

HOUSE BILL REPORT

E2SHB 1059

As Passed House:

March 16, 1999

Title: An act relating to crimes relating to mail theft and destruction.

Brief Description: Creating crimes concerning the theft or destruction of mail or mail boxes.

Sponsors: By House Committee on Criminal Justice & Corrections (Originally sponsored by Representatives O'Brien, Ballasiotes, Kastama, Van Luven, McMorris, Cody, Carlson, Lantz, Parlette, Bush, Keiser, Skinner, Constantine, Anderson, Haigh, K. Schmidt, Regala, Fisher, Hurst, Delvin, Lovick, Ruderman, Radcliff, Kenney, Stensen, Kessler, Dunshee, Dickerson, D. Schmidt, Ogden, Rockefeller, Poulsen, Cooper, Quall, Scott, Lisk, Esser, McDonald, DeBolt, Conway, Mielke, Kagi, Morris and McIntire).

Brief History:

Committee Activity:

Criminal Justice & Corrections: 1/26/99, 2/17/99 [DPS];
Appropriations: 3/6/99 [DP2S(w/o sub CJC)].

Floor Activity:

Passed House: 3/16/99, 96-0.

Brief Summary of Engrossed Second Substitute Bill

- Obstruction of mail is a gross misdemeanor.
- Destruction of letter boxes is a gross misdemeanor.
- Destruction of mail is a class C felony.
- Theft or receipt of stolen mail is a class C felony.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Staff: Yvonne Walker (786-7841).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Criminal Justice & Corrections. Signed by 31 members: Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Staff: Dave Johnson (786-7154).

Background:

The state does not have a criminal statute relating to obstruction or theft of the mail. Federal law governing the postal service contains laws prohibiting these types of crimes. However, given limited resources, the federal authorities cannot prosecute all violations of these statutes, and, as a result, unless the violation has a significant impact, the offender will not be subject to any criminal penalties.

Summary of Bill:

A new section is added to the Sentencing Reform Act, creating four new crimes: obstruction of delivery of mail, destruction of letter boxes, destruction of mail, and theft or receipt of stolen mail. Three defenses to prosecution, each based upon the defendant having an honest and reasonable basis to act, are set forth. These defenses include that:

- (1) The defendant was unaware that the property was that of another person;
- (2) The defendant reasonably believed that the defendant was entitled to the property involved or had a right to acquire or dispose of it as the defendant did;
- or
- (3) The property involved was that of the defendant's child or spouse, unless the parties were not living together as husband and wife and were living in separate abodes at the time of the alleged offense.

Adults. The obstruction of mail is a gross misdemeanor and carries a maximum sentence of one year of incarceration or a fine of \$5,000 or both.

The destruction of letter boxes is a gross misdemeanor and carries a maximum sentence of one year of incarceration or a fine of \$5,000 or both.

The destruction of mail is a seriousness level I, class C felony and carries a maximum sentence of five years of incarceration or a fine of \$10,000 or both.

The theft or receipt of stolen mail is a seriousness level II, class C felony and carries a maximum sentence of five years of incarceration or a fine of \$10,000 or both.

Juveniles. The theft of mail or receipt of stolen mail is a class C juvenile crime. The destruction of mail is a class D juvenile crime.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: (Criminal Justice & Corrections) (Original bill) Washington is the fourth highest state with financial crimes, and mail theft, in particular, has exploded in this area. In some neighborhoods citizens are offering money to friends and family to watch their house and collect their mail each day just to ensure that it is not stolen. In cities such as the size of Seattle, the post office delivers over 17 million pieces of mail each day and when mail is stolen the public interest in the postal system is eroded. These thefts are often turned over to the postal inspectors, but, unfortunately, many of them are overworked and the federal government, in general, does not have the resources to go after these types of crimes.

(Appropriations) None.

Testimony Against: (Criminal Justice & Corrections) None.

(Appropriations) None.

Testified: (Criminal Justice & Corrections) (In support) Norm Maleng, King County Prosecutor; Jim Noss, King County Sheriff's Department; Eric Sano, Seattle Police Department; Jim Bordenet, United States Postal Inspector; and Gary Clucas, United States Postal Inspector.

(Appropriations) None.