

SENATE BILL REPORT

ESSB 5035

As Passed Senate, March 11, 1997

Title: An act relating to crimes related to mail.

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

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senator Roach).

Brief History:

Committee Activity: Law & Justice: 1/21/97, 2/5/97 [DPS, DNPS].
Passed Senate, 3/11/97, 46-3.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 5035 be substituted therefor, and the substitute bill do pass.

Signed by Senators Roach, Chair; Johnson, Vice Chair; Hargrove, Kline, Long, McCaslin, Stevens and Zarelli.

Minority Report: Do not pass substitute.

Signed by Senator Fairley.

Staff: Aldo Melchiori (786-7439)

Background: The state has no criminal statute related to obstruction or theft of the mail. Federal law governing the Postal Service contains laws prohibiting these types of crimes. 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.

The Washington State Economic Crimes Task Force has suggested this legislation to give state authorities an opportunity to prosecute offenders whose crimes do not rise to the level which would merit prosecution under the federal law. The proposed legislation is based upon the corresponding sections of the federal law.

Summary of Bill: A new section is added to the criminal code, creating three new crimes: obstruction of mails, 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.

Obstruction of mails is a gross misdemeanor. Destruction of letter boxes or mail is a class C felony. Theft or receipt of stolen mail addressed to five or more different addresses is a

class B felony. Theft or receipt of stolen mail addressed to four or less different addresses is a class C felony.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Federal law currently exists, but most offenders are not prosecuted due to the limited amount of resources available. Because most evidence of these crimes is recovered as a result of state action, it makes sense to allow the state to prosecute the offender. The law is needed because under current state law, the only charge that an offender could be prosecuted under is possessing stolen property in the third degree which does not have significant penalties attached to act as a deterrent. This bill would have the potential to hit offenders hard.

Testimony Against: None.

Testified: Larry Carlier, U.S. Postal Inspector (pro); D.J. Nesel, King County Police Detective (pro).