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**SUBSTITUTE SENATE BILL 5035**

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**State of Washington**

**55th Legislature**

**1997 Regular Session**

**By** Senate Committee on Law & Justice (originally sponsored by Senator Roach)

Read first time 02/07/97.

1 AN ACT Relating to crimes related to mail; reenacting and amending  
2 RCW 9.94A.320; adding a new chapter to Title 9A RCW; prescribing  
3 penalties; and declaring an emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The definitions in this section apply  
6 throughout this chapter unless the context clearly requires otherwise.

7 (1) "Authorized depository" means a mailbox, post office box, or  
8 rural box used by postal customers to deposit outgoing mail or used by  
9 the postal service to deliver incoming mail.

10 (2) "Letter box" means a receptacle intended or used for the  
11 receipt or delivery of mail on a mail route.

12 (3)(a) "Mail" means a letter, card, parcel, or other material that:

13 (i) Is sent or delivered by means of the postal service;

14 (ii) Has postage affixed by the postal customer or postal service;

15 and

16 (iii) Is placed in an authorized depository or mail receptacle.

17 (b) "Mail" includes articles contained in mail.

18 (4) "Mail receptacle" means a place used by the postal service or  
19 postal customers to place outgoing mail or receive incoming mail.

1 (5) "Postage" means a postal service stamp, permit imprint, meter  
2 strip, or other authorized indication of prepayment for service  
3 provided by the postal service for collection and delivery of mail.

4 (6) "Postal service" means the United States postal service.

5 NEW SECTION. **Sec. 2.** (1) A person commits the crime of  
6 obstruction of mails if the person intentionally obstructs or delays:

7 (a) The passage of the mail; or

8 (b) A carrier or conveyance carrying the mail.

9 (2) Obstruction of mails is a gross misdemeanor.

10 NEW SECTION. **Sec. 3.** (1) A person commits the crime of  
11 destruction of letter boxes or mail if the person knowingly:

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

13 (b) Breaks open a letter box belonging to another; or

14 (c) Injures, destroys, or defaces mail, belonging to another, that  
15 has been deposited in a letter box.

16 (2) Destruction of letter boxes or mail is a class C felony.

17 NEW SECTION. **Sec. 4.** (1) A person commits the crime of mail theft  
18 or receipt of stolen mail if the person knowingly:

19 (a) Takes or, by fraud or deception, obtains mail from a mail  
20 receptacle, authorized depository, or mail carrier;

21 (b) Secretes, embezzles, or destroys mail;

22 (c) Takes or, by fraud or deception, obtains mail that has been  
23 left for collection on or adjacent to an authorized depository or mail  
24 receptacle; or

25 (d) Buys, receives, conceals, or unlawfully possesses mail knowing  
26 that the mail was taken, obtained, or embezzled as described in this  
27 subsection.

28 (2) When a person has in his or her possession or control stolen  
29 mail addressed to two or more different addresses, he or she is  
30 presumed to know that the mail is stolen. This presumption may be  
31 rebutted by evidence raising a reasonable inference that the possession  
32 of such stolen mail was without knowledge that the mail was stolen.

33 NEW SECTION. **Sec. 5.** (1) A person is guilty of mail theft or  
34 receipt of stolen mail in the first degree if he or she possesses mail  
35 addressed to five or more different addresses.

1 (2) Mail theft or receipt of stolen mail in the first degree is a  
2 class B felony.

3 NEW SECTION. **Sec. 6.** (1) A person is guilty of mail theft or  
4 receipt of stolen mail in the second degree if he or she possesses mail  
5 addressed to four or less different addresses.

6 (2) Mail theft or receipt of stolen mail in the second degree is a  
7 class C felony.

8 NEW SECTION. **Sec. 7.** In a prosecution under this chapter, it is  
9 a defense that the defendant acted under an honest claim of right in  
10 that:

11 (1) The defendant was unaware that the property was that of another  
12 person;

13 (2) The defendant reasonably believed that the defendant was  
14 entitled to the property involved or had a right to acquire or dispose  
15 of it as the defendant did; or

16 (3) The property involved was that of the defendant's minor child  
17 or spouse, unless the parties were not living together as husband and  
18 wife and were living in separate abodes at the time of the alleged  
19 offense.

