

9843

I N A S S E M B L Y

April 15, 2016

Introduced by M. of A. ROSENTHAL -- read once and referred to the
Committee on Codes

AN ACT to amend the penal law, in relation to establishing the offense
of false pretense

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Short title. This act shall be known and may be cited as
2 the "e-impersonation prevention act".
3 S 2. The penal law is amended by adding a new section 190.22 to read
4 as follows:
5 S 190.22 FALSE PRETENSE.
6 1. A PERSON IS GUILTY OF FALSE PRETENSE, WHEN HE OR SHE KNOWINGLY AND
7 WITHOUT CONSENT IMPERSONATES ANOTHER PERSON THROUGH OR ON AN INTERNET
8 WEBSITE OR BY OTHER ELECTRONIC MEANS FOR THE PURPOSES OF HARMING, INTIM-
9 IDATING, THREATENING OR DEFRAUDING SUCH OTHER PERSON.
10 2. FOR THE PURPOSES OF THIS SECTION:
11 (A) AN IMPERSONATION IS CREDIBLE IF ANOTHER PERSON WOULD REASONABLY
12 BELIEVE OR DID REASONABLY BELIEVE THAT THE DEFENDANT WAS OR IS THE
13 PERSON WHO WAS IMPERSONATED.
14 (B) "ELECTRONIC MEANS" SHALL INCLUDE THE ACCESSING OF AN E-MAIL
15 ACCOUNT, OR AN ACCOUNT OR PROFILE ON A SOCIAL NETWORKING INTERNET
16 WEBSITE IN ANOTHER PERSON'S NAME.
17 FALSE PRETENSE IS A CLASS D FELONY.
18 S 3. This act shall take effect on the first of November next succeed-
19 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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