

1836

2009-2010 Regular Sessions

I N A S S E M B L Y

January 12, 2009

Introduced by M. of A. DINOWITZ, MAYERSOHN, GALEF, CYMBROWITZ, SWEENEY, SCARBOROUGH, MILLMAN -- Multi-Sponsored by -- M. of A. ALFANO, BARRA, JOHN, PAULIN, WALKER -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to expanding the crime of criminal impersonation

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

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

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1 induce another to submit to such authority or act in reliance on such
2 pretense[.]; OR

3 5. (A) PRETENDS TO BE EMPLOYED BY ANOTHER AND IN FURTHERANCE THEREOF
4 WEARS OR DISPLAYS WITHOUT AUTHORITY A UNIFORM, INSIGNIA OR FACSIMILE
5 THEREOF BY WHICH SUCH EMPLOYEE MAY BE DISTINGUISHED, OR FALSELY
6 EXPRESSES BY HIS OR HER WORDS OR ACTIONS THAT HE OR SHE IS AN EMPLOYEE
7 OF SUCH EMPLOYER OR IS ACTING WITH APPROVAL OR AUTHORITY OF SUCH EMPLOY-
8 ER; AND (B) SO ACTS WITH THE INTENT TO INDUCE ANOTHER TO PERMIT HIM OR
9 HER TO ENTER OR REMAIN IN A DWELLING. FOR PURPOSES OF THIS SUBDIVISION,
10 "DWELLING" SHALL HAVE THE SAME MEANING AS IN SUBDIVISION THREE OF
11 SECTION 140.00 OF THIS PART.

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.