

Records of the Temporary Commission on Revision of the Penal Law and Criminal Code (1961-1970)

Finding Aid

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Historical Note

The Temporary State Commission on Revision of the Penal Law and Criminal Code was created by the 1961 Legislature, upon Governor Nelson A. Rockefeller's recommendation to study the existing provisions of the Penal Law and the Code of Criminal Procedure. The Commission was mandated to prepare an up-to-date version of these laws by eliminating archaic provisions and improving the substantive content. The Commission aimed to satisfy a need for a revision which was last done in 1881. The Commission was chaired by Assemblyman Richard J. Bartlett with Timothy N. Pfeiffer as Vice-Chairman. Some of the specific objectives of the commission included an analysis of the following areas:

- ? Sentencing practices and the theory of punishment in criminal cases.
- ? Adequate and equal representation for all accused
- ? Uniformity of procedures in courts throughout the state
- ? Insanity and other special defenses in criminal cases
- ? Trial costs

- ? Special proceedings relating to commitment of persons to various state institutions
- ? The overall efficiency of police and court personnel

Scope and Content Note

Series 1: Correspondence (1961-1970; arranged chronologically)

This series spans the period for the records of the Temporary Commission on Revision of penal law and criminal code. Included are memorandum and letters from stakeholders which include associations, organizations, lawyers, academics and the general public. Communications dealing with reviews/position statements/reports (used interchangeably) are also part of this series. Press releases originating from and/or forwarded to the Commission (both draft and actual) and newspaper clippings have also been included.

Series 2: Commission Hearings and Minutes (1961-1968; arranged chronologically)

This series includes minutes of commission hearings that were held as part of the promulgation of the bill revising the Penal law. Also includes early minutes that address the setting up of the commission dealing with committee membership and draft minutes.

Series 3: Publications (1961-1969; arranged chronologically)

This series has been sub-divided into sub-series 1 and 2. Sub-series 1 contains the prospectus for the operation of the commission and also publications generated from the commission which reflect committee deliberations as a result of comments and reports submitted throughout the process. Sub-series 2 includes legislative documents.

Arrangement

Due to the collection's small size, the documents have been arranged chronologically. If a document was undated, it was given a [n.d] designation and then catalogued chronologically utilizing the contextual clues provided by the surrounding documents.

Box and Folder List

Series 1: Correspondence

Box 1

Folder 1 **1/04/61** – Excerpt from the Annual Message of Governor Rockefeller re: Revision of the Penal Law and Code of Criminal Procedure.

2/9/62 – Memorandum From: Assistant Counsel to the Governor to: Commission on Revision of the Penal law Criminal Code Re: Interlocutory Appeals.

5/1/62 – Memorandum to the Commission on Revision of the Penal Law and Criminal Code: re Excision and Relocation.

6/15/62 – Letter From: Thacher, Proffitt, Prizer, Crawley and Wood To: Peter Mc Quillan re: Article 16- Animals.

7/5/62 – Staff memorandum re: Penal Law Article 112 'Insurance.' 1190-1204.

9/6/62 – Inter-office Correspondence re: Minutes of 7/9-10/62.

11/27/62 – Inter-Office Memorandum: from RJB to: PJC Copy of October 19 Minutes.

3/21/63 – Memorandum from Richard G. Denzer (Chief Counsel) to Members and Ex-officio members of the Temporary Commission on Revision of the penal law and Criminal Code.

4/2/63 – Memorandum from Richard G. Denzer (Chief Counsel) to Members and Ex-officio members of the Temporary Commission on Revision of the Penal law and Criminal Code.

7/30/63 – Memorandum from Richard G. Denzer (Chief Counsel) to Members and Ex-officio members of the Temporary Commission on Revision of Penal Law and Criminal Code re: Progress Report.

11/12/63 – Notes; Transfer: Felony.

1963 – Communication on Article 110 ‘Insolvency’ 1170-1173.

n.d. Memorandum re: An Act to amend the Code of Criminal procedure in Relation to reports by Grand Juries.

Folder 2 **1/17/64** – Correspondence regarding 250.35: Cruelty to Animals.

2/14/64 – Memorandum from Richard J. Bartlett to Commission Members and Ex-Officio Members New York State Temporary Commission on Revision of the Penal Law and Criminal Code Re: re-drafting of Justification article.

