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

1668

2011-2012 Regular Sessions

I N  A S S E M B L Y

January 11, 2011

Introduced by M. of A. TEDISCO -- Multi-Sponsored by -- M. of A. 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:

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

S 190.23 CRIMINAL IMPERSONATION IN THE FOURTH DEGREE.

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

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

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

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

S 190.24 CRIMINAL IMPERSONATION IN THE THIRD DEGREE.

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

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

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

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2. PRETENDS TO BE A REPRESENTATIVE OF SOME PERSON OR ORGANIZATION AND DOES AN ACT IN SUCH PRETENDED CAPACITY WITH INTENT TO OBTAIN A BENEFIT OF CREDIT, GOODS, MONEY, PROPERTY OR SERVICES IN THE NAME OF SUCH OTHER PERSON IN AN AGGREGATE AMOUNT BETWEEN ONE HUNDRED AND FIVE HUNDRED DOLLARS.

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

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

S 190.25 Criminal impersonation in the second degree.

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

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

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

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

4. Impersonates another by communication by internet website or electronic means with intent to obtain a benefit or injure or defraud another, or by such communication pretends to be a public servant in order to induce another to submit to such authority or act in reliance on such pretense.

Criminal impersonation in the second degree is a class [A misdemeanor] 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.

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

1. 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. 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. 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.

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

S 4. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.