20 NEW SECTION. **Sec. 8.** Sections 1 through 7 of this act constitute  
21 a new chapter in Title 9A RCW.

22 **Sec. 9.** RCW 9.94A.320 and 1996 c 302 s 6, 1996 c 205 s 3, and 1996  
23 c 36 s 2 are each reenacted and amended to read as follows:

24 TABLE 2

25 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

26	XV	Aggravated Murder 1 (RCW 10.95.020)
27	XIV	Murder 1 (RCW 9A.32.030)
28		Homicide by abuse (RCW 9A.32.055)
29	XIII	Murder 2 (RCW 9A.32.050)
30	XII	Assault 1 (RCW 9A.36.011)
31		Assault of a Child 1 (RCW 9A.36.120)

1 XI Rape 1 (RCW 9A.44.040)  
2 Rape of a Child 1 (RCW 9A.44.073)  
3 X Kidnapping 1 (RCW 9A.40.020)  
4 Rape 2 (RCW 9A.44.050)  
5 Rape of a Child 2 (RCW 9A.44.076)  
6 Child Molestation 1 (RCW 9A.44.083)  
7 Damaging building, etc., by explosion with  
8 threat to human being (RCW  
9 70.74.280(1))  
10 Over 18 and deliver heroin or narcotic from  
11 Schedule I or II to someone under 18  
12 (RCW 69.50.406)  
13 Leading Organized Crime (RCW  
14 9A.82.060(1)(a))  
15 IX Assault of a Child 2 (RCW 9A.36.130)  
16 Robbery 1 (RCW 9A.56.200)  
17 Manslaughter 1 (RCW 9A.32.060)  
18 Explosive devices prohibited (RCW  
19 70.74.180)  
20 Indecent Liberties (with forcible  
21 compulsion) (RCW 9A.44.100(1)(a))  
22 Endangering life and property by explosives  
23 with threat to human being (RCW  
24 70.74.270)  
25 Over 18 and deliver narcotic from Schedule  
26 III, IV, or V or a nonnarcotic from  
27 Schedule I-V to someone under 18 and 3  
28 years junior (RCW 69.50.406)  
29 Controlled Substance Homicide (RCW  
30 69.50.415)  
31 Sexual Exploitation (RCW 9.68A.040)  
32 Inciting Criminal Profiteering (RCW  
33 9A.82.060(1)(b))  
34 Vehicular Homicide, by being under the  
35 influence of intoxicating liquor or  
36 any drug (RCW 46.61.520)

1 VIII Arson 1 (RCW 9A.48.020)  
2 Promoting Prostitution 1 (RCW 9A.88.070)  
3 Selling for profit (controlled or  
4 counterfeit) any controlled substance  
5 (RCW 69.50.410)  
6 Manufacture, deliver, or possess with  
7 intent to deliver heroin or cocaine  
8 (RCW 69.50.401(a)(1)(i))  
9 Manufacture, deliver, or possess with  
10 intent to deliver methamphetamine (RCW  
11 69.50.401(a)(1)(ii))  
12 Possession of ephedrine or pseudoephedrine  
13 with intent to manufacture  
14 methamphetamine (RCW 69.50.440)  
15 Vehicular Homicide, by the operation of any  
16 vehicle in a reckless manner (RCW  
17 46.61.520)

18 VII Burglary 1 (RCW 9A.52.020)  
19 Vehicular Homicide, by disregard for the  
20 safety of others (RCW 46.61.520)  
21 Introducing Contraband 1 (RCW 9A.76.140)  
22 Indecent Liberties (without forcible  
23 compulsion) (RCW 9A.44.100(1) (b) and  
24 (c))  
25 Child Molestation 2 (RCW 9A.44.086)  
26 Dealing in depictions of minor engaged in  
27 sexually explicit conduct (RCW  
28 9.68A.050)  
29 Sending, bringing into state depictions of  
30 minor engaged in sexually explicit  
31 conduct (RCW 9.68A.060)  
32 Involving a minor in drug dealing (RCW  
33 69.50.401(f))  
34 Reckless Endangerment 1 (RCW 9A.36.045)  
35 Unlawful Possession of a Firearm in the  
36 first degree (RCW 9.41.040(1)(a))