8/64 – Review from the Parole Commission of the City of New York. A Critical Review of a recommendation in the

proposed New York Penal Law and the danger of it limiting the Administration of Criminal Justice in the City of New York.

8/24/64 – Comments on the Proposed New York Penal Law, Article: 430 and 435: Civil Provisions by Charles T. Matthews, Assistant District Attorney Suffolk County, New York.

n.d – Memorandum re: Capital Punishment

08/27/64 – Comments on Article 160- Larceny, from Joseph P. Torraca Assistant District Attorney, The District Attorney of Ulster County, Kingston, New York.

n.d - Correspondence from Peter J. Mc Quillan to Richard G. Denzer Re: May an Independent pre-trial appeal lie from an Interlocutory order granting or denying an application for the suppression of evidence illegally seized.

08/28/64 – Report on articles 185, 190 and 195 of Study Bill (Senate Intr.3918, Assembly Intr.5376, 1964 Session) from Assistant District Attorney, (Ben J. Jacobson) Queens County to Legislative Committee of District Attorneys Association of the State of New York on Proposed Penal Law.

09/64 – Notes and Comments on ‘Title G’ of the Proposed Penal Law submitted by Richard Uviller.

09/08/64- Study of proposed Penal Law Article 125: Assault and related offenses submitted by District Attorney, Richmond County, N.Y.

9/15/64- Memorandum from Assistant District Attorney (Irving Anolik) to Isidore Dollinger, President New York State

District Attorney's Association re: Critique of Proposed Penal Law
Articles 55-75 Sections 55.00-75.15

09/23/64 – Memorandum from Mr. Andreoli to Mr. Uviller
re: Article 230 – Gambling Offenses.

10/23/64 – Letter from the American Social Health
Association Inc.

10/23/64- Comments of New York Telephone Company
concerning the proposed New York Penal Law.

10/28/64- Report submitted to the Commission from
Meetings of New York State District Attorneys' Association Executive and Legislative
Committees- Consideration of Proposed New Penal Law: Title D Exemptions from
Criminal Liability.

n.d – Notes; Excision and Relocation.

n.d – Notes; Outmoded Penal Law Provisions.

Folder 3 **11/13/64**- Letter from Howard B. Nichols to Timothy N.
Pfeiffer Esq. Re: Amendment to Penal Law

11/17/64 – Letter from Director of Probation, Paul C.
Bosse-County of Warren Probation Department, Warren County
Municipal Centre.

11/18/64 – Letter from Ruth Schreiber (Attorney at Law) to
Commission

11/18/64 - Letter from Secretary of the Senate, State of New York to Richard J. Bartlett- Chairman of the Commission.

11/19/64 – Letter from Howard B. Nichols to Peter J. Mc. Quillan Esq.

11/20/64 – Memorandum from Edward Q. Carr Jr. re: The Proposed New York Penal Law.

11/20/64- Letter from the Law Offices of D. Collins Wager to the Commission.

11/23/64 - Statement of Helen E. Jones, Executive Director, the National Society for Animal Welfare.

11/23/64 – Statement of David N. Fields on behalf of the New York State Association for Mental Health Inc. at public hearing of Commission.

11/23/64 – Statement to the Commission by the American Society for the Prevention of Cruelty to Animals re: Senate Intro. 3918 Assembly Intro. 5376 in the 1964 Legislature.

11/23/64 – Letter from New York State Car and Truck Renters and Lessors.

11/23/64 – Statement by S. Dale Furst Jr. President, American Social Health Association.

11/24/64 – Position Statement on the Proposed New York Penal Law from the New York Citizen Council of the National Council on Crime and Delinquency.

11/24/64 – Statement of Commerce and Industry

Association of New York, Inc.

11/24/64 – Letter from Leon N. Armer- Attorney- at- Law.

11/25/64 – Statement from the Correctional Association of New York.

11/25/64 – Letter from the Christian Science Committee on Publication re: Section 495 Penal Code.

11/25/64 – Statement of New York State Catholic Welfare Committee.

11/25/64 – Statement of John Lasso Jr., Director of Christian Social Relations, Episcopal Diocese of New York.

