

# STATE OF NEW YORK

1874

2025-2026 Regular Sessions

## IN SENATE

January 14, 2025

Introduced by Sen. WALCZYK -- 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 the crime of criminal impersonation in the first degree

The People of the State of New York, represented in Senate and Assembly, 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 and subdivision 1 as amended by chapter 434 of the laws  
3 of 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. (a) Pretends to be a police officer or a federal law enforcement  
8 officer as enumerated in section 2.15 of the criminal procedure law, or  
9 wears or displays without authority, any uniform, badge or other insignia  
10 or facsimile thereof, by which such police officer or federal law  
11 enforcement officer is lawfully distinguished or expresses by [~~his or~~  
12 ~~her~~] such person's words or actions that [~~he or she~~] such person is  
13 acting with the approval or authority of any police department or acting  
14 as a federal law enforcement officer with the approval of any agency  
15 that employs federal law enforcement officers as enumerated in section  
16 2.15 of the criminal procedure law; and

17 [~~2-~~] (b) So acts with intent to induce another to submit to such  
18 pretended official authority or otherwise to act in reliance upon said  
19 pretense and in the course of such pretense commits or attempts to  
20 commit a felony; or

21 2. (a) Pretends to be a member of a board of elections or an election  
22 officer, as such terms are defined by section 1-104 of the election law,  
23 or an employee thereof; and

24 (b) So acts with intent to cause another to act in reliance upon 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 3. Pretending to be a duly licensed physician or other person author-  
2 ized to issue a prescription for any drug or any instrument or device  
3 used in the taking or administering of drugs for which a prescription is  
4 required by law, communicates to a pharmacist an oral prescription which  
5 is required to be reduced to writing pursuant to section thirty-three  
6 hundred thirty-two of the public health law.

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

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