

**Bob Mollette**  
**3<sup>rd</sup> Ward Councilman**

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Correspondence#: 06-004

January 11, 2006

Mr. Dave LaCourse  
Executive Field Officer  
National Rifle Association of America  
Institute for Legislative Action  
P.O. Box 123  
Canajoharie, NY 13317

Re: **City of Portsmouth Gun Registration Ordinance #705.30**

I appreciate your candor and timely response concerning the legality of gun registration in the City of Portsmouth, Ohio. I applaud your efforts to assure the rights of citizens are protected. I agree with the NRA-ILA concerning consistency in state gun laws, with preemption providing one set of uniform rules for all to follow and easily understand.

On January 5, 2006 I requested the Solicitor's support to repeal or amend the above ordinance based on pertinent information provided by your office.

On January 9, 2006, prior to our City Council meeting, the Chief of Police delivered a response (attached) requesting Council to retain Ordinance 705.30 *Dealers in Firearms and Ammunition; Records and Reports*.

Please review the attached information. I am seeking possible alternatives to the gun registration cards obtained as a result of the above ordinance.

Thank you in advance for your help and feel free to contact me with additional information or questions.

Respectfully,



Bob Mollette, 3<sup>rd</sup> Ward Council

rwm

cc: Harold T. Pack, Concerned Citizen Representative (w/attachment)  
Dave W. Kuhn, Solicitor  
Charles Horner, Chief of Police  
Jim Kalb, Mayor  
Jo Ann Aeh, City Clerk (Record)  
Council (5)



## PORTSMOUTH POLICE DEPARTMENT

CHARLES H. HORNER  
CHIEF OF POLICE

728 SECOND STREET  
PORTSMOUTH, OHIO 45662

TELEPHONE: 740/354-5538  
FAX: 740/354-3898

January 9, 2006

Honorable Members of Portsmouth City Council,

I am writing to respectfully request your assistance in retaining Ordinance 705.30 as written, which reads:

***705.30 DEALERS IN FIREARMS AND AMMUNITION; FEE; RECORDS AND REPORTS.***

*All dealers in guns, revolvers, pistols, firearms, ammunition for firearms or dangerous weapons shall pay a license fee of twenty dollars (\$20.00) per annum.*

*It shall be the duty of any person licensed under this section to keep in a separate book kept for that purpose a record of each sale of any gun, revolver, pistol, firearm or other dangerous weapon, which record shall include a description of the article sold, including the manufacturer's name and number, the name and address and description to whom sold, and the date and hour on which the sale was made. The holder of such license shall also prepare and deliver each day to the Chief of Police a legible and correct copy written in the English language from such book, containing the description of such articles sold, the hour at which the purchase was made and a description of the person to whom it was sold.*

*(Ord. 1975-121. Passed 12-23-75.)*

I have had discussions with Solicitor Kuhn concerning the allegations by Mr. Harold T. Pack that Ordinance 705.30 is illegal and in violation of federal law. After research and discussion it was apparent that the issue of gun control is a local issue, whose regulation may be created and utilized under the City of Portsmouth's authority under "Home Rule" sections of our Charter and the Constitution of Ohio.

The response from the National Rifle Association of America to Councilman Mollette was expected and the comment that Ordinance 705.30 is valid under Ohio's "home rule" only supports my position. As we do not get copies of any records checks conducted under the National Instant Criminal Background Check System (NICS), it is of no benefit

to local law enforcement. The ordinance may not stop crimes, but does assist law enforcement in investigating crimes after-the-fact, specifically theft of firearms from any assorted crime, to include burglary and breaking-and-entering. As to whether the ordinance ties up valuable time and resources or is effective, I believe law enforcement is in the best position to make that determination.

I had additional communications with Lt. Lynn Brewer, the person in charge of the Portsmouth Police Department Investigative Division, concerning the discussion and proposed repeal of Ordinance 705.30. The following is a synopsis of those communications.

The Gun Registration Cards provided to our department by local firearms dealers have several uses by our department. The cards are filed for investigative and law enforcement purposes and are reviewed periodically.

Prior to and since the expiration of the Brady Bill, the gun registration cards are the most accurate means we have of tracking stolen firearms and when persons who are prohibited by law from owning or possessing firearm(s) purchase a gun. The registration card can be used as an element to establish probable cause for a search warrant to recover the illegally purchased firearms.

The majority of firearms purchased by residents of the City of Portsmouth are purchased locally and the purchaser is required to register the firearm. The registration card is then forwarded to our agency and the Federal Bureau of Alcohol, Tobacco and Firearms. The cards are kept on file by our agency and when a firearm is reported stolen by a city resident, we can verify the serial number of the gun before it is entered in the N.C.I.C. system.

In most cases, the gun owner cannot remember where they put their information on the firearm and cannot provide us with a serial number. When the gun owner can provide us with an approximate date that they purchased the gun, through the review of the gun registration cards, we can obtain a serial number and get the gun entered. Without this serial number, the gun can never be entered as stolen and almost never is recovered.

A recent case involving the use of the gun registration cards involved a local business woman who went on vacation and left a family member to house sit her house and pets. The spouse of the family member staged a burglary at the victim's house and stole a gun from the victim along with other valuables. The suspect then pawned the gun at a local pawn shop. The victim was unable to provide us with the serial number of the gun but provided us with an approximate date of purchase from J.J.R. Gun Shop. We were able through the search of the gun cards to obtain a serial number for the gun.

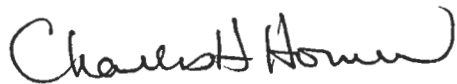
Another case involved a family member reporting a similar burglary occurring while they were on vacation and a family member house sitting. The investigation resulted in the suspect being indicted on four felony thefts from family and friends that his wife was house sitting for. The investigation is continuing and may result in additional charges on the suspect. The most solid piece of evidence in the case is the gun stolen from the first family member because of the serial number that was obtained from the gun registration cards.

Should it become necessary for us to obtain this information from A.T.F. on each and every occasion that we need it, would cause unnecessary delay in entering stolen firearms as stolen and add unnecessary delay to investigations involving firearms offenses.

As we are all aware of the drug and crime problems within our community it is imperative that we utilize any and all resources to assist in the investigation and apprehension of those individuals involved. Ordinance 705.30 has been and remains an effective resource for law enforcement. The Portsmouth Police Department and I respectfully request Portsmouth City Council not take any action to repeal or amend Ordinance 705.30.

If I can be of any further assistance please contact me.

Respectfully,

A handwritten signature in black ink that reads "Charles H. Horner". The signature is written in a cursive style with a large, sweeping initial "C".

Charles H. Horner  
Chief of Police

cc: Mayor Jim Kalb  
Solicitor David Kuhn  
City Clerk Jo Ann Aeh