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## Public Safety & Emergency Preparedness Committee

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### HB 1145

**Brief Description:** Establishing mail theft provisions.

**Sponsors:** Representatives Overstreet, Hurst, Klippert, Hinkle, Angel, Ross, Nealey, Warnick, Kirby, Short, Fagan, Hunt, Kelley, Eddy, Bailey, Kenney, McCune and Condotta; by request of Attorney General.

#### Brief Summary of Bill

- Establishes the crime of Mail Theft a seriousness level II, class C felony offense.
- Establishes the crime of Possession of Stolen mail, a seriousness level II, class C felony offense.

**Hearing Date:** 1/26/11

**Staff:** Yvonne Walker (786-7841).

#### Background:

Washington's theft statute punishes a person based upon the value of the property stolen. A person commits theft if he or she:

- wrongfully obtains or exerts unauthorized control over the property or services of another with intent to deprive him or her of the property or services;
- by color or aid of deception, obtains control over the property or services of another with the intent to deprive him or her of the property or services; or
- appropriates lost or misdelivered property or services of another with intent to deprive him or her of the property or services.

A person commits Possession of Stolen Property if he or she knowingly receives, retains, possesses, conceals, or disposes of stolen property knowing that it has been stolen and to withhold or appropriate the property to the use of any person other than the true owner.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Washington's criminal statute does not have a specific crime relating to "Mail Theft" or "Possession of Stolen Mail."

Generally, federal law governs most postal crimes. Under the federal statute, a person is guilty of "Obstruction of Mail" if he or she takes any letter, postal card, or package out of any post office or any authorized depository for mail matter, or from any letter or mail carrier, or which has been in any post office or authorized depository, or in the custody of any letter or mail carrier, before it has been delivered to the person to whom it was directed, with the intent to obstruct the correspondence, to pry into the business or secrets of another, or to open, secrete, embezzle, or destroy the mail. The penalty is up to five years of imprisonment, up to \$250,000 fine, or both imprisonment and a fine.

### **Summary of Bill:**

#### Mail Theft.

A person is guilty of Mail Theft if he or she commits theft of mail. Each item of mail that is stolen is a separate and distinct crime. Mail theft is a seriousness level II, class C felony offense (a zero to 90 day sentence for a first time offender).

#### Possession of Stolen Mail.

A person is guilty of Possession of Stolen Mail if he or she knowingly receives, retains, possesses, conceals, or disposes of stolen mail knowing that it has been stolen, and withholds or appropriates the use of it to any person other than the true owner or the person to whom it is addressed. The fact that the person who stole the mail has not been convicted, apprehended, or identified, is not a defense to the charge of possessing stolen mail. Each item of stolen mail possessed constitutes a separate and distinct crime and may be punished accordingly. Possession of Stolen Mail is a seriousness level II, class C felony offense (a zero to 90 day sentence for a first time offender).

Generally, "mail" is defined as any letter, postal card, package, magazine or commercial publication, bag, or other item that is addressed to a specific address for delivery by the United States Postal Service or any commercial carrier performing the function of delivering similar items to residences or businesses, provided the mail:

- has been left for collection or delivery in a letter box, mailbox, mail receptacle, or other authorized depository for mail, given to a mail carrier, or left with any private business that provides mailboxes or mail addresses for customers or when left in a similar location for collection or delivery by any commercial carrier;
- is in transit with a postal service, mail carrier, letter carrier, commercial carrier, or that is at or in a postal vehicle, postal station, mailbox, postal airplane, transit station, or similar location of a commercial carrier; or
- has been delivered to the intended address, but has not been received by the intended addressee.

"Mailbox," includes any authorized depository or receptacle of mail for the United States Postal Service or authorized depository for a commercial carrier that provides services to the general public, including any address to which mail is or can be addressed, or a place where the United

States Postal Service or equivalent commercial carrier delivers mail to its addressee.

"Received by the intended addressee" means that the addressee, owner of the delivery mailbox, or authorized agent has removed the delivered mail from its delivery mailbox.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.