

2009-2010 Regular Sessions

I N   S E N A T E

(PREFILED)

January 7, 2009

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Introduced by Sen. FUSCHILLO -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to 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 190.25 of the penal law, the section heading, the  
2 opening paragraph, subdivision 3 and the closing paragraph as amended by  
3 chapter 27 of the laws of 1980, subdivision 4 as added by chapter 304 of  
4 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.  
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.

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

5 S 2. Section 190.26 of the penal law, as amended by chapter 2 of the  
6 laws of 1998, subdivision 1 as amended by chapter 434 of the laws of  
7 2008, is amended to read as follows:

8 S 190.26 Criminal impersonation in the first degree.

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

11 1. Pretends to be a police officer or a federal law enforcement offi-  
12 cer as enumerated in section 2.15 of the criminal procedure law, or  
13 wears or displays without authority, any uniform, badge or other insig-  
14 nia or facsimile thereof, by which such police officer or federal law  
15 enforcement officer is lawfully distinguished or expresses by his or her  
16 words or actions that he or she is acting with the approval or authority  
17 of any police department or acting as a federal law enforcement officer  
18 with the approval of any agency that employs federal law enforcement  
19 officers as enumerated in section 2.15 of the criminal procedure law;  
20 and

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

25 3. Pretending to be a duly licensed physician or other person author-  
26 ized to issue a prescription for any drug or any instrument or device  
27 used in the taking or administering of drugs for which a prescription is  
28 required by law, communicates to a pharmacist an oral prescription which  
29 is required to be reduced to writing pursuant to section thirty-three  
30 hundred thirty-two of the public health law.

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

32 S 3. This act shall take effect on the first of November next succeed-  
33 ing the date on which it shall have become a law.