

12-9-65

Law School of Harvard University

Cambridge 38, Mass.

December 8, 1965

Peter J. McQuillan, Esquire
Chief Assistant Counsel
Temporary Commission on Revision
of the Penal Law and Criminal Code
155 Leonard Street, Room 654
New York, New York

Dear Mr. McQuillan:

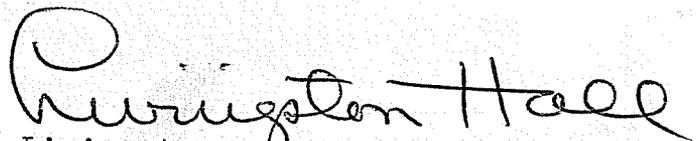
Many congratulations on the passage of the Revised Penal Law on July 20, 1965! I am curious to know how your work is going ahead on the Code of Criminal Procedure. If you have any recent reports on that, I would appreciate it if you would send them to me.

I am tentatively planning a seminar next fall to draft a revision of the Massachusetts Criminal Code. I would like to accumulate in my own personal library as much material about your own enterprise on the revision of the Penal Law as I could. At the present time, I have your Interim Report of February 1, 1963, your Third Interim Report of February 1, 1964, your Fourth Interim Report of February 1, 1965, the Proposed Revision of 1964 (S. 3918, A. 5376), the printed copy of S. 3064 and A. 4924 (printed as S. 3250 and A. 5085) of March 16, 1965, and of course a copy of the McKinney's Reprint of the Revised Penal Law.

I know of one other item which I lack: your original Interim Report of 1962. Would it be possible for you to send me a copy of the missing item?

Do you have any of these items (apart from the McKinney's Revised Penal Law as enacted) still on hand in reasonable quantity? Members of my seminar might want to get a total of five or ten copies of some of these preliminary materials, if they were available at a reasonable price. On the other hand, of course, whatever was needed for the seminar could be reproduced here from my own copies, if not available from your office.

Sincerely yours,



Livingston Hall
Professor of Law

December 9, 1965

Professor Livingston Hall
Law School of Harvard University
Cambridge 38, Mass.

Dear Professor Hall:

Thank you for your letter of December 8th. During the past months we have been at work on a revised Code of Criminal Procedure. Staff drafts on various subjects have been discussed at Commission meetings. It was our plan to submit a revised Code to the Legislature, for study purposes, in March, 1966; to hold public hearings on the proposal after its introduction; and to submit, for passage, at the 1967 legislative session the final product, with an effective date of September 1, 1967 (same date as the revised Penal Law). We have become convinced, however, that we will not have a study package ready by March. Instead, during 1966 we will release drafts of those provisions tentatively approved by the Commission. We will, of course, forward these drafts to you as soon as they are available, and would welcome your comments and criticisms. The Commission has not yet decided whether to advance the effective date of the new Penal Law to 1968, or to make some technical amendments to the existing Code of Criminal Procedure and thereby allow the new Penal Law to become effective on September 1, 1967.

Since our supply of the items you requested for your seminar is very limited, I am sending to you, under separate cover, the following:

page 2.

Professor Livingston Hall

- (1) 5 copies of the 1962, 1963, 1964 and 1965 Interim Reports.
- (2) 5 copies of the 1964 Penal Law Study Bill, (Intro. S. 3918, Intro. A. 5376). This bill was reprinted by Edward Thompson Co. in a booklet which contained Commission staff notes on the various sections, as well as a staff survey of the New York sentencing structure of 1963. My supply of this Thompson booklet is exhausted. If you don't have a copy I'm sure that I can locate one.
- (3) 5 copies of the 1965 Penal Law (Intro. S. 3064, Intro. 4924). Several amendments were made to this bill by separate bills at the 1965 session. The changes (relatively few) are picked up in the McKinney reprint which you have.

If we can be of any further help please don't hesitate in writing.

Very truly yours,

Peter J. McQuillan
Chief Assistant Counsel

PJMcQ:evd