



Written by [Raven Clabough](#) on January 27, 2022

Gun-rights Groups Sue San Jose Over “First-of-its-kind” Gun Tax, Insurance Requirements

Gun-rights groups in California are suing the city of San Jose over a controversial new ordinance requiring gun owners to purchase liability insurance and pay an annual fee.

The San Jose City Council [passed](#) the ordinance on Tuesday, even after the city’s mayor, Sam Liccardo, admitted the policies would not reduce violent crime and after the National Foundation for Gun Rights — the legal-defense arm of the National Association for Gun Rights — warned in a letter to the council that the measures were a violation of constitutional rights and would be swiftly met with lawsuits.



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The City Council split the vote on the ordinance into two parts, one approving the insurance requirement provisions, the other approving fee provisions (\$25 per firearm). The fee will be directed to a non-profit set up for distributing funds to gun-crime prevention and victims of gun violence.

Immediately after the measures were passed, the National Foundation for Gun Rights stayed true to its word, announcing it was filing a lawsuit along with San Jose gun owner Mark Sikes to block their implementation.

“Make no mistake, if this ‘first of its kind’ gun tax and other mandates are allowed to stand in San Jose, the rabid gun control lobby will export it to cities and states everywhere,” the organization wrote in a [message](#) asking for public support. “We must nip it in the bud now!”

The National Foundation for Gun Rights cited two Supreme Court rulings, *McDonald v. City of Chicago* and *Nordyke v. King*, both of which found the Second Amendment to be a “fundamental” right that cannot be infringed upon by individual cities or municipalities.

The organization also opined that the funding for the not-yet-created nonprofit could be used to promote a message with which gun owners do not agree, KTVU reported.

“The Ordinance even prohibits the city from directing how the non-profit would use the funds. The one thing that is clear is that the organization will likely be dedicated to exclusively preaching the negative risks of gun ownership,” the lawsuit reads.

Gun Owners of California also announced it was suing the city, the Daily Wire [reported](#).

“Anytime you put in a fee requirement before you can exercise an enumerated constitutional right, you’ve got a problem,” Gun Owners of California Executive Director Sam Paredes said of the law on Twitter. “I guarantee that there will be a significant legal response.”

So confident is Paredes that they will be successful in the lawsuit that he will also be asking the city of San Jose to repay the legal fees, he said via tweet.



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In an op-ed defending the measure, Mayor Liccardo admitted that the policies would be ignored by criminals but continued to assert that they will somehow ensure “safer gun ownership”:

Requiring every gun owner in my city to carry liability insurance will better compensate unintentional shooting victims and their families for medical and related expenses. More importantly, insurance can also incentivize safer gun ownership. Risk-adjusted premiums will encourage owners to take gun-safety courses, use gun safes or install child-safe trigger locks to reduce the annual toll of accidental gun harm.

According to the Crime Prevention Research Center, gun owners are already among the safest, lowest-risk individuals in the country.

Given the predictable failure of the new measure to reduce violence crimes, it is clear that Liccardo’s primary intent for the annual fee program is to pay for programs that the [debt-saddled city](#) could not afford to fund:

Imposing a modest annual fee on gun owners can support underfunded domestic violence and suicide prevention programs, gun-safety classes, mental health services and addiction intervention. We’ve invited doctors, public health experts, and yes, gun owners, to help identify how to allocate the money from these fees in ways that will reduce gun violence. Prioritizing those investments to serve residents in gun-owning households will have the biggest impact because studies suggest that even a properly stored firearm in the home significantly increases occupants’ risk of death by homicide and suicide.

Paredes asserts the mayor’s reasoning is illogical.

“The Mayor has admitted that criminals will ignore the law — but he believes he’s going to curb gun crime somehow by making the good guys buy liability insurance? This is some oddball reasoning for sure,” he said.

Liccardo argued that while the Second Amendment protects the right to own guns, “it doesn’t require the public to subsidize gun ownership,” claiming gun owners should be held accountable for the direct costs of gun violence (\$40 million annually for San Jose taxpayers and \$1.4 billion for taxpayers statewide). But this wholly ignores the reality that most gun crimes are not committed with guns obtained legally, a fact that even the left-leaning PolitiFact [could not deny](#).

Paredes [countered](#) that this reasoning underscores the unconstitutionality of the measure because it places the financial responsibility of criminal activity on lawful gun owners and acts in violation of court rulings against Jim Crow laws that taxed constitutional rights.

Paredes also observed that insurance companies do not issue policies for firearm liability, rendering it impossible for gun owners to comply, a point also noted by lawyers for the National Association for Gun Rights.

“The law is unconstitutional,” Harmeet Dhillon, the attorney representing Sikes and the National Association for Gun Rights, said Wednesday. “The law compels people to purchase insurance that doesn’t necessarily exist and that demonstrates that this law is not a good faith attempt to do anything other than ban or burden the lawful possession of guns.”



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