S T A T E O F N E W Y O R K

1640

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. BING, PHEFFER, JOHN, SCHROEDER, SCHIMEL, ESPAILLAT -- Multi-Sponsored by -- M. of A. ABBATE, CHRISTENSEN, CLARK, GABRYSZAK, GUNTHER, HIKIND, HOOPER, JAFFEE, LATIMER, LAVINE, V. LOPEZ, LUPARDO, MAGEE, MAYERSOHN, McENENY, REILLY, SCARBOROUGH, SWEENEY, WALKER, WEISENBERG -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to criminal impersonation of a disabled veteran vendor

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

Section 1. Section 190.25 of the penal law, the section heading, opening paragraph, subdivision 3 and closing paragraph as amended by chapter 27 of the laws of 1980, subdivision 4 as added by chapter 304 of the laws of 2008, is amended to read as follows:

S 190.25 Criminal impersonation in the second degree.

A person is guilty of criminal impersonation in the second degree when he OR SHE:

1. Impersonates another and does an act in such assumed character with intent to obtain a benefit or to injure or defraud another; or

2. Pretends to be a representative of some person or organization and does an act in such pretended capacity with intent to obtain a benefit or to injure or defraud another; or

3. (a) Pretends to be a public servant, 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 his OR HER words or actions that he OR SHE is a public servant or is acting with approval or authority of a public agency or department; and (b) so acts with intent to induce another to submit to such pretended official authority, to solicit funds or to otherwise cause another to act in reliance upon that pretense; OR

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

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4. Impersonates another by communication by internet website or electronic means with intent to obtain a benefit or injure or defraud another, or by such communication pretends to be a public servant in order to induce another to submit to such authority or act in reliance on such pretense[.]; OR

5. PRETENDS TO BE A DISABLED VETERAN VENDOR, OR CARRIES OR POSSESSES WITHOUT AUTHORITY OF THE OFFICIAL DESIGNATED TO ISSUE SPECIALIZED VENDING LICENSES UNDER THE PROVISIONS OF SECTION THIRTY-FIVE-A OF THE GENERAL BUSINESS LAW ANY FORM OF INSIGNIA OR IDENTIFICATION OR FACSIMILE THEREOF, OR FALSELY EXPRESSES BY HIS OR HER WORDS OR ACTIONS THAT HE OR SHE IS A DISABLED VETERAN VENDOR.

Criminal impersonation in the second degree is a class A misdemeanor.

S 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.