

CRIMINAL IMPERSONATION SECOND DEGREE

Penal Law § 190.25 (1)

(Committed on or after Sept. 1, 1980)

(Revised: Aug. 2004, June 2014, Jan. 2018, June 2020)¹

The (*specify*) count is Criminal Impersonation in the Second Degree.

Under our law, a person is guilty of Criminal Impersonation in the Second Degree when he or she knowingly impersonates another and does an act in such assumed character with intent to obtain a benefit or to injure or defraud another.

The following terms used in that definition have a special meaning:

A person **KNOWINGLY** impersonates another when that person is aware that he or she is doing so.

¹ The 2020 revision was simply to consolidate two separate definitions of “intent” into one.

The 2018 revision was for the purpose of incorporating the requirements of *People v Golb*, 23 NY3d 455 (2014) (an intent to injure another includes, but is not limited to, an intent to injure another person’s reputation).

The 2014 revision was to correct an omission in the definition and corresponding element of the crime. The original charge defined the crime with the words: “...impersonates another and acts...” The definition of the crime uses the words “...impersonates another and *does an act*...” The two italicized words have thus been added to the definition, and element number two was revised to substitute: “That the defendant did an act...” for the words “That the defendant acted...”

The 2004 revision added the word “knowingly” in the definition in order to comport with Penal Law § 15.05 (2).

Select appropriate alternative(s):

BENEFIT means any gain or advantage to the beneficiary [and includes any gain or advantage to a third party pursuant to the desire or consent of the beneficiary.]²

INJURE means to cause a tangible, pecuniary injury to another [or to interfere with governmental operations].

[If applicable: INJURE (also) means to cause injury to a person's reputation; injury to a person's reputation means more than temporary embarrassment or discomfiture.³]

INTENT means conscious objective or purpose. Thus, a person acts with intent to benefit, or injure, or defraud another, or interfere with governmental operations when it his or her conscious objective to do so. ⁴

In order for you to find the defendant guilty of this crime, the People are required to prove, from all of the evidence in the case, beyond a reasonable doubt, both of the following two elements:

1. That on or about (*date*), in the county of (*County*), the defendant (*defendant's name*), knowingly impersonated another person; and
2. That the defendant did an act in that assumed

² Penal Law § 10.00(17).

³ See footnote 1.

⁴ See Penal Law § 15.05(1).

character with intent to

Select appropriate alternative(s):

obtain a benefit
injure another
defraud another.

If you find the People have proven beyond a reasonable doubt both of those elements, you must find the defendant guilty of this crime.

If you find the People have not proven beyond a reasonable doubt either one or both of those elements, you must find the defendant not guilty of this crime.