

# HOUSE BILL 318

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By: **Delegates Solomon, Kaufman, and Shetty**  
Introduced and read first time: January 15, 2024  
Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Theft – Mail and Mail Depository Key**

3 FOR the purpose of prohibiting the theft of certain mail from a mail depository; prohibiting  
4 the theft of a device used to open a certain mail depository; prohibiting the theft of  
5 mail with intent to commit identity theft; prohibiting the theft of mail from an elderly  
6 person or a vulnerable adult with intent to commit identity theft; and generally  
7 relating to theft of mail and mail depository keys.

8 BY repealing and reenacting, with amendments,  
9 Article – Criminal Law  
10 Section 7–101  
11 Annotated Code of Maryland  
12 (2021 Replacement Volume and 2023 Supplement)

13 BY adding to  
14 Article – Criminal Law  
15 Section 7–106.1 through 7–106.3  
16 Annotated Code of Maryland  
17 (2021 Replacement Volume and 2023 Supplement)

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

### Article – Criminal Law

20 7–101.

22 (a) In this part the following words have the meanings indicated.

23 (b) (1) “Deception” means knowingly to:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



1 (i) create or confirm in another a false impression that the offender  
2 does not believe to be true;

3 (ii) fail to correct a false impression that the offender previously has  
4 created or confirmed;

5 (iii) prevent another from acquiring information pertinent to the  
6 disposition of the property involved;

7 (iv) sell or otherwise transfer or encumber property without  
8 disclosing a lien, adverse claim, or other legal impediment to the enjoyment of the property,  
9 regardless of whether the impediment is of value or a matter of official record;

10 (v) insert or deposit a slug in a vending machine;

11 (vi) remove or alter a label or price tag;

12 (vii) promise performance that the offender does not intend to  
13 perform or knows will not be performed; or

14 (viii) misrepresent the value of a motor vehicle offered for sale by  
15 tampering or interfering with its odometer, or by disconnecting, resetting, or altering its  
16 odometer with the intent to change the mileage indicated.

17 (2) "Deception" does not include puffing or false statements of immaterial  
18 facts and exaggerated representations that are unlikely to deceive an ordinary individual.

19 (c) "Deprive" means to withhold property of another:

20 (1) permanently;

21 (2) for a period that results in the appropriation of a part of the property's  
22 value;

23 (3) with the purpose to restore it only on payment of a reward or other  
24 compensation; or

25 (4) to dispose of the property or use or deal with the property in a manner  
26 that makes it unlikely that the owner will recover it.

27 (d) (1) "Exert control" includes to take, carry away, appropriate to a person's  
28 own use or sell, convey, or transfer title to an interest in or possession of property.

29 (2) "Exert control" does not include:

30 (i) to trespass on the land of another; or

1 (ii) to occupy the land of another without authorization.

2 (e) (1) “Interactive computer service” means an information service, system,  
3 or access software provider that provides or enables computer access by multiple users to  
4 a computer server.

5 (2) “Interactive computer service” includes a service or system that  
6 provides access to the Internet.

7 (f) **“MAIL” MEANS:**

8 **(1) AN ITEM PROCESSED OR INTENDED TO BE PROCESSED FOR**  
9 **DISTRIBUTION BY THE UNITED STATES POSTAL SERVICE, INCLUDING A LETTER, A**  
10 **POSTAL CARD, A PACKAGE, OR ANY OTHER SEALED ARTICLE; OR**

11 **(2) AN ITEM LEFT TO BE COLLECTED FOR DELIVERY BY THE UNITED**  
12 **STATES POSTAL SERVICE, INCLUDING A LETTER, A POSTAL CARD, A PACKAGE, OR**  
13 **ANY OTHER SEALED ARTICLE.**

14 **(G)** “Motor vehicle” has the meaning stated in § 11–135 of the Transportation  
15 Article.

16 **[(g)] (H)** “Obtain” means:

17 (1) in relation to property, to bring about a transfer of interest in or  
18 possession of the property; and

19 (2) in relation to a service, to secure the performance of the service.

20 **[(h)] (I)** Except as otherwise expressly provided in this part, “owner” means a  
21 person, other than the offender:

22 (1) who has an interest in or possession of property regardless of whether  
23 the person’s interest or possession is unlawful; and

24 (2) without whose consent the offender has no authority to exert control  
25 over the property.

26 **[(i)] (J)** (1) “Property” means anything of value.

