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SECOND SUBSTITUTE HOUSE BILL 1059

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State of Washington

56th Legislature

1999 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives O'Brien, Ballasiotes, Kastama, Van Luven, McMorris, Cody, Carlson, Lantz, Parlette, Bush, Keiser, Skinner, Constantine, Anderson, Haigh, K. Schmidt, Regala, Fisher, Hurst, Delvin, Lovick, Ruderman, Radcliff, Kenney, Stensen, Kessler, Dunshee, Dickerson, D. Schmidt, Ogden, Rockefeller, Poulsen, Cooper, Quall, Scott, Lisk, Esser, McDonald, DeBolt, Conway, Mielke, Kagi, Morris and McIntire)

Read first time 03/08/1999.

1 AN ACT Relating to crimes relating to mail theft and destruction;  
2 reenacting and amending RCW 9.94A.320; adding a new chapter to Title 9A  
3 RCW; creating a new section; and prescribing penalties.

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 mail 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 gross misdemeanor.

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

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

32 (1) The defendant was unaware that the property was that of another  
33 person;

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

4 (3) The property involved was that of the defendant's minor child  
5 or spouse, unless the parties were not living together as husband and  
6 wife and were residing in, and intended to continually reside in,  
7 separate abodes at the time of the alleged offense.

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

10 **Sec. 7.** RCW 9.94A.320 and 1998 c 290 s 4, 1998 c 219 s 4, 1998 c  
11 82 s 1, and 1998 c 78 s 1 are each reenacted and amended to read as  
12 follows:

13 TABLE 2

14 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

15	XV	Aggravated Murder 1 (RCW 10.95.020)
16	XIV	Murder 1 (RCW 9A.32.030)
17		Homicide by abuse (RCW 9A.32.055)
18		Malicious explosion 1 (RCW 70.74.280(1))
19	XIII	Murder 2 (RCW 9A.32.050)
20		Malicious explosion 2 (RCW 70.74.280(2))
21		Malicious placement of an explosive 1 (RCW
22		70.74.270(1))
23	XII	Assault 1 (RCW 9A.36.011)
24		Assault of a Child 1 (RCW 9A.36.120)
25		Rape 1 (RCW 9A.44.040)
26		Rape of a Child 1 (RCW 9A.44.073)
27		Malicious placement of an imitation device
28		1 (RCW 70.74.272(1)(a))
29	XI	Rape 2 (RCW 9A.44.050)
30		Rape of a Child 2 (RCW 9A.44.076)
31		Manslaughter 1 (RCW 9A.32.060)
32	X	Kidnapping 1 (RCW 9A.40.020)
33		Child Molestation 1 (RCW 9A.44.083)
34		Malicious explosion 3 (RCW 70.74.280(3))

1 Over 18 and deliver heroin, a narcotic from  
2 Schedule I or II, or flunitrazepam  
3 from Schedule IV to someone under 18  
4 (RCW 69.50.406)  
5 Leading Organized Crime (RCW  
6 9A.82.060(1)(a))  
7 Indecent Liberties (with forcible  
8 compulsion) (RCW 9A.44.100(1)(a))  
9 Manufacture of methamphetamine (RCW  
10 69.50.401(a)(1)(ii))  
11 IX Assault of a Child 2 (RCW 9A.36.130)  
12 Robbery 1 (RCW 9A.56.200)  
13 Explosive devices prohibited (RCW  
14 70.74.180)  
15 Malicious placement of an explosive 2 (RCW  
16 70.74.270(2))  
17 Over 18 and deliver narcotic from Schedule  
18 III, IV, or V or a nonnarcotic, except  
19 flunitrazepam, from Schedule I-V to  
20 someone under 18 and 3 years junior  
21 (RCW 69.50.406)  
22 Controlled Substance Homicide (RCW  
23 69.50.415)  
24 Sexual Exploitation (RCW 9.68A.040)  
25 Inciting Criminal Profiteering (RCW  
26 9A.82.060(1)(b))  
27 Vehicular Homicide, by being under the  
28 influence of intoxicating liquor or  
29 any drug (RCW 46.61.520)  
30 Homicide by Watercraft, by being under the  
31 influence of intoxicating liquor or  
32 any drug (RCW 88.12.029)  
33 VIII Arson 1 (RCW 9A.48.020)  
34 Promoting Prostitution 1 (RCW 9A.88.070)  
35 Selling for profit (controlled or  
36 counterfeit) any controlled substance  
37 (RCW 69.50.410)

