

SENATE BILL REPORT

SHB 1145

As of March 14, 2011

Title: An act relating to mail theft.

Brief Description: Establishing mail theft provisions.

Sponsors: House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Overstreet, Hurst, Klippert, Hinkle, Angel, Ross, Nealey, Warnick, Kirby, Short, Fagan, Hunt, Kelley, Eddy, Bailey, Kenney, McCune and Condotta; by request of Attorney General).

Brief History: Passed House: 3/01/11, 95-3.

Committee Activity: Judiciary: 3/18/11.

SENATE COMMITTEE ON JUDICIARY

Staff: Lidia Mori (786-7755)

Background: Theft is committed when a person:

- wrongfully obtains or exerts unauthorized control over the property or services of another with intent to deprive that person of the property or services;
- by color or aid of deception, obtains control over the property or services of another with the intent to deprive him or her of the property or services; or
- appropriates lost or mis-delivered property or services of another with intent to deprive him or her of the property or services.

A person commits Possession of Stolen Property if the person knowingly receives, retains, possesses, conceals, or disposes of stolen property knowing that it has been stolen and to withhold or appropriate the property to the use of any person other than the true owner.

Generally, federal law governs most postal crimes. Under the federal statute, a person is guilty of Obstruction of Mail if the person takes any letter, postal card, or package out of any post office or any authorized depository for mail matter, or from any letter or mail carrier, or which has been in any post office or authorized depository, or in the custody of any letter or mail carrier, before it has been delivered to the person to whom it was directed, with the intent to obstruct the correspondence, to pry into the business or secrets of another, or to open, secrete, embezzle, or destroy the mail. The penalty is up to five years of imprisonment, up to \$250,000 fine, or both imprisonment and a fine.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill: A person is guilty of Mail Theft if the person (1) possesses stolen mail addressed to three or more different mailboxes; and (2) possesses a minimum of ten separate pieces of stolen mail. Each item of mail that is stolen is a separate and distinct crime. Mail theft is an unranked class C felony offense.

A person is guilty of Possession of Stolen Mail if the person (1) possesses stolen mail addressed to three or more different mailboxes; and (2) possesses a minimum of ten separate pieces of stolen mail. Possesses stolen mail means to knowingly receive, retain, possess, conceal, or dispose of stolen mail knowing that it has been stolen, and to withhold or appropriate the use of it to any person other than the true owner or the person to whom it is addressed. The fact that the person who stole the mail has not been convicted, apprehended, or identified, is not a defense to the charge of possessing stolen mail. Each item of stolen mail possessed constitutes a separate and distinct crime and may be punished accordingly. Possession of Stolen Mail is an unranked class C felony offense.

Mail is defined as any letter, postal card, package, bag, or other item that is addressed to a specific address for delivery by the United States Postal Service or any commercial carrier performing the function of delivering similar items to residences or businesses, provided the mail:

1. is addressed to a specific name of an individual person or with a family name or specific company, business or corporation name on the outside of the item of mail or on the contents inside; and
2. is not addressed to any general occupant or resident of the address or fails to provide an identifiable person or company, business or corporation; and
 - a. has been left for collection or delivery in a letter box, mailbox, mail receptacle, or other authorized depository for mail,
 - b. given to a mail carrier, or left with any private business that provides mailboxes or mail addresses for customers;
 - c. is in transit with a postal service, mail carrier, letter carrier, commercial carrier, or is at or in a postal vehicle, postal station, mailbox, postal airplane, transit station, or similar location of a commercial carrier;
 - d. or has been delivered to the intended address, but has not been received by the intended addressee.

Mail does not include magazines, catalogs, direct mail inserts, newsletters, advertising circulars, or any mail that is considered third class mail by the United States Postal Service for purposes of a Mail Theft or Possession of Stolen Mail offense.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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