

## ***Criminal Justice & Corrections***

### ***HB 1150***

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

***Sponsors:*** *Representatives Lovick, Ballasiotes, O'Brien, Kagi, Haigh, Ahern, Simpson, Grant, Campbell, Keiser, Benson, Bush, Conway and Esser.*

#### ***Brief Summary of Bill***

- *Obstruction of mail is a gross misdemeanor.*
- *Destruction of letter boxes is a gross misdemeanor.*
- *Destruction of mail is a seriousness level I, class C felony.*
- *Theft or receipt of stolen mail is a seriousness level II, class C felony.*

***Hearing Date:*** *2/2/01*

***Staff:*** *Yvonne Walker (786-7841).*

#### ***Background:***

*Washington has a theft statute that punishes a person based upon the value of the property stolen. However, the state does not have a criminal statute specifically relating to obstruction, destruction, or theft of mail. Federal law governing the postal service contains laws prohibiting these types of crimes.*

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

*A new section is added to the Washington Criminal Code, 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 basis to act, are set forth. These defenses include:*

- (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 residences at the time of the alleged offense.*

***Adult mail crimes.*** *A person who intentionally or unreasonably obstructs the passage of mail or a carrier or conveyance carrying the mail is guilty of a gross misdemeanor. A person who knowingly and maliciously tears down, destroys, breaks open a letter box or destructs a letter box is guilty of a gross misdemeanor. A gross misdemeanor carries a maximum sentence of one year of incarceration or a fine of \$5,000 or both.*

*A person who knowingly and maliciously commits the crime of destruction of mail by destroying or defacing the mail or another is guilty of a seriousness level I, class C felony.*

*A person who knowingly commits theft or receives stolen mail is guilty of a seriousness level II, class C felony. Theft or receipt of stolen mail includes taking by fraud or deception, secreting, or embezzling mail of another or taking by fraud or deception mail of another that has been left for collection on or adjacent to an authorized depository or mail receptacle. A class C felony carries a maximum sentence of five years of incarceration or a fine of \$10,000 or both.*

***Juvenile mail crimes.*** *A juvenile who knowingly commits mail theft or receives stolen mail is guilty of a class C offense. A juvenile who knowingly and maliciously destructs a letter box is guilty of a class D offense. A first time offender committing either crime will receive a sentence involving a local sanction.*

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

***Appropriation:*** *None.*

***Fiscal Note:*** *Requested on January 25, 2001.*