

HOUSE BILL REPORT

HB 1059

As Reported By House Committee On:

Criminal Justice & Corrections

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: 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].

Brief Summary of Substitute Bill

- Obstruction of mail is a gross misdemeanor.
- Destruction of letter boxes or mail is a gross misdemeanor.
- 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).

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 Substitute Bill:

A new section is added to the Sentencing Reform Act, creating three new crimes: obstruction of delivery of mail, destruction of letter boxes or 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.

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.

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

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

Substitute Bill Compared to Original Bill:

The penalty for destruction of letter boxes or mail is reduced from a class C felony to a gross misdemeanor. Theft or receipt of any stolen mail is penalized as a class C felony instead of either a class B felony (for possession of stolen mail addressed to five or more addresses) or a class C felony (for possession of stolen mail addressed to four or less addresses).

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: (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.

Testimony Against: None.

Testified: (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.