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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:

1 Section 1. Section 190.25 of the penal law, the section heading, opening paragraph, subdivision 3 and closing paragraph as amended by chapter
2 27 of the laws of 1980, subdivision 4 as added by chapter 304 of the
3 laws of 2008, is amended to read as follows:
4 S 190.25 Criminal impersonation in the second degree.
5 A person is guilty of criminal impersonation in the second 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 or to injure or defraud another; or
9 2. Pretends to be a representative of some person or organization and
10 does an act in such pretended capacity with intent to obtain a benefit
11 or to injure or defraud another; or
12 3. (a) Pretends to be a public servant, or wears or displays without
13 authority any uniform, badge, insignia or facsimile thereof by which
14 such public servant is lawfully distinguished, or falsely expresses by
15 his OR HER words or actions that he OR SHE is a public servant or is
16 acting with approval or authority of a public agency or department; and
17 (b) so acts with intent to induce another to submit to such pretended
18 official authority, to solicit funds or to otherwise cause another to
19 act in reliance upon that pretense; OR
20

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

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1 4. Impersonates another by communication by internet website or elec-
2 tronic means with intent to obtain a benefit or injure or defraud anoth-
3 er, or by such communication pretends to be a public servant in order to
4 induce another to submit to such authority or act in reliance on such
5 pretense[.]; OR
6 5. PRETENDS TO BE A DISABLED VETERAN VENDOR, OR CARRIES OR POSSESSES
7 WITHOUT AUTHORITY OF THE OFFICIAL DESIGNATED TO ISSUE SPECIALIZED VEND-
8 ING LICENSES UNDER THE PROVISIONS OF SECTION THIRTY-FIVE-A OF THE GENER-
9 AL BUSINESS LAW ANY FORM OF INSIGNIA OR IDENTIFICATION OR FACSIMILE
10 THEREOF, OR FALSELY EXPRESSES BY HIS OR HER WORDS OR ACTIONS THAT HE OR
11 SHE IS A DISABLED VETERAN VENDOR.
12 Criminal impersonation in the second degree is a class A misdemeanor.
13 S 2. This act shall take effect on the first of November next succeed-
14 ing the date on which it shall have become a law.