

# HOUSE BILL REPORT

## SSB 5074

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**As Reported By House Committee On:**  
Criminal Justice & Corrections

**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 Judiciary (originally sponsored by Senators Roach, Honeyford, T. Sheldon, Johnson and Rasmussen).

**Brief History:**

**Committee Activity:**

Criminal Justice & Corrections: 4/2/99 [DPA].

**Brief Summary of Substitute Bill  
(As Amended by House Committee)**

- Obstruction of mail is a gross misdemeanor.
- Destruction of letter boxes is a gross misdemeanor.
- Destruction of mail is a class C felony.
- Theft or receipt of stolen mail is a class C felony.

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### HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

**Majority Report:** Do pass as amended. Signed by 8 members: Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

**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.

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### **Summary of Amended Bill:**

A new section is added to the Sentencing Reform Act, creating four new crimes: obstruction of delivery of mail, destruction of letter boxes, destruction of mail, and theft or receipt of stolen mail. 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 child or 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.

The obstruction of mail or destruction of letter boxes is a gross misdemeanor and carries a maximum sentence of one year of incarceration or a fine of \$5,000 or both.

Adult Offenders. The destruction of mail is a seriousness level I, class C felony. A first time offender who does not have any criminal history would receive a presumptive sentencing range of 0 to 60 days in jail.

The theft or receipt of stolen mail is a seriousness level II, class C felony. A first time offender who does not have any criminal history would receive a presumptive sentencing range of 0 to 90 days in jail.

Juveniles. The theft of mail or receipt of stolen mail is a class C juvenile crime. The destruction of mail is a class D juvenile crime. A first time juvenile offender, in both cases, who does not have any criminal history would receive a local sanction.

**Amended Bill Compared to Substitute Bill:** The original bill divided the crime of mail theft into two degrees: theft or receipt of stolen mail addressed to five or more different addresses was a seriousness level II, class B felony; theft or receipt of stolen mail addressed to four or less different addresses was a seriousness level I, class C felony. The crime of mail theft has been consolidated into one crime classified as a seriousness level II, class C felony to conform with the federal statute.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** Mail theft has increased in Washington over the last several years. These thefts are often turned over to federal authorities, but, unfortunately, many of the postal inspectors are overworked and the federal government, in general, does not have the resources to go after these types of crimes. This bill will give our state an instrument to prosecute these mail theft cases in the future.

**Testimony Against:** None.

**Testified:** Senator Pam Roach, prime sponsor.