1 Manufacture, deliver, or possess with  
2 intent to deliver heroin or cocaine  
3 (RCW 69.50.401(a)(1)(i))  
4 Deliver or possess with intent to deliver  
5 methamphetamine (RCW  
6 69.50.401(a)(1)(ii))  
7 Manufacture, deliver, or possess with  
8 intent to deliver amphetamine (RCW  
9 69.50.401(a)(1)(ii))  
10 Possession of ephedrine or pseudoephedrine  
11 with intent to manufacture  
12 methamphetamine (RCW 69.50.440)  
13 Vehicular Homicide, by the operation of any  
14 vehicle in a reckless manner (RCW  
15 46.61.520)  
16 Homicide by Watercraft, by the operation of  
17 any vessel in a reckless manner (RCW  
18 88.12.029)  
19 Manslaughter 2 (RCW 9A.32.070)  
20 VII Burglary 1 (RCW 9A.52.020)  
21 Vehicular Homicide, by disregard for the  
22 safety of others (RCW 46.61.520)  
23 Homicide by Watercraft, by disregard for  
24 the safety of others (RCW 88.12.029)  
25 Introducing Contraband 1 (RCW 9A.76.140)  
26 Indecent Liberties (without forcible  
27 compulsion) (RCW 9A.44.100(1) (b) and  
28 (c))  
29 Child Molestation 2 (RCW 9A.44.086)  
30 Dealing in depictions of minor engaged in  
31 sexually explicit conduct (RCW  
32 9.68A.050)  
33 Sending, bringing into state depictions of  
34 minor engaged in sexually explicit  
35 conduct (RCW 9.68A.060)  
36 Involving a minor in drug dealing (RCW  
37 69.50.401(f))  
38 Drive-by Shooting (RCW 9A.36.045)

1 Unlawful Possession of a Firearm in the  
2 first degree (RCW 9.41.040(1)(a))  
3 Malicious placement of an explosive 3 (RCW  
4 70.74.270(3))

5 VI Bribery (RCW 9A.68.010)  
6 Rape of a Child 3 (RCW 9A.44.079)  
7 Intimidating a Juror/Witness (RCW  
8 9A.72.110, 9A.72.130)  
9 Malicious placement of an imitation device  
10 2 (RCW 70.74.272(1)(b))  
11 Incest 1 (RCW 9A.64.020(1))  
12 Manufacture, deliver, or possess with  
13 intent to deliver narcotics from  
14 Schedule I or II (except heroin or  
15 cocaine) or flunitrazepam from  
16 Schedule IV (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 Assault by Watercraft (RCW 88.12.032)

1 Manufacture, deliver, or possess with  
2 intent to deliver narcotics from  
3 Schedule III, IV, or V or nonnarcotics  
4 from Schedule I-V (except marijuana,  
5 amphetamine, methamphetamines, or  
6 flunitrazepam) (RCW 69.50.401(a)(1)  
7 (iii) through (v))  
8 Influencing Outcome of Sporting Event (RCW  
9 9A.82.070)  
10 Use of Proceeds of Criminal Profiteering  
11 (RCW 9A.82.080 (1) and (2))  
12 Knowingly Trafficking in Stolen Property  
13 (RCW 9A.82.050(2))  
14 III Criminal Gang Intimidation (RCW 9A.46.120)  
15 Criminal Mistreatment 2 (RCW 9A.42.030)  
16 Abandonment of dependent person 2 (RCW  
17 9A.42.070)  
18 Extortion 2 (RCW 9A.56.130)  
19 Unlawful Imprisonment (RCW 9A.40.040)  
20 Assault 3 (RCW 9A.36.031)  
21 Assault of a Child 3 (RCW 9A.36.140)  
22 Custodial Assault (RCW 9A.36.100)  
23 Unlawful possession of firearm in the  
24 second degree (RCW 9.41.040(1)(b))  
25 Harassment (RCW 9A.46.020)  
26 Promoting Prostitution 2 (RCW 9A.88.080)  
27 Willful Failure to Return from Work Release  
28 (RCW 72.65.070)  
29 Burglary 2 (RCW 9A.52.030)  
30 Introducing Contraband 2 (RCW 9A.76.150)  
31 Communication with a Minor for Immoral  
32 Purposes (RCW 9.68A.090)  
33 Patronizing a Juvenile Prostitute (RCW  
34 9.68A.100)  
35 Escape 2 (RCW 9A.76.120)  
36 Perjury 2 (RCW 9A.72.030)  
37 Bail Jumping with class B or C Felony (RCW  
38 9A.76.170(2)(c))



