

FINAL BILL REPORT

SHB 1145

C 164 L 11
Synopsis as Enacted

Brief Description: Establishing mail theft provisions.

Sponsors: House Committee on Public Safety & Emergency Preparedness (originally sponsored by 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).

House Committee on Public Safety & Emergency Preparedness
House Committee on General Government Appropriations & Oversight
Senate Committee on Judiciary

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 withholds or appropriates the property to the use of any person other than the true owner.

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 takes mail 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,

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.

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:

Mail Theft.

A person is guilty of Mail Theft if he or she: (1) commits theft of mail addressed to three or more different mailboxes; and (2) commits theft of a minimum of 10 separate pieces of stolen mail. Each set of 10 separate pieces of stolen mail addressed to three or more different mailboxes constitutes a separate and distinct crime and may be punished accordingly. Mail Theft is an unranked class C felony offense (carrying a maximum sentence of up to 12 months in jail).

Possession of Stolen Mail.

A person is guilty of Possession of Stolen Mail if he or she: (1) possesses stolen mail addressed to three or more different mailboxes; and (2) possesses a minimum of 10 separate pieces of stolen mail. "Possesses stolen mail" means to knowingly receive, retain, possess, conceal, or dispose of stolen mail knowing that it has been stolen, and to withhold or appropriate 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 set of 10 separate pieces of stolen mail addressed to three or more different mailboxes constitutes a separate and distinct crime and may be punished accordingly. Possession of Stolen Mail is an unranked class C felony offense.

If a person commits any other crime in the commission of Mail Theft or Possession of Stolen Mail, that person may be prosecuted for the additional crimes.

"Mail" is defined as any letter, postal card, package, 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: (1) is addressed to a specific name of an individual person or with a family name or specific company, business or corporation name on the outside of the item of mail or on the contents inside; and (2) is not addressed to any general unnamed occupant or resident of the address without an identifiable person or company, business, or corporation on the outside or the inside of the item; and

- 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 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.

Mail does not include magazines, catalogs, direct mail inserts, newsletters, advertising circulars, or any mail that is considered third class mail by the United States Postal Service for purposes of a Mail Theft or Possession of Stolen Mail offense.

"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.

Votes on Final Passage:

House	95	3	
Senate	49	0	(Senate amended)
House	95	1	(House concurred)

Effective: July 22, 2011