

September 8, 2004

Dear Sir,

Knowing that it is difficult if not impossible to know all of the rules, ordinances, and laws that the city of Portsmouth operates under, I am informing you of a procedure that exists that is not only unnecessary but also against Federal regulations.

When someone purchases a firearm from a retailer, in the city of Portsmouth, the retailer is required to send a so called "pink paper" to the city police department. This "pink paper" must have the purchaser's name, type of firearm, serial number, and other pertinent information. The police department then keeps this information on file.

The collection and keeping of this information is contrary to at least 2 Federal statutes, the Tiahrt Amendment and the Firearms Owners Protection Act of 1986.

I feel that the city would wish to be in compliance with these Federal statutes and that the city was just unaware of the statutes existence. I also feel that the city will take prompt and proper action to correct this illegal action.

Thank you,

Harold T. Pack



The Center on Urban and Metropolitan Policy at the Brookings Institution is integrating research and practical experience into a policy agenda for cities and metropolitan areas. By bringing fresh analyses and policy ideas to the public debate, the center hopes to inform key decisionmakers and civic leaders in ways that will spur meaningful change in our nation's communities.

As part of this effort, the Center on Urban and Metropolitan Policy has established the Brookings Metro Series to introduce new perspectives and policy thinking on current issues and attempt to lay the foundation for longer-term policy reforms. The series will examine traditional urban issues, such as neighborhood assets and central city competitiveness, as well as larger metropolitan concerns, such as regional growth, development, and employment patterns. The Metro Series will consist of concise studies and collections of essays designed to appeal to a broad audience. While these studies are formally reviewed, some will not be verified like other research publications. As with all publications, the judgments, conclusions, and recommendations presented in the studies are solely those of the authors and should not be attributed to the trustees, officers, or other staff members of the Institution.

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Table 9A-3. (continued)

State	Permit to purchase ¹	Registration	Background checks for sales from dealers ³	Background checks for private sales	Waiting period ⁴
North Carolina	N.C. Gen. Stat. Ann. § 14-402 H Eff. April 1, 1919	No ²⁷	N.C. Gen. Stat. Ann. § 14-404 H Eff. Dec. 1, 1995	N.C. Gen. Stat. Ann. § 14-404 H Eff. Dec. 1, 1995	N.C. Gen. Stat. Ann. § 14-402 H Eff. Dec. 1, 1995 (7) ²⁸
North Dakota	No	No	No	No	No
Ohio	No	No	No	No	No
Oklahoma	No	No	No	No	No
Oregon	No	No ²⁹	Or. Rev. Stat. § 166.412(2) H Eff. Jan. 1, 1990	No	Or. Rev. Stat. § 166.420 H Eff. Jan. 1, 1990 (15) Instant
Pennsylvania	No	No ³¹	Pa. Stat. Ann. tit. 18, § 6111(b) H Eff. Oct. 11, 1995 R Eff. Oct. 11, 1995	Pa. Stat. Ann. tit. 18, § 6111(c) H Eff. Oct. 11, 1995	Pa. Stat. Ann. tit. 18, § 6111(a) H Eff. June 6, 1973 (2) Instant H Eff. Nov. 30, 1998
Rhode Island	No	No	R.I. Gen. Laws § 11-47-35(a)(2) H Eff. Jan. 26, 1959 R.I. Gen. Laws § 11-47-35.2(b) R Eff. July 1, 1990	R.I. Gen. Laws § 11-47-35(a)(2) H Eff. Jan. 26, 1959	R.I. Gen. Laws § 11-47-35 H Eff. Jan. 1, 1930 (7) January 26, 1959 (3) June 18, 1990 (7)
South Carolina	No	No ³²	No	No	No
South Dakota	No	No	No ³³	No	S.D. Codified Laws § 23-7-9 H Eff. Mar. 14, 1935(2)
Tennessee	No	No	Tenn. Code Ann. § 39-17-1316(c) H Eff. Mar. 19, 1959 R Eff. Nov. 1, 1998	Tenn. Code Ann. § 39-17-1316(d) H Eff. Mar. 19, 1959- Nov. 1, 1998 ³⁴	Tenn. Code Ann. § 39-17-1316(b) H Eff. Mar. 19, 1959 (3) Apr. 1, 1961 (15) Instant ³⁵ H Eff. Nov. 1, 1998
Texas	No	No	No	No	No
Utah	No	No	Utah Code Ann. § 76-10-526(5) H Eff. Feb. 28, 1994 R Eff. Nov. 30, 1998 ³⁶	No	Utah Code Ann. § 76-10-526 Instant H Eff. Feb. 28, 1994
Vermont	No	No	No	No	No
Virginia	No	No	Va. Code Ann. § 18.2-308.2:2 H Eff. Nov. 1, 1989 R Eff. Apr. 3, 1991	No	Va. Code Ann. § 18.2-308.2:2 Instant H Eff. Nov. 1, 1989
Washington	No	No	Wash. Rev. Code Ann. § 9.41.090(2)(a) H Eff. Aug. 11, 1969	No	Wash. Rev. Code Ann. § 9.41.090 H Eff. Aug. 11, 1969 (3) May 17, 1983 (5) ³⁷
West Virginia	No	No	No	No	No
Wisconsin	No	No	Wisc. Stat. Ann. § 175.35(2) H Eff. Dec. 1, 1991	No	Wisc. Stat. Ann. § 175.35 H Eff. Mar. 16, 1976 (2)
Wyoming	No	No	No	No	No