27 (2) “Property” includes:

28 (i) real estate;

29 (ii) money;

- 1 (iii) a commercial instrument;
- 2 (iv) an admission or transportation ticket;
- 3 (v) a written instrument representing or embodying rights  
4 concerning anything of value, or services, or anything otherwise of value to the owner;
- 5 (vi) a thing growing on or affixed to, or found on land, or part of or  
6 affixed to any building;
- 7 (vii) electricity, gas, and water;
- 8 (viii) a bird, animal, or fish that ordinarily is kept in a state of  
9 confinement;
- 10 (ix) food or drink;
- 11 (x) a sample, culture, microorganism, or specimen;
- 12 (xi) a record, recording, document, blueprint, drawing, map, or a  
13 whole or partial copy, description, photograph, prototype, or model of any of them;
- 14 (xii) an article, material, device, substance, or a whole or partial copy,  
15 description, photograph, prototype, or model of any of them that represents evidence of,  
16 reflects, or records a secret:
- 17 1. scientific, technical, merchandising, production, or  
18 management information; or
- 19 2. designed process, procedure, formula, invention, trade  
20 secret, or improvement;
- 21 (xiii) a financial instrument; and
- 22 (xiv) information, electronically produced data, and a computer  
23 software or program in a form readable by machine or individual.

24 **[(j)] (K)** “Property of another” means property in which a person other than the  
25 offender has an interest that the offender does not have the authority to defeat or impair,  
26 even though the offender also may have an interest in the property.

27 **[(k)] (L)** “Service” includes:

- 28 (1) labor or professional service;
- 29 (2) telecommunication, public utility, toll facility, or transportation service;

1 (3) lodging, entertainment, or restaurant service; and

2 (4) the use of computers, data processing, or other equipment.

3 **[(l)] (M)** “Slug” means an object that, because of its size, shape, or other quality,  
4 can be deposited or inserted in a vending machine as an improper substitute for the  
5 payment required to operate the vending machine.

6 **[(m)] (N)** (1) “Theft” means the conduct described in §§ 7–104 through 7–107  
7 of this subtitle.

8 (2) “Theft” includes motor vehicle theft, unless otherwise indicated.

9 **[(n)] (O)** “Vending machine” means a device designed to receive a specified  
10 payment and in exchange automatically offer, provide, assist in providing, or allow a person  
11 to acquire property or service.

12 **7–106.1.**

13 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**  
14 **INDICATED.**

15 **(2) “ARROW KEY” MEANS AN INSTRUMENT THAT ALLOWS A MAIL**  
16 **CARRIER TO ACCESS A MAIL DEPOSITORY.**

17 **(3) “MAIL DEPOSITORY” MEANS A MAILBOX, LETTER BOX, OR**  
18 **RECEPTACLE IN WHICH MAIL IS DEPOSITED OR STORED.**

19 **(B) (1) (I) A PERSON MAY NOT KNOWINGLY OR WILLFULLY AND**  
20 **WITHOUT PERMISSION OF THE INTENDED RECIPIENT OF THE MAIL REMOVE MAIL**  
21 **FROM A MAIL DEPOSITORY WITH THE INTENT TO DEPRIVE THE INTENDED**  
22 **RECIPIENT OF THE MAIL.**

23 **(II) A PERSON WHO VIOLATES THIS PARAGRAPH IS GUILTY OF A**  
24 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT**  
25 **EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$4,000 OR BOTH.**

26 **(2) (I) A PERSON MAY NOT COMMIT A VIOLATION OF PARAGRAPH**  
27 **(1)(I) OF THIS SUBSECTION INVOLVING AT LEAST 10 PIECES OF MAIL BUT LESS THAN**  
28 **30 PIECES OF MAIL.**

29 **(II) A PERSON WHO VIOLATES THIS PARAGRAPH IS GUILTY OF A**  
30 **FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT LESS THAN**  
31 **180 DAYS AND NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$10,000 OR**

1 BOTH.

2 (3) (I) A PERSON MAY NOT COMMIT A VIOLATION OF PARAGRAPH  
3 (1)(I) OF THIS SUBSECTION INVOLVING 30 OR MORE PIECES OF MAIL.

4 (II) A PERSON WHO VIOLATES THIS PARAGRAPH IS GUILTY OF A  
5 FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT LESS THAN 2  
6 YEARS AND NOT EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.

7 (C) (1) A PERSON MAY NOT WILLFULLY OR KNOWINGLY AND WITHOUT  
8 THE PERMISSION OF THE OWNER OF THE ARROW KEY OR DEVICE OBTAIN AN ARROW  
9 KEY OR OTHER DEVICE USED TO GAIN ACCESS TO A MAIL DEPOSITORY OWNED BY  
10 THE UNITED STATES POSTAL SERVICE.

11 (2) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A  
12 FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT LESS THAN 5  
13 YEARS AND NOT EXCEEDING 99 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.

14 (D) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A CONVICTION  
15 UNDER THIS SECTION DOES NOT MERGE WITH A CONVICTION FOR ANY OTHER CRIME  
16 BASED ON THE ACT ESTABLISHING A VIOLATION OF THIS SECTION.

