

SB0373/853326/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 373
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “**Mail Depository**” and substitute “**Arrow**”; in line 3, after the first “of” insert “altering the prohibition against taking and breaking a letter;”; strike beginning with “from” in line 3 down through “keys” in line 7 and substitute “under certain circumstances; prohibiting a person from possessing an arrow key under certain circumstances; and generally relating to theft of mail and arrow keys”; in line 10, strike “7–101” and substitute “3–905”; and strike in their entirety lines 13 through 17, inclusive.

AMENDMENT NO. 2

On pages 1 through 8, strike in their entirety the lines beginning with line 21 on page 1 through line 21 on page 8, inclusive, and substitute:

“3–905.

(a) **(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(2) “ARROW KEY” MEANS AN INSTRUMENT THAT ALLOWS A MAIL CARRIER TO ACCESS A MAILBOX OR OTHER DEPOSITORY FOR STORING MAIL.

(3) (1) “MAIL” MEANS AN ITEM THAT HAS BEEN OR IS INTENDED TO BE DELIVERED BY USE OF A COMMON CARRIER OR DELIVERY SERVICE TO A PERSON WHOSE ADDRESS APPEARS ON THE ITEM.

(II) "MAIL" INCLUDES AN ADDRESSED LETTER, POSTAL CARD, OR PACKAGE.

(B) (1) A person may not [take and] INTENTIONALLY break open [a letter] AN ITEM OF MAIL that is not addressed to the person without permission from the person to whom the [letter] MAIL is addressed or the personal representative of the addressee's estate.

(2) A PERSON MAY NOT COMMIT AN ACT THAT WOULD CONSTITUTE A VIOLATION OF § 7-104 OF THIS ARTICLE INVOLVING THE THEFT OF 1 BUT LESS THAN 16 ITEMS OF MAIL.

(3) A PERSON MAY NOT COMMIT AN ACT THAT WOULD CONSTITUTE A VIOLATION OF § 7-104 OF THIS ARTICLE INVOLVING THEFT OF 16 OR MORE ITEMS OF MAIL.

(4) A PERSON MAY NOT COMMIT AN ACT THAT WOULD CONSTITUTE A VIOLATION OF § 7-104 OF THIS ARTICLE INVOLVING THEFT OF 1 OR MORE ITEMS OF MAIL USING AN ARROW KEY.

(C) A PERSON MAY NOT POSSESS AN ARROW KEY WITH THE INTENT TO USE OR ALLOW THE USE OF THE ARROW KEY IN THE COMMISSION OF A VIOLATION OF THIS SECTION.

[(b)] (D) (1) A person who violates SUBSECTION (B)(1) OF this section is guilty of a misdemeanor and on conviction is subject to imprisonment for 6 days and a fine of \$15.

(2) A PERSON WHO VIOLATES SUBSECTION (B)(2) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO

IMPRISONMENT NOT EXCEEDING 6 MONTHS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

(3) A PERSON WHO VIOLATES SUBSECTION (B)(3) OF THIS SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$2,000 OR BOTH.

(4) A PERSON WHO VIOLATES SUBSECTION (B)(4) OF THIS SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

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

(E) A SENTENCE IMPOSED UNDER THIS SECTION MAY BE SEPARATE FROM AND CONSECUTIVE TO OR CONCURRENT WITH A SENTENCE FOR ANY OTHER CRIME BASED ON THE ACTS ESTABLISHING A VIOLATION OF THIS SECTION.”.