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SENATE BILL 5035

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State of Washington

55th Legislature

1997 Regular Session

By Senator Roach

Read first time 01/13/97. Referred to Committee on Law & Justice.

1 AN ACT Relating to crimes related to mail; adding a new chapter to  
2 Title 9A RCW; and prescribing penalties.

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

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

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

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

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

12 (a) Is sent or delivered by means of the postal service;

13 (b) Has postage affixed by the postal customer or postal service;

14 and

15 (c) Is placed in an authorized depository or mail receptacle.

16 (4) "Mail receptacle" means a place used by the postal service or  
17 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 knowingly 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;

13 (b) Breaks open a letter box; or

14 (c) Injures, destroys, or defaces mail deposited in a letter box.

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

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

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

20 (b) Takes from mail an article contained in mail;

21 (c) Secretes, embezzles, or destroys mail or an article contained  
22 in mail;

23 (d) Takes or, by fraud or deception, obtains mail or an article  
24 contained in mail that has been left for collection on or adjacent to  
25 an authorized depository or mail receptacle; or

26 (e) Buys, receives, conceals, or unlawfully possesses mail or an  
27 article contained in mail knowing that the mail or article has been  
28 taken, obtained, or embezzled as described in this subsection.

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

35 (3) Mail theft or receipt of stolen mail is a class C felony.

1        NEW SECTION.    **Sec. 5.**    In a prosecution under this chapter, it is  
2 a defense that the defendant acted under an honest claim of right in  
3 that:

4        (1) The defendant was unaware that the property was that of another  
5 person;

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

9        (3) The property involved was that of the defendant's spouse,  
10 unless the parties were not living together as husband and wife and  
11 were living in separate abodes at the time of the alleged offense.

12        NEW SECTION.    **Sec. 6.**    Sections 1 through 5 of this act constitute  
13 a new chapter in Title 9A RCW.

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