

STATE OF NEW YORK

6658

2025-2026 Regular Sessions

IN SENATE

March 19, 2025

Introduced by Sen. GRIFFO -- 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 creating the crime of committing an offense while impersonating a police officer or peace officer

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

1 Section 1. The penal law is amended by adding a new section 190.28 to
2 read as follows:

3 § 190.28 Committing an offense while impersonating a police officer or
4 peace officer.

5 1. A person is guilty of committing an offense while impersonating a
6 police officer or peace officer when they commit a specified offense and
7 during the course of such specified offense either:

8 (a) pretends to be a police officer or peace officer, or wears or
9 displays without authority, any uniform, badge or other insignia or
10 facsimile thereof, by which such police officer or peace officer is
11 lawfully distinguished or expresses by their words or actions that they
12 are acting with the approval or authority of any police department or
13 law enforcement agency; or

14 (b) without authority to display on a motor vehicle lights or markings
15 by which a motor vehicle operated by a police department or law enforce-
16 ment agency is identified, displays such lights or markings; or displays
17 upon a motor vehicle a red light, whether continuous or flashing, visi-
18 ble from the front of such vehicle.

19 2. For the purposes of this section a "specified offense" is an
20 offense defined by any of the following provisions of this chapter:
21 section 100.00 (criminal solicitation in the fifth degree); section
22 100.05 (criminal solicitation in the fourth degree); section 100.08
23 (criminal solicitation in the third degree); section 100.10 (criminal
24 solicitation in the second degree); section 100.13 (criminal sollicita-

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

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1 tion in the first degree); section 115.00 (criminal facilitation in the
2 fourth degree); section 115.01 (criminal facilitation in the third
3 degree); section 115.05 (criminal facilitation in the second degree);
4 section 115.08 (criminal facilitation in the first degree); section
5 120.00 (assault in the third degree); section 120.05 (assault in the
6 second degree); section 120.10 (assault in the first degree); section
7 120.12 (aggravated assault upon a person less than eleven years old);
8 section 120.13 (menacing in the first degree); section 120.14 (menacing
9 in the second degree); section 120.15 (menacing in the third degree);
10 section 120.20 (reckless endangerment in the second degree); section
11 120.25 (reckless endangerment in the first degree); section 120.45
12 (stalking in the fourth degree); section 120.50 (stalking in the third
13 degree); section 120.55 (stalking in the second degree); section 120.60
14 (stalking in the first degree); section 125.10 (criminally negligent
15 homicide); section 125.15 (manslaughter in the second degree); section
16 125.20 (manslaughter in the first degree); section 125.25 (murder in the
17 second degree); subdivision one of section 130.35 (rape in the first
18 degree); subdivision one of section 130.65 (sexual abuse in the first
19 degree); paragraph (a) of subdivision one of section 130.67 (aggravated
20 sexual abuse in the second degree); paragraph (a) of subdivision one of
21 section 130.70 (aggravated sexual abuse in the first degree); section
22 135.05 (unlawful imprisonment in the second degree); section 135.10
23 (unlawful imprisonment in the first degree); section 135.20 (kidnapping
24 in the second degree); section 135.25 (kidnapping in the first degree);
25 section 135.45 (custodial interference in the second degree); section
26 135.50 (custodial interference in the first degree); section 135.60
27 (coercion in the third degree); section 135.61 (coercion in the second
28 degree); section 135.65 (coercion in the first degree); section 140.10
29 (criminal trespass in the third degree); section 140.15 (criminal tres-
30 pass in the second degree); section 140.17 (criminal trespass in the
31 first degree); section 140.20 (burglary in the third degree); section
32 140.25 (burglary in the second degree); section 140.30 (burglary in the
33 first degree); section 145.00 (criminal mischief in the fourth degree);
34 section 145.05 (criminal mischief in the third degree); section 145.10
35 (criminal mischief in the second degree); section 145.12 (criminal
36 mischief in the first degree); section 145.14 (criminal tampering in the
37 third degree); section 145.15 (criminal tampering in the second degree);
38 section 145.20 (criminal tampering in the first degree); section 145.40
39 (tampering with a consumer product in the second degree); section 145.45
40 (tampering with a consumer product in the first degree); section 150.05
41 (arson in the fourth degree); section 150.10 (arson in the third
42 degree); section 150.15 (arson in the second degree); section 150.20
43 (arson in the first degree); section 155.25 (petit larceny); section
44 155.30 (grand larceny in the fourth degree); section 155.35 (grand
45 larceny in the third degree); section 155.40 (grand larceny in the
46 second degree); section 155.42 (grand larceny in the first degree);
47 section 160.05 (robbery in the third degree); section 160.10 (robbery in
48 the second degree); section 160.15 (robbery in the first degree);
49 section 165.00 (misapplication of property); section 165.05 (unauthor-
50 ized use of a vehicle in the third degree); section 165.15 (theft of
51 services); section 165.20 (fraudulently obtaining a signature); section
52 165.30 (fraudulent accosting); section 195.05 (obstructing governmental
53 administration in the second degree); section 195.07 (obstructing
54 governmental administration in the first degree); section 195.08
55 (obstructing governmental administration by means of a self-defense
56 spray device); section 195.15 (obstructing firefighting operations);

