
HOUSE BILL 1059

State of Washington

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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

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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; 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 class C felony.

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

33 NEW SECTION. **Sec. 5.** (1) A person is guilty of mail theft or
34 receipt of stolen mail in the first degree if he or she possesses mail
35 addressed to five or more different addresses.

1 (2) Mail theft or receipt of stolen mail in the first degree is a
2 class B felony.

3 NEW SECTION. **Sec. 6.** (1) A person is guilty of mail theft or
4 receipt of stolen mail in the second degree if he or she possesses mail
5 addressed to four or fewer different addresses.

6 (2) Mail theft or receipt of stolen mail in the second degree is a
7 class C felony.

8 NEW SECTION. **Sec. 7.** In a prosecution under this chapter, it is
9 a defense that the defendant acted under an honest claim of right in
10 that:

11 (1) The defendant was unaware that the property was that of another
12 person;

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

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

20 NEW SECTION. **Sec. 8.** Sections 1 through 7 of this act constitute
21 a new chapter in Title 9A RCW.

22 **Sec. 9.** RCW 9.94A.320 and 1998 c 290 s 4, 1998 c 219 s 4, 1998 c
23 82 s 1, and 1998 c 78 s 1 are each reenacted and amended to read as
24 follows:

25 TABLE 2

26 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

27	XV	Aggravated Murder 1 (RCW 10.95.020)
28	XIV	Murder 1 (RCW 9A.32.030)
29		Homicide by abuse (RCW 9A.32.055)
30		Malicious explosion 1 (RCW 70.74.280(1))
31	XIII	Murder 2 (RCW 9A.32.050)
32		Malicious explosion 2 (RCW 70.74.280(2))

1 Malicious placement of an explosive 1 (RCW
 2 70.74.270(1))
 3 XII Assault 1 (RCW 9A.36.011)
 4 Assault of a Child 1 (RCW 9A.36.120)
 5 Rape 1 (RCW 9A.44.040)
 6 Rape of a Child 1 (RCW 9A.44.073)
 7 Malicious placement of an imitation device
 8 1 (RCW 70.74.272(1)(a))
 9 XI Rape 2 (RCW 9A.44.050)
 10 Rape of a Child 2 (RCW 9A.44.076)
 11 Manslaughter 1 (RCW 9A.32.060)
 12 X Kidnapping 1 (RCW 9A.40.020)
 13 Child Molestation 1 (RCW 9A.44.083)
 14 Malicious explosion 3 (RCW 70.74.280(3))
 15 Over 18 and deliver heroin, a narcotic from
 16 Schedule I or II, or flunitrazepam
 17 from Schedule IV to someone under 18
 18 (RCW 69.50.406)
 19 Leading Organized Crime (RCW
 20 9A.82.060(1)(a))
 21 Indecent Liberties (with forcible
 22 compulsion) (RCW 9A.44.100(1)(a))
 23 Manufacture of methamphetamine (RCW
 24 69.50.401(a)(1)(ii))
 25 IX Assault of a Child 2 (RCW 9A.36.130)
 26 Robbery 1 (RCW 9A.56.200)
 27 Explosive devices prohibited (RCW
 28 70.74.180)
 29 Malicious placement of an explosive 2 (RCW
 30 70.74.270(2))
 31 Over 18 and deliver narcotic from Schedule
 32 III, IV, or V or a nonnarcotic, except
 33 flunitrazepam, from Schedule I-V to
 34 someone under 18 and 3 years junior
 35 (RCW 69.50.406)
 36 Controlled Substance Homicide (RCW
 37 69.50.415)

1 Sexual Exploitation (RCW 9.68A.040)
2 Inciting Criminal Profiteering (RCW
3 9A.82.060(1)(b))
4 Vehicular Homicide, by being under the
5 influence of intoxicating liquor or
6 any drug (RCW 46.61.520)
7 Homicide by Watercraft, by being under the
8 influence of intoxicating liquor or
9 any drug (RCW 88.12.029)

10 VIII Arson 1 (RCW 9A.48.020)
11 Promoting Prostitution 1 (RCW 9A.88.070)
12 Selling for profit (controlled or
13 counterfeit) any controlled substance
14 (RCW 69.50.410)
15 Manufacture, deliver, or possess with
16 intent to deliver heroin or cocaine
17 (RCW 69.50.401(a)(1)(i))
18 Deliver or possess with intent to deliver
19 m e t h a m p h e t a m i n e (R C W
20 69.50.401(a)(1)(ii))
21 Manufacture, deliver, or possess with
22 intent to deliver amphetamine (RCW
23 69.50.401(a)(1)(ii))
24 Possession of ephedrine or pseudoephedrine
25 with intent to manufacture
26 methamphetamine (RCW 69.50.440)
27 Vehicular Homicide, by the operation of any
28 vehicle in a reckless manner (RCW
29 46.61.520)
30 Homicide by Watercraft, by the operation of
31 any vessel in a reckless manner (RCW
32 88.12.029)
33 Manslaughter 2 (RCW 9A.32.070)

