



SPONSOR: Rep. Smyk & Rep. Baumbach & Sen. Delcollo
Reps. Briggs King, Bush, Cooke, Gray, Mitchell,
Ramone; Sens. Ennis, Pettyjohn, Wilson

HOUSE OF REPRESENTATIVES
150th GENERAL ASSEMBLY

HOUSE BILL NO. 204

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO CRIMINAL IMPERSONATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 907, Title 11 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 907. Criminal impersonation; class A misdemeanor.

4 A person is guilty of criminal impersonation when the person:

5 (1) Impersonates another person, whether real or fictitious, and does an act in an assumed character intending
6 to obtain a benefit or to injure or defraud another person; or

7 (2) Pretends to be a representative of some person or organization and does an act in a pretended capacity with
8 intent to obtain a benefit or to injure or defraud another person; or

9 (3) Pretends to be a public servant, or wears or displays without authority any identification, uniform or badge
10 by which a public servant is lawfully distinguished or identified.

11 Criminal impersonation is a class A misdemeanor.

SYNOPSIS

In a case of first impression, the Superior Court ruled, contrary to "common knowledge" of Delaware Criminal laws, that criminal impersonation requires proof that a real person (a human being who has been born and is alive) has been impersonated; in other words, one cannot impersonate a fictitious person. *Evans v. State*, Del. Super., April 30, 2019. This Act provides that criminal impersonation occurs when one impersonates a real or fictitious person.