

SENATE BILL REPORT

ESB 5459

As Passed Senate, February 8, 2002

Title: An act relating to crimes related to mail.

Brief Description: Establishing crimes relating to mail.

Sponsors: Senators Roach, Kline, Rasmussen and Winsley.

Brief History:

Committee Activity: Judiciary: 2/6/01, 2/13/01 [DP].

Passed Senate: 3/7/01, 45-2; 2/8/02, 46-3.

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Johnson, Long, Roach and Thibaudeau.

Staff: Lisa Ellis (786-7421)

Background: Washington has no criminal statute specifically addressing mail theft or obstruction. Federal statutes prohibiting this conduct have frequently not been enforced due to lack of resources. It has been reported that crimes involving theft of mail are increasing, resulting in significant impact to mail theft victims but minimal, if any, criminal penalties to the perpetrators.

Summary of Bill: Four new crimes are added to the criminal code:

- (1) obstruction of mail, a gross misdemeanor;
- (2) destruction of letter boxes, a gross misdemeanor;
- (3) destruction of mail, a class C felony, seriousness level I; and
- (4) mail theft or receipt of stolen mail, a class C felony, seriousness level II.

For juveniles, mail theft or receipt of stolen mail is a class C offense. Destruction of mail is a class D offense.

The defense that a person acted under an honest claim of right is specifically available if the defendant was unaware that the property belonged to another, reasonably believed that he or she was entitled to the property, or the property belonged to the defendant's minor child, or spouse who was living with the defendant.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: Criminalizing mail theft is good public policy and is a tool needed by prosecutors. Current theft statutes are based on dollar values, which are difficult to assign to items of mail. These crimes will not harshly impact one-time juvenile offenders, since local sanctions are the presumptive sentence until the fourth offense.

Testimony Against: None.

Testified: Tom McBride, Washington Association of Prosecuting Attorneys.