

HOUSE BILL 293

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71r0896

By: **Delegates Niemann, Barnes, Dumais, Goldwater, Holmes, Pena-Melnyk, Ross, Simmons, and Vaughn**

Introduced and read first time: January 31, 2007

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Mail Theft - Penalty**

3 FOR the purpose of prohibiting a person from knowingly and willfully removing,
4 taking, possessing, obtaining, or receiving mail under certain circumstances
5 without the permission of the United States Postal Service or the intended
6 recipient; providing penalties for a violation of this Act; repealing a prohibition
7 against opening a letter without permission; providing that a person who
8 violates this Act is subject to a certain statute of limitations; defining certain
9 terms; and generally relating to the theft of mail.

10 BY repealing

11 Article - Criminal Law
12 Section 3-905
13 Annotated Code of Maryland
14 (2002 Volume and 2006 Supplement)

15 BY adding to

16 Article - Criminal Law
17 Section 7-106.1
18 Annotated Code of Maryland
19 (2002 Volume and 2006 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
21 MARYLAND, That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Criminal Law**

2 [3–905.

3 (a) A person may not take and break open a letter that is not addressed to
4 the person without permission from the person to whom the letter is addressed or the
5 personal representative of the addressee's estate.

6 (b) A person who violates this section is guilty of a misdemeanor and on
7 conviction is subject to imprisonment for 6 days and a fine of \$15.]

8 **7–106.1.**

9 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
10 MEANINGS INDICATED.

11 (2) “MAIL” MEANS A LETTER, POSTAL CARD, PACKAGE, BAG, OR
12 OTHER SEALED ARTICLE.

13 (3) “MAIL CARRIER” MEANS A PERSON OR ENTITY THAT
14 DELIVERS MAIL ON BEHALF OF THE POSTAL SERVICE.

15 (4) “MAIL DEPOSITORY” MEANS A MAILBOX, LETTER BOX, OR
16 RECEPTACLE IN WHICH MAIL IS DEPOSITED OR STORED; A POST OFFICE OR
17 STATION OF A POST OFFICE; A MAIL ROUTE; OR A VEHICLE USED BY THE POSTAL
18 SERVICE FOR THE DELIVERY OF MAIL.

19 (5) “POSTAL SERVICE” MEANS THE UNITED STATES POSTAL
20 SERVICE OR ANY OF ITS SUBSIDIARIES OR CONTRACTORS.

21 (B) A PERSON MAY NOT KNOWINGLY OR WILLFULLY AND WITHOUT
22 PERMISSION FROM THE POSTAL SERVICE OR THE INTENDED RECIPIENT:

23 (1) REMOVE MAIL FROM A MAIL DEPOSITORY;

24 (2) TAKE MAIL FROM A MAIL CARRIER;

25 (3) OBTAIN CUSTODY OF MAIL BY INTENTIONALLY DECEIVING A
26 MAIL CARRIER, OR OTHER PERSON WHO RIGHTFULLY POSSESSES OR CONTROLS

1 THE MAIL, WITH A FALSE REPRESENTATION THAT IS KNOWN TO BE FALSE, MADE
2 WITH INTENT TO DECEIVE;

3 (4) TAKE MAIL, OR THE CONTENTS OF MAIL, THAT HAS BEEN LEFT
4 FOR COLLECTION OR DELIVERY ON OR NEAR A MAIL DEPOSITORY; OR

5 (5) RECEIVE, POSSESS, TRANSFER, BUY, OR CONCEAL MAIL
6 OBTAINED BY ACTS DESCRIBED IN PARAGRAPHS (1) THROUGH (4) OF THIS
7 SUBSECTION KNOWING OR HAVING REASON TO KNOW THE MAIL WAS OBTAINED
8 ILLEGALLY.

9 (C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
10 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT
11 EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

12 (D) A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO § 5-106(B)
13 OF THE COURTS ARTICLE.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2007.