11/25/64- Statement of Commissioner John Quinn, Chairman of the New York City Parole Commission, at Public hearings held at the New York County Lawyers Association.

11/64 – Comments on Proposed Penal Law, Articles 145-150-155 from Richard B. Thaler, District Attorney Tompkins County.

n.d – Statement from Rev. Robert L. Seekins Jr, President of the Citizens League for Animal Welfare.

12/30/64 – Letter from New York State Car and Truck Renters and Lessors.

n.d – Memorandum re: Proposed New York Penal Law Senate Intro. 3918 Assembly 5376 1964 Legislation to Temporary Commission on Revision of Penal Law and Criminal Code (draft).

n.d – Report on Proposed Penal Law, Articles 190 and 195 submitted by the Association of the Bar of the City of New York, Committee on Criminal Courts

Folder 5

1/6/65 – Memorandum from New York State Catholic Welfare Committee Re: Proposed New York State Penal Code.

1/14/65 – Letter from Office of the Mayor (Robert F. Wagner) to Chairman of the Commission (Hon. Richard Bartlett).

1/22/65 – Memorandum from Jay Goldberg to Jerome Londin re: Report of Proposed Changes in the Sex Offenses (Article 135), Gambling Offenses (Article 230), Prostitution and Related Offenses (Article 235).

n.d – Report of Francis R. Moran, District Attorney of Onondaga County, New York of ‘Title P’ of the proposed New York Penal Law.

n.d – Analysis of Proposed Penal Law re: articles 235 and 240 submitted by Michael Dillon, District Attorney of Erie County.

n.d – Article 245: Riot, Unlawful assembly and Criminal Anarchy from Office of the District Attorney of Broome County, Court House, Binghamton, New York.

02/15/65 – Report Submitted by Hon. Liston F. Coon to The Commission on behalf of the County Judges of the Sixth Judicial District (Office Copy).

2/15/65 – Draft Letter from Richard J. Bartlett to Liston F. Coon re: Thanking him for comments.

3/22/65, 3/24/65, 4/5/65, 4/13/65, 4/14/65, 4/26/65, 4/27/65
– Letters from Richard Denzer (Counsel) to Joseph Risdell (Esq.)

4/6/65- Comments from Consolidated Edison Company of New York Inc. law Dept. re: Assembly Intro. No 4924, Senate Intro. No.3064.

4/30/65 – Letter from Richard J. Bartlett to: New York Civil Liberties Union.

5/14/65 – Memorandum from Assistant Attorney General George Mantzoros to Attorney General Louis Lefkowitz Re: Legislation.

ii. Memorandum from Special Assistant Attorney General in charge of Bureau for Syndications and cooperatives David Clurman to Richard M.Rosen, Executive assistant to Attorney General.

iii. Memorandum from Assistant Attorney General in Charge of Bureau of Securities to Hon. Louis J. Lefkowitz (Attorney General) re: Proposed Penal Law Revision.

8/65 – Memorandum from Richard Denzer Re: Format of the Proposed Code of Criminal Procedure.

9/29/65 - Memorandum from Richard Denzer to Members of the Commission re: Concerning feasibility of a Code of Criminal Procedure applicable to the New York Criminal Court.

11/23/65 – Memorandum to Commission from Richard G. Denzer, Chief Counsel re: Previous Prosecution (Double Jeopardy).

12/8/65 – Letter from Livingston Hall (Professor of Law-Harvard University Law School).

12/8/65 – Letter from Peter J. Mc Quillan (Chief Assistant Counsel) to Professor Livingston Hall: Acknowledgement of letter

n.d – Memorandum Comparing Dangerous Drug offenses in Current and Proposed Penal Laws.

02/07/66- Letter from Justice Frank A. Gulotta to Richard Denzer, Esq.

02/10/66 –Letter from Richard G. Denzer, Counsel to Justice Frank A. Gulotta.

Folder 6

2/7/67 – Memorandum From: Peter J. Mc Quillan To:

Richard J. Bartlett with attached letter from Joseph F. Carlino (**2/2/67**)

10/9/67 – Memorandum re: Research proposal From: PJM

To: RJB.

11/27/67 – Comments from William J. Bulger- Town

Justice Re: Part 11-Title H. Article 60.

