

APR 3 REC'D



THE ASSEMBLY
STATE OF NEW YORK
ALBANY

RICHARD C. ROSS
ASSEMBLYMAN 88TH DISTRICT
10 FISKE PLACE
MOUNT VERNON, NEW YORK 10550
(914) 666-6600

April 2, 1974

Hon. Michael Whiteman
Executive Chambers
Albany, New York: 12224

Re: A-8667-A

Dear Mr. Whiteman:

This will acknowledge receipt of your request for my comments and recommendations concerning my abovenumbered bill now before the Governor for executive action.

Currently, the law prohibits the possession of a billy, blackjack, bludgeon, metal knuckles, sandbag, sandclub or slungshot. Any person who has in his possession one of these devices is guilty of a class A misdemeanor and is guilty of a class D felony if he has previously been convicted of any crime. The law does not specifically prohibit the possession of a device known as a "chuka stick" which in the past few years has been appearing throughout communities within the State. The chuka stick is an instrument that may be purchased or easily assembled from two pieces of wood and a piece of thong, cord or chain. With a minimum amount of practice, this instrument may be effectively used as a garrote, bludgeon, thrusting or striking device. The chuka stick is designed primarily as a weapon and has no purpose other than to maim or, in some instances, kill. Unfortunately, there has been disagreement among prosecutors as to the criminal liability attendant to the possession of the chuka stick. The proposed legislation to control the possession and use, as well as the manufacture and transport of chuka sticks would insure uniformity of prosecution which currently varies from county to county within the state of New York.

The said bill was amended to conform to the needs and demands of various municipalities and organizations seeking to include chuka sticks within the definition of dangerous weapons. It has the support of the city of New York and all police associations throughout the state.

Favorable action by the Governor is respectfully requested.

Very truly yours,

Richard C. Ross

Chap. 179

A 8667

MAY 10 RECD



DISTRICT ATTORNEY
OF THE
COUNTY OF NEW YORK
155 LEONARD STREET
NEW YORK, N. Y. 10013
RECTOR 2-7300

RICHARD H. KUH
District Attorney

ADDRESS ANSWER TO THE DISTRICT ATTORNEY.
ATTENTION OF THE CLERK OF THIS LETTER AND
REFER TO NUMBER _____

May 7, 1974

Honorable Michael Whiteman
Counsel to the Governor
Executive Chamber
State Capitol
Albany, New York 12224

Re: Assembly No. 8667
AN ACT to amend the penal law, in relation
to chuka sticks

Dear Mr. Whiteman:

This is in reply to your request for comment and recommendation concerning the above legislation.

APPROVAL IS RECOMMENDED. This office has taken the position that chuka sticks are not presently per se weapons under §265.05 of the Penal Law. Assembly Bill No. 8667 would place chuka sticks in the category of per se weapons.

Chuka sticks are appropriately placed in that category because there is no known use for chuka sticks other than as a weapon. Secondly, the weapon can easily be lethal.

Sincerely,

David S. Morgan
First Assistant District Attorney

A. 8667-A



APR 4 RECD

THE DISTRICT ATTORNEY OF DUTCHESS COUNTY
COURTHOUSE
POUGHKEEPSIE, N. Y. 12601
(914) 485-9880

ALBERT M. ROSENBLATT
DISTRICT ATTORNEY

April 1, 1974

Hon. Michael Whiteman
Executive Chamber
State Capitol
Albany, New York 12224

Gentlemen:

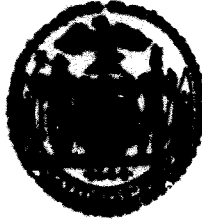
I have been asked by the Bar Association to comment on Assembly 8667-A, a bill which amends Penal Law Section 265.00 to define a "chuka stick". It appears that weapons of this kind are used in the same criminal manner and with a frequency that now approximates other per se contraband weapons set forth in Subdivision 3 of Penal Law Section 265.05. There is no conceivable innocent use for this device and, accordingly, there can be no possible invasion of anyone's right to use it innocently. For that reason I feel that the legislation is salutary and recommend its approval.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Albert M. Rosenblatt".

ALBERT M. ROSENBLATT
District Attorney

AMR/tp



A 8667A

THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N. Y. 10007

March 28, 1974

A#8667-A - by Mr. Ross, et al

AN ACT To amend the penal law, in relation
to chuka sticks

APPROVAL RECOMMENDED

MAR 28 REC'D

Honorable Malcolm Wilson
Governor of the State of New York
Albany, New York

Dear Governor Wilson:

The above bill is before you for executive action.

This bill would amend the Penal Law to include chuka sticks among these specific weapons which are prohibited for any person to possess, manufacture or transport.

Currently, the law prohibits the possession of a billy, blackjack, bludgeon, metal knuckles, sandbag, sandclub or slingshot. Possession of one of these devices is a class A misdemeanor or a class D felony if the defendant had previously been convicted of any crime. However, the law does not specifically prohibit the possession of a device known as a "chuka stick" which in the past few years has been appearing throughout communities within the State. This instrument may be purchased or easily assembled from two pieces of wood and a piece of thong, cord or chain. With a minimum amount of practice it may be effectively used as a garrote, bludgeon, thrusting or striking device. The chuka stick is designed primarily as a weapon and has no purpose other than to maim or, in some instances, kill.

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Honorable Malcolm Wilson

March 28, 1974

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manufacture and transport of chuka sticks would insure uniformity of prosecution which currently varies from county to county within the State of New York.

This bill is part of the 1974 legislative program of the City of New York and I urge that you approve it.

Very truly yours,

ABRAHAM D. BEAME, Mayor

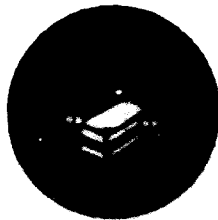
By *Stanley M. Fischer*
Legislative Representative

A 8667 A

DISTRICT ATTORNEYS ASSOCIATION
STATE OF NEW YORK

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CARL A. VERBANI
Westchester County
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White Plains, N.Y. 10601
(914) 761-1144

EXECUTIVE DIRECTOR
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270 Broadway—2nd Floor
New York, N. Y. 10007
(212) 466-2620



APR 4 REC'D

April 1, 1974

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Honorable Michael Whiteman
Executive Chamber
State Capitol
Albany, New York 12224

Re: 8667-A

Dear Mr. Whiteman:

The District Attorneys Association of the State of New York approves of the above bill, which defines a "chuka stick" and makes possession of one a class A misdemeanor or, in certain circumstances, a class D felony.

As a result of the recent popularity of "Kung Fu" movies and shows, various circles of the state's youth are using such weapons. The chuka stick can kill, and is rightly added to the list of weapons prohibited by section 265.00 of the Penal Law.

Yours truly,

B. Anthony Morosco
S C U

B. Anthony Morosco
Legislative Secretary

BAM:pag