17 7-106.2.

18 (A) IN THIS SECTION, "PERSONAL IDENTIFYING INFORMATION" HAS THE  
19 MEANING STATED IN § 8-301 OF THIS ARTICLE.

20 (B) (1) (I) A PERSON MAY NOT VIOLATE § 7-106.1(B)(1) OF THIS  
21 SUBTITLE BY TAKING MAIL THAT CONTAINS AN ITEM OF PERSONAL IDENTIFYING  
22 INFORMATION WITH THE INTENT TO FACILITATE A VIOLATION OF § 8-301 OF THIS  
23 ARTICLE.

24 (II) A PERSON WHO VIOLATES THIS PARAGRAPH IS GUILTY OF A  
25 FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT LESS THAN 6  
26 MONTHS AND NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$10,000 OR  
27 BOTH.

28 (2) (I) A PERSON MAY NOT COMMIT A VIOLATION OF PARAGRAPH  
29 (1)(I) OF THIS SUBSECTION INVOLVING AT LEAST 10 PIECES OF MAIL BUT LESS THAN  
30 20 PIECES OF MAIL.

31 (II) A PERSON WHO VIOLATES THIS PARAGRAPH IS GUILTY OF A  
32 FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT LESS THAN 3

1 YEARS AND NOT EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.

2 (3) (I) A PERSON MAY NOT COMMIT A VIOLATION OF PARAGRAPH  
3 (1)(I) OF THIS SUBSECTION INVOLVING AT LEAST 20 PIECES OF MAIL BUT LESS THAN  
4 50 PIECES OF MAIL.

5 (II) A PERSON WHO VIOLATES THIS PARAGRAPH IS GUILTY OF A  
6 FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT LESS THAN 2  
7 YEARS AND NOT EXCEEDING 20 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.

8 (4) (I) A PERSON MAY NOT COMMIT A VIOLATION OF PARAGRAPH  
9 (1)(I) OF THIS SUBSECTION INVOLVING 50 OR MORE PIECES OF MAIL.

10 (II) A PERSON WHO VIOLATES THIS PARAGRAPH IS GUILTY OF A  
11 FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT LESS THAN 5  
12 YEARS AND NOT EXCEEDING 99 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.

13 (C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A CONVICTION  
14 UNDER THIS SECTION DOES NOT MERGE WITH A CONVICTION FOR ANY OTHER CRIME  
15 BASED ON THE ACT ESTABLISHING A VIOLATION OF THIS SECTION.

16 7-106.3.

17 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
18 INDICATED.

19 (2) "ELDERLY PERSON" MEANS A PERSON WHO IS AT LEAST 68 YEARS  
20 OLD.

21 (3) "VULNERABLE ADULT" HAS THE MEANING STATED IN § 3-604 OF  
22 THIS ARTICLE.

23 (B) (1) (I) A PERSON MAY NOT VIOLATE § 7-106.2 OF THIS SUBTITLE  
24 AGAINST AN INTENDED RECIPIENT OF MAIL WHEN THE PERSON KNOWS OR BELIEVES  
25 THAT THE INTENDED RECIPIENT IS AN ELDERLY PERSON OR A VULNERABLE ADULT.

26 (II) A PERSON WHO VIOLATES THIS PARAGRAPH IS GUILTY OF A  
27 FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT LESS THAN 2  
28 YEARS AND NOT EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.

29 (2) (I) A PERSON MAY NOT COMMIT A VIOLATION OF PARAGRAPH  
30 (1)(I) OF THIS SUBSECTION INVOLVING MAIL FOR AT LEAST 10 INTENDED  
31 RECIPIENTS BUT LESS THAN 50 INTENDED RECIPIENTS.

1                   **(II) A PERSON WHO VIOLATES THIS PARAGRAPH IS GUILTY OF A**  
2 **FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT LESS THAN 2**  
3 **YEARS AND NOT EXCEEDING 20 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.**

4                   **(3) (I) A PERSON MAY NOT COMMIT A VIOLATION OF PARAGRAPH**  
5 **(1)(I) OF THIS SUBSECTION INVOLVING MAIL FOR AT LEAST 50 INTENDED**  
6 **RECIPIENTS.**

7                   **(II) A PERSON WHO VIOLATES THIS PARAGRAPH IS GUILTY OF A**  
8 **FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT LESS THAN 5**  
9 **YEARS AND NOT EXCEEDING 99 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.**

10                  **(C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A CONVICTION**  
11 **UNDER THIS SECTION DOES NOT MERGE WITH A CONVICTION FOR ANY OTHER CRIME**  
12 **BASED ON THE ACT ESTABLISHING A VIOLATION OF THIS SECTION.**

13                  SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
14 October 1, 2024.