

HOUSE BILL 531

E1
HB 272/12 – JUD

3lr1927

By: **Delegate Niemann**
Introduced and read first time: January 30, 2013
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 of the mail; providing penalties for a violation of this Act; repealing a
7 certain 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; providing that a prosecution under this Act does
11 not preclude a certain prosecution for theft; defining certain terms; and
12 generally relating to the theft of mail.

13 BY repealing

14 Article – Criminal Law
15 Section 3–905
16 Annotated Code of Maryland
17 (2012 Replacement Volume and 2012 Supplement)

18 BY adding to

19 Article – Criminal Law
20 Section 7–106.1
21 Annotated Code of Maryland
22 (2012 Replacement Volume and 2012 Supplement)

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

25 **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:

16 (I) A MAILBOX, LETTER BOX, OR RECEPTACLE IN WHICH
17 MAIL IS DEPOSITED OR STORED;

18 (II) A POST OFFICE OR STATION OF A POST OFFICE;

19 (III) A MAIL ROUTE; OR

20 (IV) A VEHICLE USED BY THE POSTAL SERVICE FOR THE
21 DELIVERY OF MAIL.

22 (5) "POSTAL SERVICE" MEANS THE UNITED STATES POSTAL
23 SERVICE OR ANY OF ITS SUBSIDIARIES OR CONTRACTORS.

24 (B) A PERSON MAY NOT KNOWINGLY OR WILLFULLY AND WITHOUT
25 PERMISSION FROM THE POSTAL SERVICE OR THE INTENDED RECIPIENT OF THE
26 MAIL:

27 (1) REMOVE MAIL FROM A MAIL DEPOSITORY;

28 (2) TAKE MAIL FROM A MAIL CARRIER;

1 **(3) OBTAIN CUSTODY OF MAIL BY INTENTIONALLY DECEIVING A**
2 **MAIL CARRIER OR ANY OTHER PERSON WHO RIGHTFULLY POSSESSES OR**
3 **CONTROLS THE MAIL WITH A FALSE REPRESENTATION THAT IS KNOWN TO BE**
4 **FALSE OR IS MADE WITH INTENT TO DECEIVE;**

5 **(4) TAKE MAIL OF ANOTHER OR THE CONTENTS OF SUCH MAIL**
6 **THAT HAS BEEN LEFT FOR COLLECTION OR DELIVERY ON OR NEAR A MAIL**
7 **DEPOSITORY; OR**

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

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

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

17 **(E) A PROSECUTION UNDER THIS SECTION DOES NOT PRECLUDE**
18 **PROSECUTION FOR THEFT UNDER § 7-104 OF THIS SUBTITLE.**

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2013.