
Public Safety Committee

HB 1719

Brief Description: Concerning mail theft.

Sponsors: Representative Klippert.

Brief Summary of Bill

- Modifies the crimes of Mail Theft and Possession of Stolen Mail by removing the minimum thresholds for the number of pieces of mail and addresses required in order to commit the offense.
- Lowers the classification of a first offense of Mail Theft or Possession of Stolen Mail from a class C felony to a gross misdemeanor.
- Removes the exception from the definition of "mail" for magazines, catalogs, direct mail inserts, newsletters, advertising circulars, or any mail that is considered third-class mail by the United States Postal Service.

Hearing Date: 2/12/19

Staff: Omeara Harrington (786-7136).

Background:

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.

Possession of Stolen Mail.

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.

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.

To "possess 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. 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.

Definition of Mail.

For purposes of Mail Theft and Possession of Stolen Mail, "mail" includes 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 a similar function. Mail must be addressed to a specific name, as opposed to a general unnamed occupant or resident, and must have been either: (1) left for collection or delivery in a mailbox or other authorized depository for mail or with a carrier or mail business; (2) in transit with a postal service or other carrier; or (3) delivered to the intended address but not yet 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.

Classification of Crimes.

Crimes are classified as misdemeanors, gross misdemeanors, or felonies. The classification of a crime generally determines the maximum term of confinement and the maximum fine a court can impose for an offense. For each classification, the maximum terms of confinement and maximum fines are as follows:

Classification	Maximum Confinement	Maximum Fine
Misdemeanor	90 days	\$1,000
Gross Misdemeanor	364 days	\$5,000
Class C Felony	5 years	\$10,000
Class B Felony	10 years	\$20,000
Class A Felony	Life	\$50,000

If a felony is "unranked," it means that the offense does not have a statutorily designated seriousness level under the Sentencing Reform Act. Unranked felonies carry a maximum period of confinement of one year regardless of the class of felony.

Summary of Bill:

The thresholds for the number of pieces of mail and addresses required in order to commit an offense of Mail Theft or Possession of Stolen Mail are removed. Instead, either offense is triggered if it involves one item of mail from one address. The unit of prosecution is also modified for both offenses. A set of one or more pieces of mail addressed to a particular mailbox constitutes a separate and distinct crime and may be punished accordingly. Each separate address for a particular mailbox constitutes a separate offense.

A first offense of Mail Theft or Possession of Stolen Mail is reclassified from a class C felony to a gross misdemeanor. Second or subsequent offenses remain class C felonies.

Provisions are removed that excluded magazines, catalogs, direct mail inserts, newsletters, advertising circulars, and any mail considered third-class mail by the United States Postal Service, from the definition of "mail." These items, if they otherwise meet the statutory definition, qualify as mail for the purposes of Mail Theft and Possession of Stolen Mail.

Appropriation: None.

Fiscal Note: Requested on February 6, 2019.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.