12/1/67 – Letter from Richard Denzer to Hon. William

J. Bulger- Acknowledgement of comments.

1967 - Memorandum re: Bill no.1 an act to amend the revised Penal Law

Bill no.2 an act to amend the Code of Criminal Procedure

Bill no.3 an act to amend various chapters of the Consolidated and Unconsolidated Laws.

.n.d - Note charting introduction/passage of Bills 1030, 1031,1048,1047,1039,1037,1038,1046.

n.d – Memorandum re: An ACT to amend the Penal Law as enacted by chapter ten hundred thirty of the laws of 1965..... in relation to incorporating therein certain amendments to conform to the acts of the Legislature which amended/repeated certain provisions of the former Penal Law.

Folder 7

2/68 – Memorandum from Richard Uviller to Richard

Green re: Committee views on Article 40 of the Proposed Criminal Procedure Law concerning ‘Standards and Proof.’

2/1/68 – Memorandum re: Comments on the Proposed Criminal Procedure from William J. Ostrowski, Judge City Court of Buffalo.

2/68 – Recommendations by John S. Lockman-Nassau County District Court Judge.

2/68 - Vera Institute of Justice - Bail Reform Legislation.

2/68 - Vera Institute of Justice- Sectional Analysis of Title 5 of the Proposed New York Criminal Procedure Law.

2/68 – Testimony of Harry I. Subin, Associate Director of the Vera Institute of Justice.

2/13/68- Remarks by R.Harcourt Dodds, Deputy Commissioner in Charge of Legal Matters, New York City Police Department.

2/15/68- Remarks by R. Harcourt Dodds, Deputy Commissioner in Charge of Legal Matters, New York City Police Department.

Folder 8 **1/13/69** – Legal Aid Society Memo: Memorandum for the Commission on Revision of the Penal Law and Criminal Code: Comments on the 1968 Study Bill for the Proposed New York Criminal Procedure Law.

1/16/69 – New York State Post-Judgment Remedies from Academy of the Judiciary.

1/31/69 - Legislative Memorandum # 20: New York Civil Liberties Union.

3/69 – Memorandum re: An act to establish a Criminal Procedure Law Constituting chapter 11-A of the Consolidated Laws and to Repeal the Code of Criminal Procedure, Senate Intro. 4624 Assembly Intro. 6579.

6/17/69 – FYI Office of Legislative Research: Major Provisions of the Proposed Criminal Procedure Law.

6/27/69 – Statement of Nassau County Director of Probation, Louis J. Milone.

11/18/69 – Memorandum from New York State Defender's Association Criminal Justice Section, re: New York State Defender's Position Paper on New Proposed Code of Criminal Procedure.

Folder 9

3/10/70 – Comments from Erie County Court Judges - Erie County, Buffalo, New York.

3/26/70 – Comments from Chambers of the County Court-County Court of Rockland County.

9/22/70 – Comments from Police Department, County of Nassau, State of New York.

n.d – Memorandum from Robert Rienow, State University of New York to The State Commission on Revision of Penal Laws re: Proposed Revision of anti-cruelty laws.

Folder 10 Press Releases and Newspaper articles

06/20/61 – Draft press release from Robert L. Mc Manus, Press Secretary to the Governor, State of New York, and Executive Chamber New York re: Committee Appointment Objectives.

8/02/61 – Glens Falls Times ‘Richard G. Denzer named to Position of Counsel of Bartlett Commission.’

02/02/62 – New York Times article by Douglas Dales ‘State Penal Law found Cluttered.’

10/08/62 – Newspaper clipping, New York Law Journal Vol. 148 no.69, Model Penal Code Approved by American Law Institute.

5/27/63 – Newspaper clippings, New York Law Journal Vol.149 No. 102 re: Elimination of the Mandatory Death Penalty for Murder in the First Degree.

03/16/64 – New York Times article by John Sibley ‘Overhaul Urged for Penal Code.’

3/17/64 – Press release (draft) - Statement by Richard J. Bartlett.

3/17/64 – Press release from Temporary Commission on Revision of the Penal Law and Criminal Code. Statement by Richard J. Bartlett- Chairman of the Commission.

