

HOUSE BILL ANALYSIS

HB 2371

Brief Description: Creating criminal laws for mail theft and destruction.

Sponsors: Representatives Lovick and Ballasiotes

Hearing: January 18, 2000

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS

Staff: Yvonne Walker (786-7841)

BACKGROUND:

Adults & Juveniles. Washington does not have a criminal statute specifically relating to the obstruction, destruction, or theft of mail for adult or juvenile offenders.

There are federal laws governing criminal cases involving the postal service and as such these particular cases have historically fallen within the general jurisdiction of the United States Postal Inspector. However, given limited resources, the federal authorities cannot prosecute all violations of these statutes, and, as a result, many offenders violating postal service laws often are not subject to any criminal penalties.

On the federal level, obstruction of mail is punishable by a fine or six months of imprisonment. Destruction of letter boxes is punishable by a fine or three years of imprisonment. Destruction of mail is punishable by a fine or one year of imprisonment. Theft or receipt of stolen mail is punishable by a fine or five years of imprisonment or both.

SUMMARY OF 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 homes at the time of the alleged offense.

Adults. The 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.

The 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.

The destruction of mail is a seriousness level I, class C felony, and carries a maximum sentence of five years of incarceration or a fine of \$10,000 or both.

The theft or receipt of stolen mail is a seriousness level II, class C felony, and carries a maximum sentence of five years of incarceration or a fine of \$10,000 or both.

Juveniles. The theft or receipt of stolen mail is a class C juvenile crime. The destruction of mail is a class D juvenile crime. A first time offender would receive a local sanction for either crime. A local sanction may include a maximum of the following: thirty days of confinement, twelve days of community supervision, one hundred fifty hours of community service, and a five hundred dollar fine.

Definitions. "Authorized depository" is defined as a mailbox, post office box, or rural box used by postal customers to deposit outgoing mail or used by the postal service to deliver incoming mail.

"Letter box" means a receptacle that is used for a specific address intended or used for the receipt or delivery of mail on a mail route.

"Mail" means a letter, card, parcel, or other material that is sent or delivered by means of the postal service, has postage affixed by the postal customer or postal service, and is placed in an authorized depository or mail receptacle.

"Mail" includes articles contained in mail.

"Mail receptacle" means a place used by the postal service or postal customers to place outgoing mail or receive incoming mail.

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

"Postal service" means the United States postal service.

The phrase "of another" does not include persons with whom the defendant has a familial, parental, spousal, employment, or other relationship that would otherwise reasonably allow the defendant to take, dispose of, or otherwise intercept the person's mail.

FISCAL NOTE: Not Requested.

EFFECTIVE DATE: Ninety days after adjournment of session in which bill is passed.