

LEXSTAT CAL PEN CODE § 530

DEERING'S CALIFORNIA CODES ANNOTATED
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*** THIS DOCUMENT REFLECTS ALL URGENCY LEGISLATION ENACTED ***
*** THROUGH 2007-2008 THIRD EXTRAORDINARY SESSION CH. 7 AND ***
*** CH. 17 OF THE 2008 REGULAR SESSION APPROVED 5/21/08 ***

PENAL CODE
Part 1. Of Crimes and Punishments
Title 13. Of Crimes Against Property
Chapter 8. False Personation and Cheats

GO TO CALIFORNIA CODES ARCHIVE DIRECTORY

Cal Pen Code § 530 (2007)

§ 530. Receiving money or property as result of false personation

Every person who falsely personates another, in either his private or official capacity, and in such assumed character receives any money or property, knowing that it is intended to be delivered to the individual so personated, with intent to convert the same to his own use, or to that of another person, or to deprive the true owner thereof, is punishable in the same manner and to the same extent as for larceny of the money or property so received.

HISTORY:

Enacted Stats 1872. Amended Stats 1905 ch 523 § 2.

NOTES:

Amendments:

1905 Amendment:

Added "in either his private or official capacity".

Historical Derivation:

- (a) Crimes and Punishment Act § 91 (Stats 1850 ch 99 § 91).
- (b) Field's Draft NY Pen C § 621.

(c) NY Pen C § 564.

Cross References:

Posing as kidnaper or person able to obtain release of kidnaped person: *Pen C § 210*.

Theft defined: *Pen C § 484*.

Punishment for theft: *Pen C §§ 489, 490*.

Substitution of word "theft" for larceny: *Pen C § 490a*.

Punishment of false personation: *Pen C § 529*.

Practicing dentistry under false name: *B & P C § 1701*.

Practicing medicine under false or assumed name: *B & P C § 2285*.

Practicing optometry under false or assumed name: *B & P C § 3125*.

Collateral References:

Witkin & Epstein, Criminal Law (3d ed), Crimes Against Property § 209.

Cal Jur 3d (Rev) Criminal Law § 1338.

Forms:

Suggested form is set out below, following notes of decisions.

Hierarchy Notes:

Pt. 1, Tit. 13, Ch. 8 Note

LexisNexis 50 State Surveys, Legislation & Regulations

Identity Theft

NOTES OF DECISIONS

Where the evidence is sufficient to establish the crime of larceny, the defendant may be prosecuted generally therefor, and need not be specially prosecuted under this section for the results of false personation in committing the

larceny. *People v. Campbell* (1899) 127 Cal 278, 59 P 593, 1899 Cal LEXIS 639.

Theft was committed through false personation immediately when person, falsely representing himself as person sent by employee of retail jeweler, obtained diamond jewelry from diamond salesman for examination and approval. *Freedman v. Queen Ins. Co.* (1961) 56 Cal 2d 454, 15 Cal Rptr 69, 364 P2d 245, 1961 Cal LEXIS 308.

"Impersonate" and "personate" are words in common use and mean same thing-to pretend or represent oneself to be another; to personate another person is to assume to be that person. *People v. Vaughn* (1961, Cal App 2d Dist) 196 Cal App 2d 622, 16 Cal Rptr 711, 1961 Cal App LEXIS 1620.

SUGGESTED FORMS

Allegation Charging False Personation and Receiving Money or Property in Such Assumed Character