1 section 195.16 (obstructing emergency medical services); section 195.20
2 (defrauding the government); section 205.05 (escape in the third
3 degree); section 205.10 (escape in the second degree); section 205.15
4 (escape in the first degree); section 205.30 (resisting arrest); section
5 205.55 (hindering prosecution in the third degree); section 205.60
6 (hindering prosecution in the second degree); section 205.65 (hindering
7 prosecution in the first degree); section 215.10 (tampering with a
8 witness in the fourth degree); section 215.11 (tampering with a witness
9 in the third degree); section 215.12 (tampering with a witness in the
10 second degree); section 215.13 (tampering with a witness in the first
11 degree); section 215.15 (intimidating a victim or witness in the third
12 degree); section 215.16 (intimidating a victim or witness in the second
13 degree); section 215.17 (intimidating a victim or witness in the first
14 degree); section 215.23 (tampering with a juror in the second degree);
15 section 215.25 (tampering with a juror in the first degree); section
16 215.40 (tampering with physical evidence); section 215.45 (compounding a
17 crime); section 215.50 (criminal contempt in the second degree); section
18 215.51 (criminal contempt in the first degree); section 215.52 (aggra-
19 vated criminal contempt); section 240.21 (disruption or disturbance of a
20 religious service, funeral, burial or memorial service); section 240.26
21 (harassment in the second degree); section 240.48 (disseminating a false
22 registered sex offender notice); section 240.50 (falsely reporting an
23 incident in the third degree); section 240.55 (falsely reporting an
24 incident in the second degree); section 240.60 (falsely reporting an
25 incident in the first degree); section 240.70 (criminal interference
26 with health care services or religious worship in the second degree);
27 section 240.71 (criminal interference with health care services or reli-
28 gious worship in the first degree); section 241.02 (harassment of a rent
29 regulated tenant in the second degree); section 241.05 (harassment of a
30 rent regulated tenant in the first degree); section 250.05 (eavesdrop-
31 ping); section 250.25 (tampering with private communications); section
32 250.30 (unlawfully obtaining communications information); section 250.45
33 (unlawful surveillance in the second degree); section 250.50 (unlawful
34 surveillance in the first degree); section 265.01 (criminal possession
35 of a weapon in the fourth degree); section 265.02 (criminal possession
36 of a weapon in the third degree); section 265.03 (criminal possession of
37 a weapon in the second degree); section 265.04 (criminal possession of a
38 dangerous weapon in the first degree); section 265.06 (unlawful
39 possession of a weapon upon school grounds); section 265.08 (criminal
40 use of a firearm in the second degree); section 265.09 (criminal use of
41 a firearm in the first degree); subdivision three of section 265.10
42 (manufacture, transport, disposition and defacement of weapons and
43 dangerous instruments and appliances); section 270.20 (unlawful wearing
44 of a body vest); section 485.05 (hate crimes); section 490.25 (crime of
45 terrorism); section 490.30 (hindering prosecution of terrorism in the
46 second degree); section 490.35 (hindering prosecution of terrorism in
47 the first degree); section 490.37 (criminal possession of a chemical
48 weapon or biological weapon in the third degree); section 490.40 (crimi-
49 nal possession of a chemical weapon or biological weapon in the second
50 degree); section 490.45 (criminal possession of a chemical weapon or
51 biological weapon in the first degree); section 490.47 (criminal use of
52 a chemical weapon or biological weapon in the third degree); section
53 490.50 (criminal use of a chemical weapon or biological weapon in the
54 second degree); or any attempt or conspiracy to commit any of the fore-
55 going offenses.

