

HOUSE BILL 444

E1
HB 293/07 – JUD

8lr1127
CF SB 116

By: **Delegates Niemann, Lee, and McComas (Task Force to Study Identity Theft) and Delegates Barnes, Carr, Howard, Hucker, Impallaria, Ivey, Lafferty, McConkey, Pena-Melnyk, Smigiel, and Vallario**

Introduced and read first time: January 30, 2008

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 certain
7 prohibition against opening a letter without permission that is rendered
8 inconsistent with this Act; providing that a person who violates this Act is
9 subject to a certain statute of limitations and may reserve a point or question
10 for a certain in banc review; defining certain terms; and generally relating to
11 the theft of mail.

12 BY repealing

13 Article – Criminal Law
14 Section 3–905
15 Annotated Code of Maryland
16 (2002 Volume and 2007 Supplement)

17 BY adding to

18 Article – Criminal Law
19 Section 7–106.1
20 Annotated Code of Maryland
21 (2002 Volume and 2007 Supplement)

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

24 **Article – Criminal Law**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 [3-905.

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

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

7 **7-106.1.**

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

10 (2) "MAIL" MEANS MATERIAL PROCESSED OR INTENDED TO BE
11 PROCESSED FOR DISTRIBUTION BY THE POSTAL SERVICE, INCLUDING A
12 LETTER, POSTAL CARD, PACKAGE, BAG, OR 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
27 THE MAIL, WITH A FALSE REPRESENTATION THAT IS KNOWN TO BE FALSE, MADE
28 WITH INTENT TO DECEIVE;

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

1 **(5) RECEIVE, POSSESS, TRANSFER, BUY, OR CONCEAL MAIL**
2 **OBTAINED BY ACTS DESCRIBED IN ITEMS (1) THROUGH (4) OF THIS SUBSECTION**
3 **KNOWING OR HAVING REASON TO KNOW THE MAIL WAS OBTAINED ILLEGALLY.**

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

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

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2008.