

10367

I N A S S E M B L Y

March 19, 2010

Introduced by M. of A. TEDISCO -- Multi-Sponsored by -- M. of A. BACALLES, HAWLEY, KOLB, McKEVITT -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to creating the crimes of criminal impersonation in the third and fourth degrees and increasing the penalties for criminal impersonation in the first and second degrees

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

1 Section 1. Section 190.23 of the penal law is renumbered section
2 190.22 and two new sections 190.23 and 190.24 are added to read as
3 follows:

4 S 190.23 CRIMINAL IMPERSONATION IN THE FOURTH DEGREE.

5 A PERSON IS GUILTY OF CRIMINAL IMPERSONATION IN THE FOURTH DEGREE WHEN
6 HE OR SHE:

7 1. IMPERSONATES ANOTHER AND DOES AN ACT IN SUCH ASSUMED CHARACTER WITH
8 INTENT TO OBTAIN A BENEFIT OF CREDIT, GOODS, MONEY, PROPERTY OR SERVICES
9 IN THE NAME OF SUCH OTHER PERSON IN AN AGGREGATE AMOUNT THAT DOES NOT
10 EXCEED ONE HUNDRED DOLLARS; OR

11 2. PRETENDS TO BE A REPRESENTATIVE OF SOME PERSON OR ORGANIZATION AND
12 DOES AN ACT IN SUCH PRETENDED CAPACITY WITH INTENT TO OBTAIN A BENEFIT
13 OF CREDIT, GOODS, MONEY, PROPERTY OR SERVICES IN THE NAME OF SUCH OTHER
14 PERSON IN AN AGGREGATE AMOUNT THAT DOES NOT EXCEED ONE HUNDRED DOLLARS.

15 CRIMINAL IMPERSONATION IN THE FOURTH DEGREE IS A CLASS B MISDEMEANOR.

16 S 190.24 CRIMINAL IMPERSONATION IN THE THIRD DEGREE.

17 A PERSON IS GUILTY OF CRIMINAL IMPERSONATION IN THE THIRD DEGREE WHEN
18 HE OR SHE:

19 1. IMPERSONATES ANOTHER AND DOES AN ACT IN SUCH ASSUMED CHARACTER WITH
20 INTENT TO OBTAIN A BENEFIT OF CREDIT, GOODS, MONEY, PROPERTY OR SERVICES
21 IN THE NAME OF SUCH OTHER PERSON IN AN AGGREGATE AMOUNT BETWEEN ONE
22 HUNDRED AND FIVE HUNDRED DOLLARS; OR

23 2. PRETENDS TO BE A REPRESENTATIVE OF SOME PERSON OR ORGANIZATION AND
24 DOES AN ACT IN SUCH PRETENDED CAPACITY WITH INTENT TO OBTAIN A BENEFIT
25 OF CREDIT, GOODS, MONEY, PROPERTY OR SERVICES IN THE NAME OF SUCH OTHER

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

LBD15884-01-0

1 PERSON IN AN AGGREGATE AMOUNT BETWEEN ONE HUNDRED AND FIVE HUNDRED
2 DOLLARS.

3 CRIMINAL IMPERSONATION IN THE THIRD DEGREE IS A CLASS A MISDEMEANOR.

4 S 2. Section 190.25 of the penal law, the section heading, the opening
5 paragraph, subdivision 3 and the closing paragraph as amended by chapter
6 27 of the laws of 1980, subdivision 4 as added by chapter 304 of the
7 laws of 2008, is amended to read as follows:

8 S 190.25 Criminal impersonation in the second degree.

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

11 1. Impersonates another and does an act in such assumed character with
12 intent to obtain a benefit OF CREDIT, GOODS, MONEY, PROPERTY OR SERVICES
13 IN THE NAME OF SUCH OTHER PERSON IN AN AGGREGATE AMOUNT THAT EXCEEDS
14 FIVE HUNDRED DOLLARS or to injure or defraud another; or

15 2. Pretends to be a representative of some person or organization and
16 does an act in such pretended capacity with intent to obtain a benefit
17 OF CREDIT, GOODS, MONEY, PROPERTY OR SERVICES IN THE NAME OF SUCH OTHER
18 PERSON IN AN AGGREGATE AMOUNT THAT EXCEEDS FIVE HUNDRED DOLLARS or to
19 injure or defraud another; or

20 3. (a) Pretends to be a public servant, or wears or displays without
21 authority any uniform, badge, insignia or facsimile thereof by which
22 such public servant is lawfully distinguished, or falsely expresses by
23 his OR HER words or actions that he OR SHE is a public servant or is
24 acting with approval or authority of a public agency or department; and
25 (b) so acts with intent to induce another to submit to such pretended
26 official authority, to solicit funds or to otherwise cause another to
27 act in reliance upon that pretense.

28 4. Impersonates another by communication by internet website or elec-
29 tronic means with intent to obtain a benefit or injure or defraud anothe-
30 er, or by such communication pretends to be a public servant in order to
31 induce another to submit to such authority or act in reliance on such
32 pretense.

33 Criminal impersonation in the second degree is a class [A misdemeanor]
34 E FELONY.

35 S 3. Section 190.26 of the penal law, as amended by chapter 2 of the
36 laws of 1998, subdivision 1 as amended by chapter 434 of the laws of
37 2008, is amended to read as follows:

38 S 190.26 Criminal impersonation in the first degree.

39 A person is guilty of criminal impersonation in the first degree when
40 he OR SHE:

41 1. Pretends to be a police officer or a federal law enforcement offi-
42 cer as enumerated in section 2.15 of the criminal procedure law, or
43 wears or displays without authority, any uniform, badge or other insig-
44 nia or facsimile thereof, by which such police officer or federal law
45 enforcement officer is lawfully distinguished or expresses by his or her
46 words or actions that he or she is acting with the approval or authority
47 of any police department or acting as a federal law enforcement officer
48 with the approval of any agency that employs federal law enforcement
49 officers as enumerated in section 2.15 of the criminal procedure law;
50 and

51 2. So acts with intent to induce another to submit to such pretended
52 official authority or otherwise to act in reliance upon said pretense
53 and in the course of such pretense commits or attempts to commit a felo-
54 ny; or

55 3. Pretending to be a duly licensed physician or other person author-
56 ized to issue a prescription for any drug or any instrument or device

1 used in the taking or administering of drugs for which a prescription is
2 required by law, communicates to a pharmacist an oral prescription which
3 is required to be reduced to writing pursuant to section thirty-three
4 hundred thirty-two of the public health law.

5 Criminal impersonation in the first degree is a class [E] D felony.

6 S 4. This act shall take effect on the first of November next succeed-
7 ing the date on which it shall have become a law.