

HOUSE BILL ANALYSIS

HB 1059

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.

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS

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:

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

~~Theft of receipts of mail addressed to five or more different addresses is a class felony and carries a maximum sentence of 10 years of incarceration or a fine of \$20,000 or both.~~

~~Theft of receipts of mail addressed to four or less different addresses is a class felony and carries a maximum sentence of five years of incarceration or a fine of \$10,000 or both.~~

Fiscal Note: Requested on January 19, 1999.

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