

HOUSE BILL 126

E1, E2

(PRE-FILED)

5lr0955
CF 5lr0956

By: **Delegate Conaway**

Requested: September 26, 2024

Introduced and read first time: January 8, 2025

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Theft – Mail and Packages**
3 **(Porch Piracy Act of 2025)**

4 FOR the purpose of prohibiting the theft of mail or packages; providing for the disposition
5 of interest accrued for overdue restitution payments under certain circumstances;
6 and generally relating to theft of mail and packages.

7 BY adding to

8 Article – Criminal Law

9 Section 7–106.1

10 Annotated Code of Maryland

11 (2021 Replacement Volume and 2024 Supplement)

12 BY repealing and reenacting, without amendments,

13 Article – Criminal Procedure

14 Section 11–616(a) through (d)

15 Annotated Code of Maryland

16 (2018 Replacement Volume and 2024 Supplement)

17 BY repealing and reenacting, with amendments,

18 Article – Criminal Procedure

19 Section 11–616(e)

20 Annotated Code of Maryland

21 (2018 Replacement Volume and 2024 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
23 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 **7-106.1.**

2 (A) IN THIS SECTION, "MAIL OR PACKAGE" MEANS AN ITEM DELIVERED OR
3 LEFT TO BE COLLECTED BY THE U.S. POSTAL SERVICE OR A DELIVERY SERVICE
4 COMPANY THAT DELIVERS TANGIBLE PERSONAL PROPERTY.

5 (B) A PERSON MAY NOT KNOWINGLY OR WILLFULLY AND WITHOUT
6 PERMISSION OF THE INTENDED RECIPIENT OF THE MAIL OR PACKAGE OBTAIN OR
7 EXERT CONTROL OVER MAIL OR A PACKAGE DELIVERED TO ANOTHER WITH THE
8 INTENT TO DEPRIVE THE OWNER OF THE MAIL OR PACKAGE.

9 (C) (1) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY
10 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS.

11 (2) AS A CONDITION OF SENTENCING, THE COURT SHALL ORDER THE
12 DEFENDANT TO:

13 (I) RESTORE THE MAIL OR PACKAGE TAKEN TO THE PERSON TO
14 WHOM THE MAIL OR PACKAGE WAS ADDRESSED; OR

15 (II) PAY RESTITUTION FOR THE VALUE OF THE MAIL OR
16 PACKAGE UNDER TITLE 11, SUBTITLE 6 OF THE CRIMINAL PROCEDURE ARTICLE.

17 **Article – Criminal Procedure**

18 11-616.

19 (a) The Division or the Department of Juvenile Services:

20 (1) in addition to other actions authorized under Part I of this subtitle, may
21 refer an overdue restitution account for collection to the Central Collection Unit; and

22 (2) if probation or other supervision is terminated and restitution is still
23 owed, shall refer the overdue restitution account for collection to the Central Collection
24 Unit.

25 (b) Subject to subsection (c) of this section, the Central Collection Unit may:

26 (1) collect overdue restitution in accordance with Title 3, Subtitle 3 of the
27 State Finance and Procurement Article; and

28 (2) certify a restitution obligor who is in arrears on restitution payments
29 exceeding \$30 under the judgment of restitution to:

1 (i) the Comptroller for income tax refund interception in accordance
2 with Title 13, Subtitle 9, Part III of the Tax – General Article; and

3 (ii) the State Lottery and Gaming Control Agency for State lottery
4 prize and video lottery facility prize payout interception in accordance with § 11–618 of this
5 subtitle.

6 (c) (1) The Central Collection Unit may not compromise and settle a judgment
7 of restitution unless:

8 (i) the Division or the Department of Juvenile Services obtains the
9 consent of the victim; or

10 (ii) the court orders otherwise because a victim cannot be located.

11 (2) The Division or the Department of Juvenile Services shall contact the
12 victim to determine whether the victim consents to compromise and settle a judgment of
13 restitution.

14 (d) If complete restitution and interest have been paid or a judgment of restitution
15 has been compromised and settled as provided in subsection (c) of this section, the Division,
16 the Department of Juvenile Services, or the Central Collection Unit immediately shall
17 notify:

18 (1) the court that issued the judgment by filing the statement as provided
19 under § 11–608(c) of this subtitle that the judgment has been satisfied; and

20 (2) the last known employer of a restitution obligor to terminate an
21 earnings withholding order issued under § 11–617 of this subtitle.

22 (e) (1) Restitution is overdue if the restitution or a restitution payment is not
23 paid:

24 (i) by the date that the court orders; or

25 (ii) if no date is ordered, by the later of:

26 1. the date the Division or the Department of Juvenile
27 Services directs the restitution obligor to pay restitution or make a restitution payment; or

28 2. 30 days after the court enters a judgment of restitution.

29 (2) (I) If restitution is overdue, the amount of the arrearage is the
30 amount of restitution ordered and any interest allowed by law, minus any amount
31 previously paid or received under the judgment of restitution.

1 **(II) INTEREST ACCRUED UNDER SUBPARAGRAPH (I) OF THIS**
2 **PARAGRAPH FOR RESTITUTION ORDERED UNDER § 7-106.1 OF THE CRIMINAL LAW**
3 **ARTICLE SHALL BE DISTRIBUTED AS FOLLOWS:**

4 **1. 50% TO THE PERSON TO WHOM THE MAIL OR**
5 **PACKAGE WAS ADDRESSED; AND**

6 **2. 50% TO THE COURT.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2025.