

STATE OF NEW YORK

5665

2023-2024 Regular Sessions

IN SENATE

March 13, 2023

Introduced by Sen. KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to criminal impersonation of a disabled veteran vendor

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, open-
2 ing paragraph, and closing paragraph as amended by chapter 27 of the
3 laws of 1980, subdivisions 3 and 4 as amended and subdivision 5 as added
4 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 anoth-
23 er, 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[-]; or

7 6. Pretends to be a disabled veteran vendor, or carries or possesses
8 without authority of the official designated to issue specialized vend-
9 ing licenses under the provisions of section thirty-five-a of the gener-
10 al business law any form of insignia or identification or facsimile
11 thereof, or falsely expresses by his or her words or actions that he or
12 she is a disabled veteran vendor with intent to obtain a benefit or to
13 injure or defraud another.

14 Criminal impersonation in the second degree is a class A misdemeanor.

15 § 2. This act shall take effect on the first of November next succeed-
16 ing the date on which it shall have become a law.