STATE OF NEW YORK

8381

2025-2026 Regular Sessions

IN ASSEMBLY

May 13, 2025

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

AN ACT to amend the penal law, in relation to criminal impersonation in the first degree

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

Section 1. Section 190.26 of the penal law, as amended by chapter 2 of the laws of 1998, and subdivision 1 as amended by chapter 434 of the laws of 2008, is amended to read as follows:

§ 190.26 Criminal impersonation in the first degree.

A person is guilty of criminal impersonation in the first degree when [~~he~~] **such person**:

1. **(a)** Pretends to be a police officer or a federal law enforcement officer as enumerated in section 2.15 of the criminal procedure law, or wears or displays without authority, any uniform, badge or other insignia or facsimile thereof, by which such police officer or federal law enforcement officer is lawfully distinguished or expresses by [~~his or her~~] words or actions that [~~he or she~~] **such person** is acting with the approval or authority of any police department or acting as a federal law enforcement officer with the approval of any agency that employs federal law enforcement officers as enumerated in section 2.15 of the criminal procedure law; and

[~~2. So~~] **(b) so** acts with intent to induce another to submit to such pretended official authority or otherwise to act in reliance upon said pretense and, in the course of such pretense, commits or attempts to commit a felony; or

[~~3.~~] **2.** Pretending to be a duly licensed physician or other person authorized to issue a prescription for any drug or any instrument or device used in the taking or administering of drugs for which a prescription is required by law, communicates to a pharmacist an oral

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

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prescription which is required to be reduced to writing pursuant to section thirty-three hundred thirty-two of the public health law**; or**

3.(a) Pretends to be a firefighter, or wears or displays, without authority, any uniform, badge, insignia or facsimile thereof by which such public servant is lawfully distinguished, or falsely expresses by words or actions that such person is a public servant or is acting with approval or authority of a public agency or department; and

(b) while doing so obstructs a firefighter, police officer, or peace officer in performing their duties in circumstances involving imminent danger created by a fire, an explosion, threat of explosion or the presence of toxic fumes or gases.

Criminal impersonation in the first degree is a class E felony.

§ 2. This act shall take effect on the ninetieth day after it shall have become a law.