

SENATE BILL REPORT

SB 5074

As Reported By Senate Committee On:
Judiciary, February 12, 1999

Title: An act relating to crimes related to mail.

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

Sponsors: Senators Roach, Honeyford, T. Sheldon, Johnson and Rasmussen.

Brief History:

Committee Activity: Judiciary: 1/27/99, 2/12/99 [DPS].

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 5074 be substituted therefor, and the substitute bill do pass.

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

Staff: Harry Steinmetz (786-7421)

Background: The state has no criminal statute related to obstruction or theft of 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. As a result, unless the violation has a significant impact, the offender will not be subject to any criminal penalties relating to the mail.

Summary of Substitute Bill: A new chapter is added to the criminal code, creating four new crimes: obstruction of mails; destruction of letter boxes; destruction of mail; and mail theft or receipt of stolen mail in the first and second degree. In the case of mail 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, neither of which are the offender's address.

Obstruction of mails is a gross misdemeanor. Destruction of letter boxes is a gross misdemeanor. Destruction of mail is a class C felony. Mail theft or receipt of stolen mail in the first degree, knowing possession of stolen mail addressed to five or more different addresses, is a class B felony. Mail theft or receipt of stolen mail in the second degree, knowing possession of stolen mail addressed to four or less different addresses, is a class C felony.

Substitute Bill Compared to Original Bill: It is clarified that a "letter box" is used by a specific address. The phrase "of another" is defined to exclude persons with whom the defendant has a familial, parental, spousal or other relationship that would reasonably allow the defendant to deal with a person's mail.

For the crime of obstruction of mail, the word "unreasonably" is inserted before "delays."

For the crime of destruction of a letter box, the intent of "maliciously" is added and the crime is made a gross misdemeanor.

For the crime of destruction of mail, the intent of "maliciously" is added and it is required that the mail must have been placed in an "authorized depository.–

For the crime of mail theft, the phrase "of another" is inserted after "mail" and for the presumption of knowledge that the mail was stolen to be raised, it must be shown that the two or more addresses are not the residence or business of the person.

For mail theft in the first degree and second degree, the words "knowingly" and "stolen" are inserted on either side of the word "possess.–

The crime of destruction of mail is placed at level I of the seriousness scale for adult offenders.

Mail theft in the first degree is made a class C juvenile crime. Mail theft in the second degree and destruction of mail are class D juvenile crimes.

Appropriation: None.

Fiscal Note: Requested on January 20, 1999.

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

Testimony For: Mail is a core government function and the integrity of the mail system is being attacked. Mail theft is the fastest rising category of crime in Washington. Historically, this area has been left to the federal government, but it does not have the resources to prosecute the number of offenses that are occurring. Thieves have counterfeit keys allowing them access into group mail boxes. Once they have your mail, they can steal your identity, produce counterfeit checks, wash existing checks and steal blank checks. Further, crooks can get your Social Security number and credit card numbers and run up huge debts in your name. This is a crime that affects people from all walks of life.

Testimony Against: None.

Testified: PRO: Sgt. Eric Sano, Seattle P.D.; Gary Clucas, Postal Inspector; Norm Maleng, Prosecuting Attorney, King County; Jim Knauss, King Co. Sheriff's Office; Jim Bordnet, U.S. Postal Inspection Service; D.J. Nesel, King Co. Sheriff's Office.