

Stephen Amick
DISTRICT ATTORNEY'S OFFICE,
BROOME COUNTY COURT HOUSE,
BINGHAMTON, NEW YORK

Article 245: Riot, Unlawful Assembly and Criminal Anarchy.

In some ways, the wording of Section 2090 (Riot Defined) of the Penal Law is somewhat clearer than the proposed Section 245.00 (Riot). Particularly, the words "having assembled for any purpose, disturb the public peace, by using force or violence to any other person, or to property..." in the present Section 2090 seem to spell this crime more aptly. The proposed Section 245.00 is terse and reads quite awkwardly.

Is this not an area where District Attorneys from those counties (e.g. New York, Kings and Monroe) who have had recent first-hand experience with Section 2090 should be particularly consulted for their views and comment?

I would voice the same basic question about the brevity of Section 245.05 (Unlawful Assemblies.)

Article 250: Disorderly Conduct, Harassment and Related Offenses.

The basic idea of distinguishing between public and private annoyance is commendable and at this point a reading of the proposed Sections 250.00, 250.05, 250.10 and 250.15 does not raise any immediate problems.

Inclusion of a section dealing with cruelty to animals (250.35) in this article does not seem appropriate somehow, but on looking over the table of contents in the front portion, I do not know where else I would suggest placing it.

Article 255: Offenses against Privacy of Communications.

The re-working and re-wording of most of present Article 73 (Eavesdropping) is long overdue.

Is the omission of subdivisions 2 and 3 of the present Section 743 in any new section an oversight, or by design? Would not proposed Section 255.25(3) be strengthened by the addition of words applicable to obtaining or attempting to obtain "information concerning identification or location of any equipment or apparatus used in furnishing telegraph or telephone service?"