1 3. (a) When a person is convicted of committing an offense while
2 impersonating a police officer or peace officer pursuant to this
3 section, and the specified offense is a violent felony offense, as
4 defined in section 70.02 of this chapter, the offense of committing an
5 offense while impersonating a police officer or peace officer shall be
6 deemed a violent felony offense.

7 (b) When a person is convicted of committing an offense while imperso-
8 rating a police officer or peace officer pursuant to this section and
9 the specified offense is a misdemeanor or a class C, D or E felony, the
10 offense of committing an offense while impersonating a police officer or
11 peace officer shall be deemed to be one category higher than the speci-
12 fied offense the defendant committed, or one category higher than the
13 offense level applicable to the defendant's conviction for an attempt or
14 conspiracy to commit a specified offense, whichever is applicable.

15 (c) Notwithstanding any other provision of law, when a person is
16 convicted of committing an offense while impersonating a police officer
17 or peace officer pursuant to this section and the specified offense is a
18 class B felony:

19 (i) the maximum term of the indeterminate sentence must be at least
20 six years if the defendant is sentenced pursuant to section 70.00 of
21 this chapter;

22 (ii) the term of the determinate sentence must be at least eight years
23 if the defendant is sentenced pursuant to section 70.02 of this chapter;

24 (iii) the term of the determinate sentence must be at least twelve
25 years if the defendant is sentenced pursuant to section 70.04 of this
26 chapter;

27 (iv) the maximum term of the indeterminate sentence must be at least
28 four years if the defendant is sentenced pursuant to section 70.05 of
29 this chapter; and

30 (v) the maximum term of the indeterminate sentence or the term of the
31 determinate sentence must be at least ten years if the defendant is
32 sentenced pursuant to section 70.06 of this chapter.

33 (d) Notwithstanding any other provision of law, when a person is
34 convicted of committing an offense while impersonating a police officer
35 or peace officer pursuant to this section and the specified offense is a
36 class A-I felony, the minimum period of the indeterminate sentence shall
37 be not less than twenty years.

38 (e) Notwithstanding any other provision of law, when a person is
39 convicted of committing an offense while impersonating a police officer
40 or peace officer pursuant to this section and the specified offense is
41 the violation of harassment in the second degree as defined in section
42 240.26 of this part, the committing of an offense while impersonating a
43 police officer or peace officer shall be deemed to be a class A misde-
44 meanor.

45 § 2. Subdivision 2 of section 70.25 of the penal law, as amended by
46 chapter 56 of the laws of 1984, is amended to read as follows:

47 2. When more than one sentence of imprisonment is imposed on a person
48 for two or more offenses committed through a single act or omission, or
49 through an act or omission which in itself constituted one of the
50 offenses and also was a material element of the other or a violation of
51 section 190.28 of this chapter and a violation of section 190.25 or
52 190.26 of this chapter committed through a single act or criminal trans-
53 action, the sentences, except if one or more of such sentences is for a
54 violation of section 270.20 of this chapter, must run concurrently.

55 § 3. This act shall take effect on the first of November next succeed-
56 ing the date on which it shall have become a law.