

**CRIMINAL IMPERSONATION SECOND DEGREE**  
**(Class A Misdemeanor)**  
**(Of Another Person)**  
**Penal Law 190.25 (1)**  
**(Committed on or after Sept. 1, 1980)**  
**(Revised June 2014)<sup>1</sup>**

The \_\_\_\_\_ 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<sup>2</sup> impersonates another and does an act in such assumed character with intent to obtain a benefit or to injure<sup>3</sup> or defraud another.

Some of the terms used in this definition have their own special meaning in our law. I will now give you the meaning of the following terms: ["benefit"] "knowingly," and "intent."

[BENEFIT means any gain or advantage to the beneficiary and includes any gain or advantage to a third person pursuant to the desire or consent of the beneficiary.<sup>4</sup>]

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<sup>1</sup> 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...."

<sup>2</sup> This charge was revised August 3, 2004, to add the word "knowingly" in order to comport with Penal Law § 15.05 (2).

<sup>3</sup> See *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).

<sup>4</sup> Penal Law § 10.00 (17).

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

INTENT means conscious objective or purpose.<sup>5</sup> Thus, a person acts with intent to obtain a benefit or to injure or defraud another when that person's conscious objective or purpose is to do so.

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 such assumed character with intent to obtain a benefit or to injure or defraud another.

Therefore, if you find that the People have proven beyond a reasonable doubt both of those elements, you must find the defendant guilty of the crime of Criminal Impersonation in the Second Degree as charged in the \_\_\_\_\_ count.

On the other hand, if you find that the People have not proven beyond a reasonable doubt either one or both of those elements, you must find the defendant not guilty of the crime of Criminal Impersonation in the Second Degree as charged in the \_\_\_\_\_ count.

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<sup>5</sup> See Penal Law § 15.05 (1)