



# New York State Correctional Officers & Police Benevolent Association, Inc.

102 Hackett Blvd., Albany, NY 12209  
(518) 427-1551 www.nyscopba.org nyscopba@nyscopba.org



To: Executive Board

From: Chris Leo, Legislative Director *C.L.*

Subject: Riot Legislation

Date: July 27, 2005

On July 26, 2005 Governor Pataki signed another NYSCOPBA bill into law, S.2440(Meier)/A.136 (Destito). This legislation will make rioting in the first degree a class E felony. I have attached a copy of the bill for your records. Please feel free to contact me should require any additional information.

S Introduced and referred to committee on <u>Senate Codes</u>	2-15-05 .
S Meeting set for 12:00 p.m. - Room 433-A CAP -- Senate Codes	3- 1-05 .
S Reported from committee on <u>Senate Codes</u>	3- 1-05 .
S First report cal.	3- 1-05 .
S Placed on the Senate Floor Calendar	3-14-05 .
S Laid out for discussion 3:33pm	3-14-05 .
S Laid aside	3-14-05 .
S Laid out for discussion 3:46pm	3-14-05 .
S Passed Senate ( <u>Vote Y: 52/N: 1</u> )	3-14-05 .
A Delivered to the Assembly	3-14-05 .
A Referred to <u>Assembly Codes</u>	3-14-05 .
A Substituted for ... <u>AB 136</u>	5-23-05 .
A Ordered to third reading	5-23-05 .
A Passed Assembly	5-23-05 .
S Returned to the Senate	5-23-05 .
G Delivered to the Governor	7-14-05 .
<b>G Signed by the Governor</b>	<b>7-26-05</b>

CC: Chief Sector Stewards  
Legislative Committee

# STATE OF NEW YORK

2440

2005-2006 Regular Sessions

**NYS COPBA LEGISLATIVE  
DEPARTMENT** **IN SENATE**

February 15, 2005

Introduced by Sen. MEIER -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to inciting to riot in the first degree

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 240.06 of the penal law, as added by chapter 791 of  
2 the laws of 1967, is amended to read as follows:  
3 § 240.06 Riot in the first degree.

4 A person is guilty of riot in the first degree when [~~(a) simultaneous-~~  
5 ~~ly~~] he:

6 1. Simultaneously with ten or more other persons [~~he~~], engages in  
7 [~~tumultuous~~] tumultuous and violent conduct and thereby intentionally  
8 or recklessly causes or creates a grave risk of causing public alarm,  
9 and [~~(b)~~] in the course of and as a result of such conduct, a person  
10 other than one of the participants suffers physical injury or substan-  
11 tial property damage occurs; or

12 2. While in a correctional facility, as that term is defined in subdi-  
13 vision four of section two of the correction law, simultaneously with  
14 ten or more other persons, engages in tumultuous and violent conduct and  
15 thereby intentionally or recklessly causes or creates a grave risk of  
16 causing alarm within such correctional facility and in the course of and  
17 as a result of such conduct, a person other than one of the participants  
18 suffers physical injury or substantial property damage occurs.

19 Riot in the first degree is a class E felony.

20 § 2. This act shall take effect on the first of November next succeed-  
21 ing the date on which it shall have become a law.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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