4/11/64 – Draft press release from Robert L. Mc Manus, Press Secretary to the Governor re: Bill creating the Temporary State Commission.

7/22/64- Press release (draft) from Richard J. Bartlett re: Passage of the proposed new Penal Law at 1965 Session of the State Legislature.

10/23/64 – Press Release re: Public hearings in New York.

11/16/64- Press release re: Public hearings in New York City area (draft).

11/16/64- Article from Medical Tribune ‘Psychiatrist urges Abolition of Insanity Plea.’

11/24/64- Press Release from New York Citizen Council of the National Council on Crime and Delinquency.

3/16/65 – Draft Press release - Statement by Richard J. Bartlett Chairman of the Commission.

10/22/69 – Newspaper article: Lawyers Assail Changes in Law; Legal Aid calls Proposals unfair to defendants.

Series 2: Commission Hearings and Minutes

Box 2

Folder 1

6/21/61- Minutes of Commission meeting re: Organization meeting of the Temporary Commission to Study and Revise the Penal Law and the

Code of Criminal Procedure, held at the Office of Hon. Joseph F. Carolino, Speaker of the Assembly NY, NY.

9/22/61 – Draft Minutes of meeting of Temporary

Commission on Revision of the Penal Law and Criminal Code.

n.d. Minutes of meeting re: Staffing of Commission;

Recommendation for the appointment of Chairman.

12/8/61 – Minutes of Commission Meeting, held at

Leonard Street, New York (draft).

5/11/62 Minutes of meeting (Reconvened).

7/9/62 Minutes of meeting of New York State Temporary

Commission held at Glenburnie Club, Lake George NY. (Draft)

7/10/62 Minutes of meeting of New York State Temporary

Commission held at Glenburnie Club, Lake George, NY. (Draft)

10/19/62- Minutes of Meeting of Commission held at

Leonard St., New York (Draft).

11/29/62 - Minutes of a meeting of the Temporary

Commission on Revision of the Penal Law and Criminal Code:

Chancellor's Hall, Albany, New York.

11/30/62 - Minutes of the meeting of the Temporary

Commission on Revision of Penal Law and Criminal Code:

Chancellor's Hall, Albany, New York.

12/7/62 – Minutes of Public Hearing on Capital

Punishment, New York Lawyer's Association Vesey St. NY, NY

12/8/62 – Draft Minutes of Meeting of the New York State Temporary Commission on Revision of the Penal Law and Criminal Code, held at Leonard Street, New York, NY with proposed Homicide Article no.4 attached.

12/14/62 - Minutes of Public Hearing held at Rochester, New York

12/18/62 – Minutes of meeting of Commission held at Leonard St. New York, NY (draft)

12/18/62 – Draft Minutes of Meeting of Commission held at Leonard St. New York, NY, with Article 94 Draft # 6- Homicide attached.

1/18/63 – Minutes of the Temporary Commission on Revision of Penal Law and Criminal Code.

2/15/63 – Minutes of Commission Meeting held at Leonard St. New York, NY, with Article 94 Draft 7- Homicide attached (draft)

Folder 2
York

11/12/64 - Minutes of Public Hearings held in Albany, New

11/18/64 - Minutes of Public Hearing

11/19/64 - Minutes of Public Hearing held in Rochester, New York

11/20/64 - Minutes of Public Hearing held at Buffalo, New York.

11/23/64 - Minutes of Public Hearing held at Vesey St.
New York, NY

11/24/64 - Minutes of Public Hearing held at Vesey St.
New York, NY

11/25/64 - Minutes of Public Hearing held at Vesey St.
New York, NY

12/29/64- Minutes of meeting of the Committee on the
Criminal Court of the Association of the Bar of the City of New
York, NY

Folder 3

York

2/1/68 - Minutes of Public Hearing held in Buffalo, New

2/2/68 - Minutes of Public Hearing held in Rochester, New
York

2/8/68 - Minutes of Public Hearing held in Albany, New
York

2/9/68 - Minutes of Public Hearing held in Syracuse, New
York

2/15/68 - Minutes of Public Hearing held in New York, NY

2/16/68 - Minutes of Public Hearing held in New York, NY

2/17/68 - Minutes of Public Hearing held in New York, NY

11/22/68 - Minutes of Public Hearing held in Rochester,
New York

12/6/68 - Minutes of Public Hearing held in Albany, New
York

12/12/68 - Minutes of Public Hearing held in New York,
NY

12/13/68 - Minutes of Public Hearing held in New York,
NY

Series 3: Publications

Box 3

Sub Series 1. Commission documents

Folder 1 **1961-** Prospectus for Operation of the Temporary
Commission on Revision of Penal Law and Criminal Code.

n.d- Interim Report

06/03/63 – Title x: Offenses involving theft. Article 1
Larceny and Related Offenses.