1 VI Bribery (RCW 9A.68.010)  
2 Manslaughter 2 (RCW 9A.32.070)  
3 Rape of a Child 3 (RCW 9A.44.079)  
4 Intimidating a Juror/Witness (RCW  
5 9A.72.110, 9A.72.130)  
6 Damaging building, etc., by explosion with  
7 no threat to human being (RCW  
8 70.74.280(2))  
9 Endangering life and property by explosives  
10 with no threat to human being (RCW  
11 70.74.270)  
12 Incest 1 (RCW 9A.64.020(1))  
13 Manufacture, deliver, or possess with  
14 intent to deliver narcotics from  
15 Schedule I or II (except heroin or  
16 cocaine) (RCW 69.50.401(a)(1)(i))  
17 Intimidating a Judge (RCW 9A.72.160)  
18 Bail Jumping with Murder 1 (RCW  
19 9A.76.170(2)(a))  
20 Theft of a Firearm (RCW 9A.56.300)

21 V Persistent prison misbehavior (RCW  
22 9.94.070)  
23 Criminal Mistreatment 1 (RCW 9A.42.020)  
24 Abandonment of dependent person 1 (RCW  
25 9A.42.060)  
26 Rape 3 (RCW 9A.44.060)  
27 Sexual Misconduct with a Minor 1 (RCW  
28 9A.44.093)  
29 Child Molestation 3 (RCW 9A.44.089)  
30 Kidnapping 2 (RCW 9A.40.030)  
31 Extortion 1 (RCW 9A.56.120)  
32 Incest 2 (RCW 9A.64.020(2))  
33 Perjury 1 (RCW 9A.72.020)  
34 Extortionate Extension of Credit (RCW  
35 9A.82.020)  
36 Advancing money or property for  
37 extortionate extension of credit (RCW  
38 9A.82.030)

1 Extortionate Means to Collect Extensions of  
2 Credit (RCW 9A.82.040)  
3 Rendering Criminal Assistance 1 (RCW  
4 9A.76.070)  
5 Bail Jumping with class A Felony (RCW  
6 9A.76.170(2)(b))  
7 Sexually Violating Human Remains (RCW  
8 9A.44.105)  
9 Delivery of imitation controlled substance  
10 by person eighteen or over to person  
11 under eighteen (RCW 69.52.030(2))  
12 Possession of a Stolen Firearm (RCW  
13 9A.56.310)

14 IV Residential Burglary (RCW 9A.52.025)  
15 Theft of Livestock 1 (RCW 9A.56.080)  
16 Robbery 2 (RCW 9A.56.210)  
17 Assault 2 (RCW 9A.36.021)  
18 Escape 1 (RCW 9A.76.110)  
19 Arson 2 (RCW 9A.48.030)  
20 Commercial Bribery (RCW 9A.68.060)  
21 Bribing a Witness/Bribe Received by Witness  
22 (RCW 9A.72.090, 9A.72.100)  
23 Malicious Harassment (RCW 9A.36.080)  
24 Threats to Bomb (RCW 9.61.160)  
25 Willful Failure to Return from Furlough  
26 (RCW 72.66.060)  
27 Hit and Run -- Injury Accident (RCW  
28 46.52.020(4))  
29 Hit and Run with Vessel -- Injury Accident  
30 (RCW 88.12.155(3))  
31 Vehicular Assault (RCW 46.61.522)  
32 Manufacture, deliver, or possess with  
33 intent to deliver narcotics from  
34 Schedule III, IV, or V or nonnarcotics  
35 from Schedule I-V (except marijuana or  
36 methamphetamines) (RCW 69.50.401(a)(1)  
37 (iii) through (v))  
38 Influencing Outcome of Sporting Event (RCW  
39 9A.82.070)

