

5459

Sponsor(s): Senators Roach, Kline, Rasmussen and Winsley

Brief Description: Establishing the crime of mail theft or receipt of stolen mail. (REVISED FOR ENGROSSED: Establishing crimes relating to mail.)

SB 5459.E - DIGEST

(AS OF SENATE 2ND READING 2/08/02)

Declares that a person commits the crime of obstruction of mail if the person intentionally obstructs or unreasonably delays:

- (1) The passage of the mail; or
- (2) A carrier or conveyance carrying the mail.

Declares that obstruction of mail is a gross misdemeanor.

Provides that a person commits the crime of destruction of letter boxes if the person knowingly and maliciously:

- (1) Tears down or destroys a letter box belonging to another;
- or

- (2) Breaks open a letter box belonging to another.

Declares that destruction of letter boxes is a gross misdemeanor.

Provides that a person commits the crime of destruction of mail if the person knowingly and maliciously injures, destroys, or defaces mail of another that has been deposited in an authorized depository.

Declares that destruction of mail is a class C felony.

Provides that a person commits the crime of mail theft or receipt of stolen mail if the person knowingly:

- (1) Takes, or by fraud or deception, obtains mail of another from a mail receptacle, authorized depository, or mail carrier;
- (2) Secretes, embezzles, or destroys mail of another;
- (3) Takes, or by fraud or deception, obtains mail of another that has been left for collection on or adjacent to an authorized depository or mail receptacle; or

(4) Buys, receives, conceals, or unlawfully possesses mail of another knowing that the mail was taken, obtained, or embezzled as described in this subsection.

Declares that mail theft or receipt of stolen mail is a class C felony.

Declares that in a prosecution under this act, it is a defense that the defendant acted under an honest claim of right in 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 minor child or spouse, unless the parties were not living together as husband and wife and were residing in, and intended to continually reside in, separate abodes at the time of the alleged offense.