1 VII Burglary 1 (RCW 9A.52.020)
2 Vehicular Homicide, by disregard for the
3 safety of others (RCW 46.61.520)
4 Homicide by Watercraft, by disregard for
5 the safety of others (RCW 88.12.029)
6 Introducing Contraband 1 (RCW 9A.76.140)
7 Indecent Liberties (without forcible
8 compulsion) (RCW 9A.44.100(1) (b) and
9 (c))
10 Child Molestation 2 (RCW 9A.44.086)
11 Dealing in depictions of minor engaged in
12 sexually explicit conduct (RCW
13 9.68A.050)
14 Sending, bringing into state depictions of
15 minor engaged in sexually explicit
16 conduct (RCW 9.68A.060)
17 Involving a minor in drug dealing (RCW
18 69.50.401(f))
19 Drive-by Shooting (RCW 9A.36.045)
20 Unlawful Possession of a Firearm in the
21 first degree (RCW 9.41.040(1)(a))
22 Malicious placement of an explosive 3 (RCW
23 70.74.270(3))
24 VI Bribery (RCW 9A.68.010)
25 Rape of a Child 3 (RCW 9A.44.079)
26 Intimidating a Juror/Witness (RCW
27 9A.72.110, 9A.72.130)
28 Malicious placement of an imitation device
29 2 (RCW 70.74.272(1)(b))
30 Incest 1 (RCW 9A.64.020(1))
31 Manufacture, deliver, or possess with
32 intent to deliver narcotics from
33 Schedule I or II (except heroin or
34 cocaine) or flunitrazepam from
35 Schedule IV (RCW 69.50.401(a)(1)(i))
36 Intimidating a Judge (RCW 9A.72.160)
37 Bail Jumping with Murder 1 (RCW
38 9A.76.170(2)(a))
39 Theft of a Firearm (RCW 9A.56.300)

1 V Persistent prison misbehavior (RCW
2 9.94.070)
3 Criminal Mistreatment 1 (RCW 9A.42.020)
4 Abandonment of dependent person 1 (RCW
5 9A.42.060)
6 Rape 3 (RCW 9A.44.060)
7 Sexual Misconduct with a Minor 1 (RCW
8 9A.44.093)
9 Child Molestation 3 (RCW 9A.44.089)
10 Kidnapping 2 (RCW 9A.40.030)
11 Extortion 1 (RCW 9A.56.120)
12 Incest 2 (RCW 9A.64.020(2))
13 Perjury 1 (RCW 9A.72.020)
14 Extortionate Extension of Credit (RCW
15 9A.82.020)
16 Advancing money or property for
17 extortionate extension of credit (RCW
18 9A.82.030)
19 Extortionate Means to Collect Extensions of
20 Credit (RCW 9A.82.040)
21 Rendering Criminal Assistance 1 (RCW
22 9A.76.070)
23 Bail Jumping with class A Felony (RCW
24 9A.76.170(2)(b))
25 Sexually Violating Human Remains (RCW
26 9A.44.105)
27 Delivery of imitation controlled substance
28 by person eighteen or over to person
29 under eighteen (RCW 69.52.030(2))
30 Possession of a Stolen Firearm (RCW
31 9A.56.310)

32 IV Residential Burglary (RCW 9A.52.025)
33 Theft of Livestock 1 (RCW 9A.56.080)
34 Robbery 2 (RCW 9A.56.210)
35 Assault 2 (RCW 9A.36.021)
36 Escape 1 (RCW 9A.76.110)
37 Arson 2 (RCW 9A.48.030)
38 Commercial Bribery (RCW 9A.68.060)

1 Bribing a Witness/Bribe Received by Witness
2 (RCW 9A.72.090, 9A.72.100)
3 Malicious Harassment (RCW 9A.36.080)
4 Threats to Bomb (RCW 9.61.160)
5 Willful Failure to Return from Furlough
6 (RCW 72.66.060)
7 Hit and Run--Injury Accident (RCW
8 46.52.020(4))
9 Hit and Run with Vessel--Injury Accident
10 (RCW 88.12.155(3))
11 Vehicular Assault (RCW 46.61.522)
12 Assault by Watercraft (RCW 88.12.032)
13 Manufacture, deliver, or possess with
14 intent to deliver narcotics from
15 Schedule III, IV, or V or nonnarcotics
16 from Schedule I-V (except marijuana,
17 amphetamine, methamphetamines, or
18 flunitrazepam) (RCW 69.50.401(a)(1)
19 (iii) through (v))
20 Influencing Outcome of Sporting Event (RCW
21 9A.82.070)
22 Use of Proceeds of Criminal Profiteering
23 (RCW 9A.82.080 (1) and (2))
24 Knowingly Trafficking in Stolen Property
25 (RCW 9A.82.050(2))

