

STATE OF NEW YORK

2570

2025-2026 Regular Sessions

IN ASSEMBLY

January 17, 2025

Introduced by M. of A. DINOWITZ, BENEDETTO, COLTON, PEOPLES-STOKES, WOERNER, RIVERA, STECK, BRABENEC -- Multi-Sponsored by -- M. of A. GLICK, RAMOS -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to criminal impersonation in the second degree and establishes a stolen valor fee

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

1 Section 1. Section 10.00 of the penal law is amended by adding five
2 new subdivisions 23, 24, 25, 26 and 27 to read as follows:

3 23. "Military or reserves" means (a) the United States army, navy, air
4 force, marines, space force, coast guard, commissioned corps of the
5 National Oceanic and Atmospheric Administration, commissioned corps of
6 the Public Health Service, and the reserve components thereof including
7 the army national guard and air national guard or (b) the New York guard
8 or the New York naval militia, or the organized militia or defense force
9 of any other state, territory or the District of Columbia, or (c) any
10 group designated by the federal government as performing or having
11 performed active military, naval, air, or space service for purposes of
12 eligibility for benefits administered by the United States department of
13 veterans affairs.

14 24. "Servicemember" means a person serving as a member of the mili-
15 tary or reserves.

16 25. "Former servicemember" means a person who was a member of the
17 military or reserves as defined in subdivision twenty-three of this
18 section and who was discharged or released therefrom.

19 26. "First responder" means a firefighter, law enforcement officer,
20 paramedic, emergency medical technician, emergency services dispatcher,
21 or other individual, whether compensated or not, who, in the course of
22 their professional or volunteer duties, responds to fire, medical,
23 hazardous material, or other similar emergencies.

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

LBD05937-01-5

1 27. "First responder agency" means a state or local district, municipi-
2 ality, or other political subdivision or volunteer organization for
3 which a first responder provides fire protection, paramedic services,
4 law enforcement, emergency services, or rescue or recovery services.

5 § 2. Subdivision 5 of section 190.25 of the penal law, as added by
6 chapter 739 of the laws of 2021, is amended and two new subdivisions 6
7 and 7 are added to read as follows:

8 5. Impersonates another person, without such other person's permis-
9 sion, by using the other person's electronic signature with intent to
10 obtain a benefit or injure or defraud the other person or another
11 person. For the purposes of this subdivision, electronic signature shall
12 have the same meaning as set forth in subdivision three of section three
13 hundred two of the state technology law[~~7~~]; or

14 6. (a) Pretends to be a servicemember or former servicemember, or
15 wears or displays without authority, any uniform, badge or other insigni-
16 nia or facsimile thereof by which such servicemember or former servicem-
17 ember is lawfully distinguished, or falsely holds oneself out to be a
18 recipient of a decoration or medal created by federal or state laws and
19 regulations to honor servicemembers or former servicemembers or falsely
20 expresses by such person's words or actions that such person is a servi-
21 cemember or former servicemember or is acting with approval or authority
22 of the military or reserves; and (b) so acts with intent to obtain a
23 benefit or to injure or defraud another or induce another to submit to
24 such pretended official authority, to solicit funds or to otherwise
25 cause another to act in reliance upon that pretense; or

26 7. (a) Pretends to be a first responder, or wears or displays without
27 authority any uniform, badge, insignia or facsimile thereof by which
28 such first responder is lawfully distinguished, or falsely holds oneself
29 out to be a recipient of a decoration or medal created by federal or
30 state laws and regulations to honor first responders, or falsely
31 expresses by such person's words or actions that such person is a first
32 responder or is acting with approval or authority of a first responder
33 agency; and (b) so acts with intent to obtain a benefit or to injure or
34 defraud another or induce another to submit to such pretended official
35 authority, to solicit funds or to otherwise cause another to act in
36 reliance upon that pretense.

37 § 3. Subdivisions 1, 2 and 3 of section 60.35 of the penal law, as
38 amended by section 1 of part E of chapter 56 of the laws of 2004,
39 subparagraphs (i), (ii) and (iii) of paragraph (a) of subdivision 1 as
40 amended by section 1 of part DD of chapter 56 of the laws of 2008 and
41 paragraph (b) of subdivision 1 as amended by chapter 320 of the laws of
42 2006, are amended to read as follows:

43 1. (a) Except as provided in section eighteen hundred nine of the
44 vehicle and traffic law and section 27.12 of the parks, recreation and
45 historic preservation law, whenever proceedings in an administrative
46 tribunal or a court of this state result in a conviction for a felony, a
47 misdemeanor, or a violation, as these terms are defined in section 10.00
48 of this chapter, there shall be levied at sentencing a mandatory
49 surcharge, sex offender registration fee, DNA databank fee [~~and~~], a
50 crime victim assistance fee, and a stolen valor fee in addition to any
51 sentence required or permitted by law, in accordance with the following
52 schedule:

53 (i) a person convicted of a felony shall pay a mandatory surcharge of
54 three hundred dollars and a crime victim assistance fee of twenty-five
55 dollars;

1 (ii) a person convicted of a misdemeanor shall pay a mandatory
2 surcharge of one hundred seventy-five dollars and a crime victim assist-
3 ance fee of twenty-five dollars;

