



2018 New York State YMCA

Youth And Government

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FOR SOCIAL RESPONSIBILITY

Committee Assignment: Assembly Freedom 5

Bill #: AF-37

1 **Sponsors:** Rachel Blake and Rayshan Pannell

2

3 **An Act To**

4 Amend § 190.25 of the New York State penal law to include and specify precincts
5 regarding phishing and any type of online impersonation

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

7

8 **Purpose**

9 The purpose of this bill is to strengthen the laws against false impersonation and
10 decrease online identification fraud.

11

12 **Summary of Provisions**

13 **Section 1: Definitions**

14 Phishing: the fraudulent practice of sending emails, texts, social media applications,
15 websites, accounts, or calls purporting to be from reputable companies or a certain
16 individual or account in order to induce individuals to reveal personal information,
17 such as passwords and credit card numbers, or to exploit an individual sexually or
18 financially.

19 **Section 2:**

20 § 190.25 Criminal impersonation in the second degree.

21 A person is guilty of criminal impersonation in the second degree when he:

22 1. Impersonates another and does an act in such assumed character with
23 intent to obtain a benefit or to injure or defraud another; or

24 2. Pretends to be a representative of some person or organization, either online or
25 in person, and

26 does an act in such pretended capacity with intent to obtain a benefit
27 or to injure or defraud another; or

28 3. (a) Pretends to be a public servant, or wears or displays without
29 authority any uniform, badge, insignia, logo, or facsimile thereof by which
30 such public servant is lawfully distinguished, or falsely expresses by
31 his words or actions that he is a public servant or is acting with
32 approval or authority of a public agency or department; and (b) so acts
33 with intent to induce another to submit to such pretended official
34 authority, to solicit funds or to otherwise cause another to act in
35 reliance upon that pretense.

36 4. Impersonates another by communication by internet website or
37 electronic means with intent to obtain a benefit or injure or defraud
38 another, or by such communication pretends to be a public servant in
39 order to induce another to submit to such authority or act in reliance) on such
40 pretense.

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

42 5. Any person who knowingly uses another's name, voice, signature, photograph or
43 likeness through social media to create a false identity without such person's



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44 consent, or in the case of a minor the consent of his or her parent or legal
45 guardian, for the purpose of harming, intimidating, threatening or defrauding such
46 person, shall be liable for online impersonation and liable for any damages
47 sustained by the person or persons injured as a result thereof; creating a false
48 identity in order to obtain a benefit or to injure or defraud another.
49

50 **Justification**

51 It is necessary for this bill to be amended due to the sweeping number of victims of
52 identity theft/ fraud in the United States. In 2016, some 15.4 million internet
53 consumers were victims of such crime. Online thieves stole \$16 billion, with the
54 mean fraud amount per victim amounting to \$1,038. By strengthening the law and
55 closing major loopholes, less criminals will slip by unscathed by the law.
56

57 **Fiscal Implications**

58 The only fiscal implication of this bill is the amount of money saved by reduction of
59 fraud/identity theft.
60

61 **Effective Date**

62 This bill will go into effect one year after passage.