26 III Criminal Gang Intimidation (RCW 9A.46.120)
27 Criminal Mistreatment 2 (RCW 9A.42.030)
28 Abandonment of dependent person 2 (RCW
29 9A.42.070)
30 Extortion 2 (RCW 9A.56.130)
31 Unlawful Imprisonment (RCW 9A.40.040)
32 Assault 3 (RCW 9A.36.031)
33 Assault of a Child 3 (RCW 9A.36.140)
34 Custodial Assault (RCW 9A.36.100)
35 Unlawful possession of firearm in the
36 second degree (RCW 9.41.040(1)(b))
37 Harassment (RCW 9A.46.020)
38 Promoting Prostitution 2 (RCW 9A.88.080)

1 Willful Failure to Return from Work Release
2 (RCW 72.65.070)
3 Burglary 2 (RCW 9A.52.030)
4 Introducing Contraband 2 (RCW 9A.76.150)
5 Communication with a Minor for Immoral
6 Purposes (RCW 9.68A.090)
7 Patronizing a Juvenile Prostitute (RCW
8 9.68A.100)
9 Escape 2 (RCW 9A.76.120)
10 Perjury 2 (RCW 9A.72.030)
11 Bail Jumping with class B or C Felony (RCW
12 9A.76.170(2)(c))
13 Intimidating a Public Servant (RCW
14 9A.76.180)
15 Tampering with a Witness (RCW 9A.72.120)
16 Manufacture, deliver, or possess with
17 intent to deliver marijuana (RCW
18 69.50.401(a)(1)(iii))
19 Delivery of a material in lieu of a
20 controlled substance (RCW
21 69.50.401(c))
22 Manufacture, distribute, or possess with
23 intent to distribute an imitation
24 controlled substance (RCW
25 69.52.030(1))
26 Recklessly Trafficking in Stolen Property
27 (RCW 9A.82.050(1))
28 Theft of livestock 2 (RCW 9A.56.080)
29 Securities Act violation (RCW 21.20.400)
30 II Destruction of letter boxes or mail
31 (section 3 of this act)
32 Mail Theft or Receipt of Stolen Mail 1
33 (section 5 of this act)
34 Unlawful Practice of Law (RCW 2.48.180)
35 Malicious Mischief 1 (RCW 9A.48.070)
36 Possession of Stolen Property 1 (RCW
37 9A.56.150)
38 Theft 1 (RCW 9A.56.030)

1 Class B Felony Theft of Rental, Leased, or
2 Lease-purchased Property (RCW
3 9A.56.096(4))
4 Trafficking in Insurance Claims (RCW
5 48.30A.015)
6 Unlicensed Practice of a Profession or
7 Business (RCW 18.130.190(7))
8 Health Care False Claims (RCW 48.80.030)
9 Possession of controlled substance that is
10 either heroin or narcotics from
11 Schedule I or II or flunitrazepam from
12 Schedule IV (RCW 69.50.401(d))
13 Possession of phencyclidine (PCP) (RCW
14 69.50.401(d))
15 Create, deliver, or possess a counterfeit
16 controlled substance (RCW
17 69.50.401(b))
18 Computer Trespass 1 (RCW 9A.52.110)
19 Escape from Community Custody (RCW
20 72.09.310)

21 I Mail Theft or Receipt of Stolen Mail 2
22 (section 6 of this act)
23 Theft 2 (RCW 9A.56.040)
24 Class C Felony Theft of Rental, Leased, or
25 Lease-purchased Property (RCW
26 9A.56.096(4))
27 Possession of Stolen Property 2 (RCW
28 9A.56.160)
29 Forgery (RCW 9A.60.020)
30 Taking Motor Vehicle Without Permission
31 (RCW 9A.56.070)
32 Vehicle Prowl 1 (RCW 9A.52.095)
33 Attempting to Elude a Pursuing Police
34 Vehicle (RCW 46.61.024)
35 Malicious Mischief 2 (RCW 9A.48.080)
36 Reckless Burning 1 (RCW 9A.48.040)
37 Unlawful Issuance of Checks or Drafts (RCW
38 9A.56.060)

1 Unlawful Use of Food Stamps (RCW 9.91.140
2 (2) and (3))
3 False Verification for Welfare (RCW
4 74.08.055)
5 Forged Prescription (RCW 69.41.020)
6 Forged Prescription for a Controlled
7 Substance (RCW 69.50.403)
8 Possess Controlled Substance that is a
9 Narcotic from Schedule III, IV, or V
10 or Non-narcotic from Schedule I-V
11 (except phencyclidine or
12 flunitrazepam) (RCW 69.50.401(d))

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