(continued)

Table 9A-1. Major Federal Firearm Laws (still in effect), 1934-99

Title	Code section	Effective date	Summary
National Firearms Act	26 U.S.C. § 5801 et seq.	1934	Among other provisions, requires certain weapons, such as sawed-off shotguns and machine guns, to be registered and a transfer tax to be paid upon sale.
Gun Control Act of 1968	18 U.S.C. § 921 et seq.	October 22, 1968, and December 16, 1968	Basic gun control law in the United States. Among its many initial provisions, the Gun Control Act: 1) requires a license for gun dealers, manufacturers, and importers; 2) prohibits gun purchase or possession by certain persons, such as convicted felons; 3) prohibits handgun sale by licensed dealers to persons under age 21; 4) prohibits long-gun sale by licensed dealers to persons under age 18. Most of the other federal gun laws are codified as amendments to the Gun Control Act.
Firearm Owners Protection Act	18 U.S.C. § 921 et seq. (scattered sections)	November 15, 1986	Among its several provisions: 1) forbids the federal government from establishing any "system of registration of firearms, firearm owners, or firearms transactions or distributions." (18 U.S.C. § 926(a)(3)); 2) places certain limits on the ability of the ATF to inspect the premises and records of licensed dealers (18 U.S.C. § 923(g)); 3) bans the possession or transfer of a machine gun that was not lawfully owned prior to May 19, 1986 (18 U.S.C. § 922 (o)).
Gun-Free School Zones Act of 1990	18 U.S.C. § 922 (q)	January 30, 1991 (initial version)	1) Forbids, with exceptions, possession of a firearm in a school zone. 2) Declared unconstitutional by U.S. Supreme Court on 4/26/95 (<i>U.S. v. Lopez</i> , 514 U.S. 549). 3) Reenacted in a substantially similar form but with a new requirement related to interstate commerce, effective September 30, 1996.
Brady Handgun Violence Prevention Act	18 U.S.C. §§ 922 (s)-(u)	February 28, 1994 November 30, 1998	1) Required states to conduct background checks for handgun purchases if state law did not already provide for a background check. 2) Maximum 5-day waiting period in those states was instituted to allow time for the check. 3) Increased the cost of obtaining a federal firearms license. 4) Background check provision declared unconstitutional by U.S. Supreme Court on 6/27/97 (<i>Printz v. U.S.</i> , 521 U.S. 898). Most states continued background checks voluntarily. 5) Waiting period replaced by national instant background check system instituted for both handguns and long guns on November 30, 1998.
Violent Crime Control and Law Enforcement Act of 1994	18 U.S.C. § 922 (scattered sections)	September 19, 1994	1) Must be 18 years old to purchase or possess handguns or ammunition for handguns only, subject to limited exceptions (18 U.S.C. § 922 (x)). 2) Semi-automatic assault weapons may not be manufactured, transferred, or possessed—applies only to those firearms that meet the definition of an assault weapon and that were not lawfully possessed prior to 9/13/94 (18 U.S.C. § 922 (v)). 3) Large capacity ammunition feeding devices may not be transferred or possessed unless lawfully owned prior to 9/13/94 (18 U.S.C. § 922 (w)). 4) Persons subject to certain domestic violence restraining orders may not purchase or possess firearms (18 U.S.C. § 922 (g)(8)).
Gun ban for individuals convicted of a misdemeanor crime of domestic violence: Lautenberg amendment	18 U.S.C. §§ 922(d)(9), (g)(9), (s)(3)(B)(1)	September 30, 1996	Adds a "misdemeanor crime of domestic violence" to the list of categories of persons proscribed from gun purchase or possession.