

SENATE BILL REPORT

SB 5206

As Reported By Senate Committee On:
Judiciary, February 5, 2003

Title: An act relating to crimes related to mail.

Brief Description: Establishing crimes related to mail.

Sponsors: Senators Roach, Swecker, Shin, Benton, Oke, Rasmussen and Winsley.

Brief History:

Committee Activity: Judiciary: 1/31/03, 2/5/03 [DP].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Haugen, Johnson and Roach.

Staff: Aldo Melchiori (786-7439)

Background: Washington has no criminal statute specifically addressing mail theft or obstruction. Federal statutes prohibiting this conduct have frequently not been enforced due to lack of resources. It has been reported that crimes involving theft of mail are increasing, resulting in significant impact to mail theft victims.

Summary of Bill: Four new crimes are added to the criminal code:

- (1) obstruction of mail, a gross misdemeanor;
- (2) destruction of letter boxes, a gross misdemeanor;
- (3) destruction of mail, a class C felony, seriousness level I; and
- (4) mail theft or receipt of stolen mail, a class C felony, seriousness level II.

For juveniles, mail theft or receipt of stolen mail is a class C offense. Destruction of mail is a class D offense.

The defense that a person acted under an honest claim of right is specifically available if the defendant was unaware that the property belonged to another, reasonably believed that he or she was entitled to the property, or the property belonged to the defendant's minor child or spouse who was living with the defendant.

Appropriation: None.

Fiscal Note: Requested on January 21, 2003.

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

Testimony For: It is very difficult to get the federal authorities to pursue these crimes because they have different priorities at this time.

Testimony Against: There are already federal and state laws under which these offenders may be prosecuted. The bill does not differentiate the punishment based upon the value of the items taken or destroyed.

Testified: PRO: Senator Roach, sponsor; CON: Robert Lewis, Washington Defense Attorneys, Washington Association of Criminal Defense Lawyers.