

HOUSE BILL ANALYSIS

ESSB 5074

Brief Description: Establishing the crime of mail theft or receipt of stolen mail.

Sponsors: Senator Roach and Honeyford.

Hearing: February 25, 2000.

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS

BACKGROUND:

Washington has a theft statute that punishes someone based upon the value of the property stolen. However, the states do not have a criminal statute specifically relating to obstruction or theft of 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 Washington Criminal Code, creating four new crimes: obstruction of delivery of mail, destruction of letter boxes, destruction of mail, and theft or receipt of stolen mail in the first and second degrees. In the case of theft or receipt of stolen mail, a rebuttable presumption is created that the offender knows that the mail under his or her control is stolen if it is addressed to two or more different addresses and the addresses are not the residence or business of the person. 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. Obstruction of mail is a gross misdemeanor. Destruction of letter boxes is also a gross misdemeanor. A gross misdemeanor carries a maximum sentence of one year of incarceration or a fine of \$5,000 or both.

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.

Theft or receipt of stolen mail addressed to five or more different addresses is a seriousness level II, class B felony and carries a maximum sentence of 10 years of incarceration or a fine of \$20,000, or both. Theft or receipt of stolen mail addressed to four or less different addresses is a seriousness level I, class C felony.

Juveniles. Destruction of mail is a class D offense. Theft or receipt of stolen mail addressed to five or more different addresses is a class C offense. Theft or receipt of stolen mail addressed to four or less different addresses is a class D offense.

FISCAL NOTE: Requested on February 17, 2000.

EFFECTIVE DATE: Ninety days after adjournment of a session in which bill is passed.