



## Legislation Text

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**File #:** Res 0840-2005, **Version:** \*

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### Res. No. 840

Resolution calling upon the Legislature of the State of New York to increase the penalty for those who impersonate police officers and for those who illegally sell police uniforms.

By Council Members Vallone Jr., The Public Advocate (Ms. Gotbaum), Avella, Clarke, Fidler, Gennaro, Gerson, Liu, Nelson, Quinn, Stewart, Weprin, Lanza and Oddo

Whereas, In January 2005, James Gottlieb, a bank manager from Franklin Square, Long Island, was pulled over by a man dressed in what resembled a police uniform; in an attempt to commit a robbery, the police impersonator shot and killed Gottlieb; and

Whereas, In nearby Valley Stream a few days later, a pair of fake police officers robbed two businessmen on a busy road in broad daylight; and

Whereas, Terrorist groups have used police uniforms to mask their identities and gain access to their targets (i.e. government buildings and offices) without arousing suspicion; and

Whereas, The current Criminal Impersonation Law (Penal Law §190.25), a class A misdemeanor which subjects a person to up to one year in prison, states that a person is guilty of criminal impersonation in the second degree when he or she pretends to be a public servant, or wears, or displays without authority any uniform, badge, or insignia by which such public servant is lawfully distinguished, *and* acts with intent to obtain a benefit or to injure or defraud another; and

Whereas, The current Criminal Impersonation Law (Penal Law §190.26) states that a person is guilty of criminal impersonation in the first degree, a class E felony which subjects a person to up to four years in prison, when he or she pretends to be a police officer, or wears without authority, any uniform, badge or other insignia by which such police officer is lawfully distinguished or expresses by his words or actions that he is acting with

the approval or authority of any police department *and* intends to persuade another to submit to such pretended official authority or to act in reliance upon said pretense and in the course of such pretense commits or attempts to commit a felony; and

Whereas, The current Criminal Sale of a Police Uniform Law (Penal Law §190.27) states that a person is guilty of criminal sale of a police uniform, a class A misdemeanor which subjects a person to up to one year in prison, when he or she sells or offers for sale the uniform of any police officer to any person, unless presented with valid identification showing that the purchaser is a member of the police department which has authorized the requested uniform; and

Whereas, With New York on high alert after the 9/11 terrorist attacks, security is being heightened throughout the city and terrorists should be deterred from using replicas of official identification and uniforms to get through security checkpoints or gain access to sensitive locations; and

Whereas, The increasing proliferation of individuals or companies that sell high-quality imitation or toy identification badges and uniforms is a related issue that increases the possibility of such items being used to facilitate future terrorist attacks and further complicates efforts to prevent other criminal acts committed by police imposters; and

Whereas, Under the current Criminal Impersonation Laws, the penalties are not severe enough to deter police impersonators from utilizing police uniforms and imitation badges to commit crimes by preying on innocent victims who rely on the false pretense that the impersonator is vested with official authority; and

Whereas, In order to make these penalties fit the crime, the penalty under Criminal Impersonation in the First Degree (Penal Law § 190.26) should be changed from a class E felony to a class D felony, which subjects a person to up to seven years in prison; the penalty under Criminal Impersonation in the Second Degree (Penal Law § 190.25) should be changed from a class A misdemeanor to a class E felony; and the penalty under Criminal Sale of a Police Uniform (Penal Law § 190.27) should be changed from a class A misdemeanor to a class E felony; and

Whereas, Furthermore, as exists under provisions of the city's Administrative Code, state law should be amended so that the mere possession or use of a police uniform or badge is a crime; the additional requirement under Penal Law § 190.25 that the person also act with the intent to defraud or injure, should be stricken, as the possession of a uniform or badge by someone who is not a police officer is grounds for prosecution; and

Whereas, Terrorists and criminals may illegally acquire official identification and uniforms as an effective way to increase access to high security areas and/or decrease scrutiny in furtherance of committing criminal activities; and

Whereas, Increasing the penalties under the current Criminal Impersonation laws and Unlawful Sale of a Police Uniform statute is a more effective method to safeguard the public from the dangerous consequences that may result when criminals and terrorists impersonate police officers; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Legislature of the State of New York to increase the penalty for those who impersonate police officers and for those who illegally sell police uniforms.

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