

SENATE BILL 373

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4lr1424
CF HB 318

By: **Senator Waldstreicher**

Introduced and read first time: January 17, 2024

Assigned to: Judicial Proceedings

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 mail from a mail depository; prohibiting the
4 theft of a device used to open a mail depository; prohibiting the theft of mail with
5 intent to commit identity theft; prohibiting the theft of mail from an elderly or
6 disabled person with intent to commit identity theft; and generally relating to theft
7 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:

20 **Article – Criminal Law**

21 7–101.

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

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

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) MATERIAL PROCESSED OR INTENDED TO BE PROCESSED FOR**
9 **DISTRIBUTION BY A COMMON CARRIER OR DELIVERY SERVICE, INCLUDING A**
10 **LETTER, POSTAL CARD, PACKAGE, OR ANY OTHER SEALED ARTICLE; OR**

11 **(2) MATERIAL LEFT TO BE COLLECTED FOR DELIVERY BY A COMMON**
12 **CARRIER OR DELIVERY SERVICE, INCLUDING A LETTER, POSTAL CARD, PACKAGE,**
13 **OR 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 MAIL FOR AT LEAST 10 INTENDED**
28 **RECIPIENTS BUT LESS THAN 30 INTENDED RECIPIENTS.**

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 MAIL FOR 30 OR MORE INTENDED
4 RECIPIENTS.

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

8 (C) (1) A PERSON MAY NOT WILLFULLY OR KNOWINGLY AND WITHOUT
9 THE PERMISSION OF THE OWNER OF THE ARROW KEY OR DEVICE OBTAIN AN ARROW
10 KEY OR OTHER DEVICE USED TO GAIN ACCESS TO A MAIL REPOSITORY.

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 2 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 MAIL FOR AT LEAST 10 INTENDED
30 RECIPIENTS BUT LESS THAN 20 INTENDED RECIPIENTS.

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 2

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 MAIL FOR AT LEAST 20 INTENDED
4 RECIPIENTS BUT LESS THAN 50 INTENDED RECIPIENTS.

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 MAIL FOR 50 OR MORE INTENDED
10 RECIPIENTS.

11 (II) A PERSON WHO VIOLATES THIS PARAGRAPH 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 (C) 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 7-106.3.

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

20 (2) "ELDERLY PERSON" MEANS A PERSON WHO IS AT LEAST 65 YEARS
21 OLD.

22 (3) "DISABLED PERSON" MEANS A PERSON WHO HAS:

23 (I) A DEVELOPMENTAL DISABILITY, AS DEFINED IN § 7-101(G)
24 OF THE HEALTH – GENERAL ARTICLE;

25 (II) AN INTELLECTUAL DISABILITY, AS DEFINED IN § 7-101(N)
26 OF THE HEALTH – GENERAL ARTICLE;

27 (III) A MENTAL DISORDER, AS DEFINED IN § 10-101(I) OF THE
28 HEALTH – GENERAL ARTICLE; OR

29 (IV) A PHYSICAL DISABILITY.

1 **(B) (1) (I) A PERSON MAY NOT VIOLATE § 7-106.2 OF THIS SUBTITLE**
2 **AGAINST AN INTENDED RECIPIENT OF MAIL WHEN THE PERSON KNOWS OR BELIEVES**
3 **THAT THE INTENDED RECIPIENT IS AN ELDERLY PERSON OR A DISABLED PERSON.**

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

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 2**
12 **YEARS AND NOT EXCEEDING 20 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.**

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

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

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

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