1 Use of Proceeds of Criminal Profiteering  
2 (RCW 9A.82.080 (1) and (2))  
3 Knowingly Trafficking in Stolen Property  
4 (RCW 9A.82.050(2))  
5 III Criminal Mistreatment 2 (RCW 9A.42.030)  
6 Abandonment of dependent person 2 (RCW  
7 9A.42.070)  
8 Extortion 2 (RCW 9A.56.130)  
9 Unlawful Imprisonment (RCW 9A.40.040)  
10 Assault 3 (RCW 9A.36.031)  
11 Assault of a Child 3 (RCW 9A.36.140)  
12 Custodial Assault (RCW 9A.36.100)  
13 Unlawful possession of firearm in the  
14 second degree (RCW 9.41.040(1)(b))  
15 Harassment (RCW 9A.46.020)  
16 Promoting Prostitution 2 (RCW 9A.88.080)  
17 Willful Failure to Return from Work Release  
18 (RCW 72.65.070)  
19 Burglary 2 (RCW 9A.52.030)  
20 Introducing Contraband 2 (RCW 9A.76.150)  
21 Communication with a Minor for Immoral  
22 Purposes (RCW 9.68A.090)  
23 Patronizing a Juvenile Prostitute (RCW  
24 9.68A.100)  
25 Escape 2 (RCW 9A.76.120)  
26 Perjury 2 (RCW 9A.72.030)  
27 Bail Jumping with class B or C Felony (RCW  
28 9A.76.170(2)(c))  
29 Intimidating a Public Servant (RCW  
30 9A.76.180)  
31 Tampering with a Witness (RCW 9A.72.120)  
32 Manufacture, deliver, or possess with  
33 intent to deliver marijuana (RCW  
34 69.50.401(a)(1)(iii))  
35 Delivery of a material in lieu of a  
36 controlled substance (RCW  
37 69.50.401(c))  
38 Manufacture, distribute, or possess with  
39 intent to distribute an imitation



1                   controlled        substance       (RCW  
2                   69.52.030(1))  
3       Recklessly Trafficking in Stolen Property  
4                   (RCW 9A.82.050(1))  
5       Theft of livestock 2 (RCW 9A.56.080)  
6       Securities Act violation (RCW 21.20.400)

7       II       Mail Theft or Receipt of Stolen Mail 1  
8                   (section 5 of this act)  
9       Unlawful Practice of Law (RCW 2.48.180)  
10       Malicious Mischief 1 (RCW 9A.48.070)  
11       Possession of Stolen Property 1 (RCW  
12                   9A.56.150)  
13       Theft 1 (RCW 9A.56.030)  
14       Trafficking in Insurance Claims (RCW  
15                   48.30A.015)  
16       Unlicensed Practice of a Profession or  
17                   Business (RCW 18.130.190(7))  
18       Health Care False Claims (RCW 48.80.030)  
19       Possession of controlled substance that is  
20                   either heroin or narcotics from  
21                   Schedule I or II (RCW 69.50.401(d))  
22       Possession of phencyclidine (PCP) (RCW  
23                   69.50.401(d))  
24       Create, deliver, or possess a counterfeit  
25                   controlled        substance       (RCW  
26                   69.50.401(b))  
27       Computer Trespass 1 (RCW 9A.52.110)  
28       Escape from Community Custody (RCW  
29                   72.09.310)

30       I       Mail Theft or Receipt of Stolen Mail 2  
31                   (section 6 of this act)  
32       Theft 2 (RCW 9A.56.040)  
33       Possession of Stolen Property 2 (RCW  
34                   9A.56.160)  
35       Forgery (RCW 9A.60.020)  
36       Taking Motor Vehicle Without Permission  
37                   (RCW 9A.56.070)  
38       Vehicle Prowl 1 (RCW 9A.52.095)

1 Attempting to Elude a Pursuing Police  
2 Vehicle (RCW 46.61.024)  
3 Malicious Mischief 2 (RCW 9A.48.080)  
4 Reckless Burning 1 (RCW 9A.48.040)  
5 Unlawful Issuance of Checks or Drafts (RCW  
6 9A.56.060)  
7 Unlawful Use of Food Stamps (RCW 9.91.140  
8 (2) and (3))  
9 False Verification for Welfare (RCW  
10 74.08.055)  
11 Forged Prescription (RCW 69.41.020)  
12 Forged Prescription for a Controlled  
13 Substance (RCW 69.50.403)  
14 Possess Controlled Substance that is a  
15 Narcotic from Schedule III, IV, or V  
16 or Non-narcotic from Schedule I-V  
17 (except phencyclidine) (RCW  
18 69.50.401(d))

19 NEW SECTION. **Sec. 10.** This act is necessary for the immediate  
20 preservation of the public peace, health, or safety, or support of the  
21 state government and its existing public institutions, and takes effect  
22 immediately.

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