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

5871--A

Cal. No. 434

2015-2016 Regular Sessions

I N S E N A T E

June 9, 2015

Introduced by Sens. PARKER, HAMILTON, PERSAUD, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- recommitted to the Committee on Codes in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first report, amended on first report, ordered to a second report and ordered reprinted, retaining its place in the order of second report

AN ACT to amend the penal law, in relation to establishing the offense of false pretense

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

Section 1. Short title. This act shall be known and may be cited as the "e-impersonation prevention act".

S 2. The penal law is amended by adding a new section 190.22 to read as follows:

S 190.22 FALSE PRETENSE.

1. A PERSON IS GUILTY OF FALSE PRETENSE, WHEN HE OR SHE KNOWINGLY AND WITHOUT CONSENT IMPERSONATES ANOTHER PERSON THROUGH OR ON AN INTERNET WEBSITE OR BY OTHER ELECTRONIC MEANS FOR THE PURPOSES OF HARMING, INTIMIDATING, THREATENING OR DEFRAUDING SUCH OTHER PERSON.

2. FOR THE PURPOSES OF THIS SECTION:

(A) AN IMPERSONATION IS CREDIBLE IF ANOTHER PERSON WOULD REASONABLY BELIEVE OR DID REASONABLY BELIEVE THAT THE DEFENDANT WAS OR IS THE PERSON WHO WAS IMPERSONATED.

(B) "ELECTRONIC MEANS" SHALL INCLUDE THE ACCESSING OF AN E-MAIL ACCOUNT, OR AN ACCOUNT OR PROFILE ON A SOCIAL NETWORKING INTERNET WEBSITE IN ANOTHER PERSON'S NAME.

FALSE PRETENSE IS A CLASS D FELONY.

S 3. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.

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

LBD11146-02-6