

# STATE OF NEW YORK

4800

2023-2024 Regular Sessions

## IN ASSEMBLY

February 23, 2023

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, and the closing paragraph as amended by chapter 27 of  
3 the laws of 1980, subdivisions 3 and 4 as amended and subdivision 5 as  
4 added by chapter 739 of the laws of 2021, is amended to read as follows:  
5 § 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; or

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; or

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

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1 5. Impersonates another person, without such other person's permis-  
2 sion, by using the other person's electronic signature with intent to  
3 obtain a benefit or injure or defraud the other person or another  
4 person. For the purposes of this subdivision, electronic signature shall  
5 have the same meaning as set forth in subdivision three of section three  
6 hundred two of the state technology law.

7 Criminal impersonation in the second degree is a class [~~A-misdemeanor~~]  
8 E felony.

9 § 2. Section 190.26 of the penal law, as amended by chapter 2 of the  
10 laws of 1998, subdivision 1 as amended by chapter 434 of the laws of  
11 2008, is amended to read as follows:

12 § 190.26 Criminal impersonation in the first degree.

13 A person is guilty of criminal impersonation in the first degree when  
14 he or she:

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

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

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

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

36 § 3. This act shall take effect on the first of November next succeed-  
37 ing the date on which it shall have become a law.