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

4776

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

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 false personation and impersonation committed to gain admission to a transportation facility or public place and impersonation of a pilot or member of an aviation flight or ground crew; and in relation to including theft of an official law enforcement or fire department identification under the crime of grand larceny in the third degree

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

Section 1. The section heading of section 190.00 of the penal law is amended and two new subdivisions 8 and 9 are added to read as follows:

[Issuing a bad check] OTHER FRAUDS; definitions of terms.

8. "PUBLIC PLACE" SHALL HAVE THE SAME MEANING AS IS ASCRIBED TO SUCH TERM BY SUBDIVISION ONE OF SECTION 240.00 OF THIS PART.

9. "TRANSPORTATION FACILITY" SHALL HAVE THE SAME MEANING AS IS ASCRIBED TO SUCH TERM BY SUBDIVISION TWO OF SECTION 240.00 OF THIS PART.

S 2. The penal law is amended by adding a new section 190.24 to read as follows:

S 190.24 FALSE PERSONATION AT A TRANSPORTATION FACILITY OR PUBLIC PLACE.

A PERSON IS GUILTY OF FALSE PERSONATION AT A TRANSPORTATION FACILITY OR PUBLIC PLACE WHEN HE OR SHE KNOWINGLY MISREPRESENTS HIS OR HER ACTUAL NAME, DATE OF BIRTH OR ADDRESS TO ANOTHER PERSON WITH THE INTENT TO OBTAIN ADMITTANCE INTO OR UPON THAT PORTION OF A TRANSPORTATION FACILITY OR PUBLIC PLACE, ADMISSION TO WHICH REQUIRES PROOF OF IDENTITY.

FALSE PERSONATION AT A TRANSPORTATION FACILITY OR PUBLIC PLACE IS A CLASS E FELONY.

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

S 190.26 Criminal impersonation in the first degree.

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

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

1. (A) Pretends to be a police officer or a federal law enforcement officer as enumerated in section 2.15 of the criminal procedure law, or wears or displays without authority, any uniform, badge or other insignia or facsimile thereof, by which such police officer or federal law enforcement officer is lawfully distinguished or expresses by his or her words or actions that he or she is acting with the approval or authority of any police department or acting as a federal law enforcement officer with the approval of any agency that employs federal law enforcement officers as enumerated in section 2.15 of the criminal procedure law; and

[2.] (B) So acts with intent to induce another to submit to such pretended official authority or otherwise to act in reliance upon said pretense and in the course of such pretense commits or attempts to commit a felony; or

[3.] 2. Pretending to be a duly licensed physician or other person authorized to issue a prescription for any drug or any instrument or device used in the taking or administering of drugs for which a prescription is required by law, communicates to a pharmacist an oral prescription which is required to be reduced to writing pursuant to section thirty-three hundred thirty-two of the public health law[.]; OR

3. IMPERSONATES ANOTHER AND DOES AN ACT IN SUCH ASSUMED CHARACTER WITH INTENT TO OBTAIN ADMITTANCE INTO OR UPON THAT PORTION OF A TRANSPORTATION FACILITY OR PUBLIC PLACE, ADMISSION TO WHICH REQUIRES PROOF OF IDENTITY.

Criminal impersonation in the first degree is a class E felony.

S 4. Section 155.35 of the penal law, as amended by chapter 515 of the laws of 1986, is amended to read as follows:

S 155.35 Grand larceny in the third degree.

A person is guilty of grand larceny in the third degree when he OR SHE steals property and when:

1. the value of the property exceeds three thousand dollars; OR

2. THE PROPERTY CONSISTS OF AN OFFICIAL LAW ENFORCEMENT OR FIRE DEPARTMENT IDENTIFICATION ISSUED BY A FEDERAL, STATE OR MUNICIPAL LAW ENFORCEMENT AGENCY OR FIRE DEPARTMENT.

Grand larceny in the third degree is a class D felony.

S 5. Section 190.25 of the penal law is amended by adding a new subdivision 5 to read as follows:

5. WHEN UPON AN AIRCRAFT OR IN AN AIRPORT, PRETENDS TO BE A PILOT OR A MEMBER OF AN AVIATION FLIGHT OR GROUND CREW, OR WEARS, DISPLAYS OR POSSESSES WITHOUT AUTHORITY, ANY UNIFORM, BADGE, INSIGNIA, IDENTIFICATION OR FACSIMILE THEREOF BY WHICH SUCH PILOT, FLIGHT OR GROUND CREW MEMBER IS DISTINGUISHED; OR FALSELY EXPRESSES BY HIS OR HER WORDS OR ACTIONS THAT HE OR SHE IS A PILOT OR FLIGHT OR GROUND CREW MEMBER, OR IS ACTING WITH THE APPROVAL OR AUTHORITY OF ANY AIRLINE, AIRPORT, TRANSPORTATION AUTHORITY OR AVIATION REGULATORY AGENCY.

S 6. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.