1 Intimidating a Public Servant (RCW  
2 9A.76.180)  
3 Tampering with a Witness (RCW 9A.72.120)  
4 Manufacture, deliver, or possess with  
5 intent to deliver marijuana (RCW  
6 69.50.401(a)(1)(iii))  
7 Delivery of a material in lieu of a  
8 controlled substance (RCW  
9 69.50.401(c))  
10 Manufacture, distribute, or possess with  
11 intent to distribute an imitation  
12 controlled substance (RCW  
13 69.52.030(1))  
14 Recklessly Trafficking in Stolen Property  
15 (RCW 9A.82.050(1))  
16 Theft of livestock 2 (RCW 9A.56.080)  
17 Securities Act violation (RCW 21.20.400)  
18 II Unlawful Practice of Law (RCW 2.48.180)  
19 Malicious Mischief 1 (RCW 9A.48.070)  
20 Possession of Stolen Property 1 (RCW  
21 9A.56.150)  
22 Theft 1 (RCW 9A.56.030)  
23 Class B Felony Theft of Rental, Leased, or  
24 Lease-purchased Property (RCW  
25 9A.56.096(4))  
26 Trafficking in Insurance Claims (RCW  
27 48.30A.015)  
28 Unlicensed Practice of a Profession or  
29 Business (RCW 18.130.190(7))  
30 Health Care False Claims (RCW 48.80.030)  
31 Possession of controlled substance that is  
32 either heroin or narcotics from  
33 Schedule I or II or flunitrazepam from  
34 Schedule IV (RCW 69.50.401(d))  
35 Possession of phencyclidine (PCP) (RCW  
36 69.50.401(d))  
37 Create, deliver, or possess a counterfeit  
38 controlled substance (RCW  
39 69.50.401(b))

1 Computer Trespass 1 (RCW 9A.52.110)  
2 Escape from Community Custody (RCW  
3 72.09.310)

4 I Mail Theft or Receipt of Stolen Mail  
5 (section 4 of this act)

6 Theft 2 (RCW 9A.56.040)  
7 Class C Felony Theft of Rental, Leased, or  
8 Lease-purchased Property (RCW  
9 9A.56.096(4))

10 Possession of Stolen Property 2 (RCW  
11 9A.56.160)

12 Forgery (RCW 9A.60.020)  
13 Taking Motor Vehicle Without Permission  
14 (RCW 9A.56.070)

15 Vehicle Prowl 1 (RCW 9A.52.095)  
16 Attempting to Elude a Pursuing Police  
17 Vehicle (RCW 46.61.024)

18 Malicious Mischief 2 (RCW 9A.48.080)  
19 Reckless Burning 1 (RCW 9A.48.040)

20 Unlawful Issuance of Checks or Drafts (RCW  
21 9A.56.060)

22 Unlawful Use of Food Stamps (RCW 9.91.140  
23 (2) and (3))

24 False Verification for Welfare (RCW  
25 74.08.055)

26 Forged Prescription (RCW 69.41.020)  
27 Forged Prescription for a Controlled  
28 Substance (RCW 69.50.403)

29 Possess Controlled Substance that is a  
30 Narcotic from Schedule III, IV, or V  
31 or Non-narcotic from Schedule I-V  
32 (except phencyclidine or  
33 flunitrazepam) (RCW 69.50.401(d))

34 NEW SECTION. **Sec. 8.** If specific funding for the purposes of this  
35 act, referencing this act by bill or chapter number, is not provided by

1 June 30, 1999, in the omnibus appropriations act, this act is null and  
2 void.

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