4 (iii) a person convicted of a violation shall pay a mandatory
5 surcharge of ninety-five dollars and a crime victim assistance fee of
6 twenty-five dollars;

7 (iv) a person convicted of a sex offense as defined by subdivision two
8 of section one hundred sixty-eight-a of the correction law or a sexually
9 violent offense as defined by subdivision three of section one hundred
10 sixty-eight-a of the correction law shall, in addition to a mandatory
11 surcharge and crime victim assistance fee, pay a sex offender registra-
12 tion fee of fifty dollars~~[-]~~;

13 (v) a person convicted of a designated offense as defined by subdivi-
14 sion seven of section nine hundred ninety-five of the executive law
15 shall, in addition to a mandatory surcharge and crime victim assistance
16 fee, pay a DNA databank fee of fifty dollars~~[-]~~;

17 (vi) a person convicted of any offense pursuant to subdivision six or
18 seven of section 190.25 of this chapter shall, in addition to a mandato-
19 ry surcharge and crime victim assistance fee, pay any other fee required
20 by this article, and pay a stolen valor fee in the amount of two hundred
21 fifty dollars.

22 (b) When the felony or misdemeanor conviction in subparagraphs (i),
23 (ii) or (iv) of paragraph (a) of this subdivision results from an
24 offense contained in article one hundred thirty of this chapter, incest
25 in the third, second or first degree as defined in sections 255.25,
26 255.26 and 255.27 of this chapter or an offense contained in article two
27 hundred sixty-three of this chapter, the person convicted shall pay a
28 supplemental sex offender victim fee of one thousand dollars in addition
29 to the mandatory surcharge and any other fee.

30 2. Where a person is convicted of two or more crimes or violations
31 committed through a single act or omission, or through an act or omis-
32 sion which in itself constituted one of the crimes or violations and
33 also was a material element of the other, the court shall impose a
34 mandatory surcharge and a crime victim assistance fee, and where appro-
35 priate a supplemental sex offender victim fee or a stolen valor fee, in
36 accordance with the provisions of this section for the crime or
37 violation which carries the highest classification, and no other
38 sentence to pay a mandatory surcharge, crime victim assistance fee ~~[ex]~~,
39 supplemental sex offender victim fee, or a stolen valor fee required by
40 this section shall be imposed. Where a person is convicted of two or
41 more sex offenses or sexually violent offenses, as defined by subdivi-
42 sions two and three of section one hundred sixty-eight-a of the
43 correction law, committed through a single act or omission, or through
44 an act or omission which in itself constituted one of the offenses and
45 also was a material element of the other, the court shall impose only
46 one sex offender registration fee. Where a person is convicted of two or
47 more designated offenses, as defined by subdivision seven of section
48 nine hundred ninety-five of the executive law, committed through a
49 single act or omission, or through an act or omission which in itself
50 constituted one of the offenses and also was a material element of the
51 other, the court shall impose only one DNA databank fee.

52 3. The mandatory surcharge, sex offender registration fee, DNA data-
53 bank fee, crime victim assistance fee, ~~[and]~~ supplemental sex offender
54 victim fee, and stolen valor fee provided for in subdivision one of this
55 section shall be paid to the clerk of the court or administrative tribu-
56 nal that rendered the conviction. Within the first ten days of the month

1 following collection of the mandatory surcharge, crime victim assistance
2 fee, and supplemental sex offender victim fee, the collecting authority
3 shall determine the amount of mandatory surcharge, crime victim assist-
4 ance fee, ~~and~~ supplemental sex offender victim fee, and stolen valor
5 fee collected and, if it is an administrative tribunal, or a town or
6 village justice court, it shall then pay such money to the state comp-
7 troller who shall deposit such money in the state treasury pursuant to
8 section one hundred twenty-one of the state finance law to the credit of
9 the criminal justice improvement account established by section ninety-
10 seven-bb of the state finance law. Within the first ten days of the
11 month following collection of the sex offender registration fee and DNA
12 databank fee, the collecting authority shall determine the amount of the
13 sex offender registration fee and DNA databank fee collected and, if it
14 is an administrative tribunal, or a town or village justice court, it
15 shall then pay such money to the state comptroller who shall deposit
16 such money in the state treasury pursuant to section one hundred twen-
17 ty-one of the state finance law to the credit of the general fund. If
18 such collecting authority is any other court of the unified court
19 system, it shall, within such period, pay such money attributable to the
20 mandatory surcharge or crime victim assistance fee to the state commis-
21 sioner of taxation and finance to the credit of the criminal justice
22 improvement account established by section ninety-seven-bb of the state
23 finance law. If such collecting authority is any other court of the
24 unified court system, it shall, within such period, pay such money
25 attributable to the sex offender registration fee and the DNA databank
26 fee to the state commissioner of taxation and finance to the credit of
27 the general fund. Notwithstanding any other provision of this subdivi-
28 sion, all monies paid to the state comptroller or to the commissioner of
29 taxation and finance which are attributable to monies collected for the
30 stolen valor fee shall be credited to the veterans remembrance and ceme-
31 tery maintenance and operation fund established pursuant to section
32 ninety-seven-mmmmm of the state finance law.

33 § 4. This act shall take effect immediately.