

2752

2011-2012 Regular Sessions

I N A S S E M B L Y

January 20, 2011

Introduced by M. of A. PRETLOW -- read once and referred 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
24 induce another to submit to such authority or act in reliance on such
25 pretense.

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

LBD00475-01-1

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

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

6 S 190.26 Criminal impersonation in the first degree.

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

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

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

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

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

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