1/64 - Table of Sections in Penal Law -to be transferred to
other chapters.

n.d - Table of Sections in present Penal Law - to be omitted
from the revised Penal Law.

1/20/64- State of New York, Temporary Commission on Revision of the Penal Law and Criminal Code- Supplementary material constituting re-drafts and formulations.

1/20/64- State of New York, Temporary Commission on Revision of Penal Law and Criminal Code- Draft Proposed Amendment to Present Penal Law: Sections dealing with Abortion Area.

1/31/64 - Changes in Title B: Offenses and Sentences, Article 15- Definitions and Classification of Offenses.

2/5/64 - Second Alternative re-draft of 25.00- Definition of Terms.

9/64 – Summary of Existing New York Code of Criminal Procedure.

01/25/65 – Draft Commission Report on Homicide Provisions, Proposed New York Penal Law.

11/65 - Title x: Proceedings after Judgment, Article x: Post Judgment Motions.

n.d. - Analysis of Proposed article 130: Homicide, Abortion and related Offenses.

n.d – Study of articles 210.00-210.55 of the Proposed Penal Law.

n.d- Article 215: Perjury and Related offenses.

n.d – Article 135.

n.d – Analysis of Sections 25 through 40.00 Proposed new Penal Law.

n.d – Report on Sections 400.00 through 405.00 Inclusive of the Proposed New York Penal Law.

n.d – Article 165- Robbery.

12/66 - Criminal Procedure Law, Articles 1-105: Tentative Draft with staff comments

1/26/66 – Final Report and Recommendations of Committee on Revision of the Penal Law.

Sub series 2. Legislation

Folder 2

1963-1964 – Penal Law.

1/29/64- An Act, In Senate State of New York to amend the Penal Law in relation to the fraudulent conversion of personal property obtained pursuant to a contract of hiring or borrowing or other bailment.

1964 Proposed New York Penal Law Drafted and Recommended by The Temporary Commission on Revision of The penal Law and Criminal Code- Introduced for Purpose of Study as Senate Introd. 3918 Assembly Intro. 5376 in the 1964 Legislature.

3/16/65 – State of New York – An Act in Assembly Print no. 5147 Intro. 4972.

3/16/65 – State of New York – An Act in Assembly Print no.5148 Intro. 4973.

n.d - State of New York; An Act providing for the punishment of offenses constituting Chapter Forty of the Consolidated Laws. Senate intro. No. 3064 Assembly intro.No.4924.

5/25/65 - State of New York – An Act in Assembly Print no. 7135 Intro. 6086.

5/25/65 – State of New York – An Act in Assembly Print no.7134 Intro.6085.

5/27/65 – State of New York – An Act in Assembly Print no. 7165 Intro.6098.

9/67- Highlights of the New Penal Law, Irving Schwartz, Brooklyn, New York.

n.d – An Act to Amend the New Penal Law as Enacted by Chapter 1030 of the Laws of 1965, in relation to the possession of Dangerous Weapons and the Licensing Thereof.

4/1/68 – Legislative Document 1968 no.29 Seventh Interim Report of the State of New York Temporary Commission on the Revision of the Penal Law and Criminal Code.

9/68 – 1968 Study Bill and Commission Report- Proposed New York Criminal Procedure Law prepared by the Temporary Commission on Revision of the Penal Law and Criminal Code.

1969 – 1969 Legislative Bulletins

The Association of the Bar of the City of New York,
Committee on Criminal Courts, Law and Procedure.

9/69 - Proposed New York Criminal Procedure Law 1969
Bill; prepared by the Temporary Commission on Revision of the
Penal Law and Criminal Code.