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 Assembly, do enact as follows:

Section 1. 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:

§ 190.26 Criminal impersonation in the first degree.

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

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~~] **their** words or actions that [~~he or she is~~] **they are** 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[~~.~~]**; or**

4. Pretending to be an employee of a utility company, expressing by 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.

LBD15943-02-4

ity of a utility company, or wearing or displaying, without authorization from a utility company, any uniform, badge, or other insignia or facsimile thereof, by which a person employed by a utility company commonly wears or displays, goes upon the property of another; or

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

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

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