced that San José would lead a multi-city amicus brief supporting an appeal of the *Miller v. Bonta* decision, which overturned California’s 32-year-old ban on assault weapons.