

TIMOTHY W. LOPER
First Ward City Councilman

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January 22, 2006

To : City Council

cc: James Kalb, Mayor , Charles Horner , Chief Of Police
David Kuhn, Solicitor

From : Tim Loper First ward City Councilman

Subject : Codified Ordinance Section 705.30 (Dealers in Firearms and
Ammunition ;
Fee ; Records and Reports)

After receiving a Memo dated Jan 04, 2006 from City Solicitor David
Kuhn , concerning Codified Ordinance 705.30 .

Whereas , on Jan. 01, 2006 Councilman Bob Mollette contacted Dave
LaCourse Executive Field Officer (National Rifle Association of
America) . This conversation was in regards to City Ordinance
705.30. Whereas, the N.R.A has deemed that City Ordinance 705.30 is
valid under Federal Law .

My main concern at this time is the repealing of Ordinance 705.30.
Although the National Rifle Association has listed three reasons that
they feel this Ordinance is no longer necessary .

I would like to add my opinion as to why this Ordinance still serves a

propose within our City if it is being used . Whereas , if it is not being used, it still has the potential of being a useful tool and needs to be implemented.

We all know that most Drug Dealers and those that engage in crime on a daily bases are not above using stolen fire arms, but our city policemen deal not only with the criminal element but also domestics, enraged outburst by common every day people, young men and women just entering into drug dealing , upset employees Etc.

Example:

A man or women entering the sale of illegal drugs , has no criminal back ground , whereas, the police department has had this man or women under surveillance . This person enters into a gun dealership to purchase a hand gun upon making the purchase the sale is filed with the Portsmouth police department within hours . The police now know that not only is this person suspected of dealing drugs but now may be packing a firearm . This in itself may be instrumental in not only saving the life of an officer but also the suspected drug dealer themselves along with others. (This Ordinance has the potential to actually save a life)

Therefore by being a registered gun owner myself for over twenty years I do not understand why anyone that has the intention of obeying federal , state, and local gun laws would find this Ordinance offensive or in violation of their rights. What I do find offensive is anyone that would take it upon them self to try to repeal an ordinance that may have the potential of saving and preserving life, even if this is just one life per year. For what price would we put on human life.

I had spoken with Chief Horner on Jan 7, 2006 and ask the Chief to prepare a written statement as to why this Ordinance is a valued and still a working tool for the police department. I would ask that you review all the facts before making any decision on the repeal of Ordinance 705.30 , or even the consideration of such a repeal .

I am now in receipt of a letter which appears to have been sent to Dave LaCourse executive field officer National Rifle Association Of America . This letter dated Jan.15, 2006 was sent to Mr. LaCourse by fellow Councilman Bob Mollette . Although I do feel that Councilman Mollette may feel that he is working to repeal a City Ordinance that is no longer a working tool for our law enforcement . I for one would have to disagree .

As you review Councilman Mollette's letter you will find that in paragraph one he directs your attention to comments made by Police Chief Charles Horner during a recent City Council meeting. Chief Horner's example was , that a convicted felon tries to purchase a firearm , than highlighted the words (Obviously , no one would catch it) I don't believe Chief Horner was trying to play on any ones ignorance.

The fact is that we do not live in a perfect society. Whereas, felons whom seek to break the law work daily on finding their way around the law.

Under the Brady Bill, this in defense of Chief Horner's statements at this recent council meeting . For a felon who tries to purchase a fire arm, this in it's self is a crime punishable by up to ten years in prison. Its not the fact that the criminal makes the purchase only the attempt to purchase.

Another Example

A felon from out of state moves into the Portsmouth area, unknown by anyone . This felon enters a local gun dealership and tries to purchase a fire arm . First they must fill out the registration form giving date of birth , address, SS number Etc. Even though the purchase may be denied the police department is still in receipt of all necessary information to conduct a full investigation and hopefully make an arrest before anyone is shot, robbed or found dead.

I hope this gives some prospective to all my fellow councilmen on why I chose to keep this Ordinance as it is. I for one will not support

the repeal .

And if you need more information upon making your own personal decision on this matter please take the time to talk to our local law enforcement officer, both past and present. For it's easy to set behind a desk and make decisions for others if you think it will not put your life in danger.

*Sincerely, First Ward City Councilman
Timothy W. Loper Sr.*