

# STATE OF NEW YORK

10686

## IN ASSEMBLY

August 28, 2024

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Vanel) --  
read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to criminal impersonation in  
the first degree

The People of the State of New York, represented in Senate and Assem-  
bly, do enact as follows:

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

4 § 190.26 Criminal impersonation in the first degree.

5 A person is guilty of criminal impersonation in the first degree when  
6 [~~he~~] such person:

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

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

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

27 4. Pretending to be an employee of a utility company, expressing by  
28 their words or actions that they are acting with the approval or author-

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

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1 ity of a utility company, or wearing or displaying, without authori-  
2 zation from a utility company, any uniform, badge, or other insignia or  
3 facsimile thereof, by which a person employed by a utility company  
4 commonly wears or displays, goes upon the property of another; or

5 5. Pretending to be a person engaged in the delivery of a package or  
6 food or beverage, expressing by their words or actions that they are  
7 acting with the approval or authority of such person or company, or  
8 wearing or displaying, without authorization from such person or company  
9 they are purporting to deliver such package or food or beverage on  
10 behalf of, any uniform, badge, or other insignia or facsimile thereof,  
11 by which a person employed by such person or company commonly wears or  
12 displays, goes upon the property of another.

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

14 § 2. This act shall take effect on the ninetieth day after it shall  
15 have become a law.