

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 280
Judiciary

(Delegate Conaway)

Criminal Law - Theft - Mail and Packages (Porch Piracy Act of 2025)

This bill prohibits the knowing or willful theft of “mail or package,” which is defined as an item delivered or left to be collected by the United States Postal Service (USPS) or a delivery service company that delivers tangible personal property. Violators are guilty of a felony. On conviction for a first or second offense, the court must order the violator to restore the mail or package to the addressee or pay restitution for the value of the mail or package. A third or subsequent offense is punishable by imprisonment for not less than six months and up to three years and/or a \$1,500 maximum fine. Additionally, as a condition of sentencing for a third or subsequent conviction, the court may order the violator to undergo evaluation and treatment for substance use disorder.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State finances or operations, as discussed below.

Local Effect: The bill is not anticipated to materially affect local finances or operations.

Small Business Effect: None.

Analysis

Current Law:

Opening a Letter without Permission

Section 3-905 of the Criminal Law Article prohibits a person from taking and breaking open a letter that is not addressed to them without permission from the person to whom the

letter is addressed or the personal representative of the addressee's estate. A violator is guilty of a misdemeanor and subject to imprisonment for six days and a fine of \$15.

General Theft Statute

Under the general theft statute, a person may not, under specified circumstances, (1) willfully or knowingly obtain or exert unauthorized control over property; (2) obtain control over property by willfully or knowingly using deception; (3) possess stolen property knowing that it has been stolen or believing that it probably has been stolen; (4) obtain control over property knowing that the property was lost, mislaid, or delivered under a mistake as to the identity of the recipient or nature or amount of the property; or (5) obtain the services of another that are available only by compensation by deception or with knowledge that the services are provided without the provider's consent. A violator is required to restore the owner's property or pay the owner the value of the property or services and is subject to the penalties in **Exhibit 1**.

Exhibit 1
Penalties for General Theft

<u>Value of Property and/or Services</u>	<u>Maximum Penalty</u>
Less than \$100*	Misdemeanor – 90 days imprisonment and/or \$500 fine
At least \$100 but less than \$1,500*	Misdemeanor – 6 months imprisonment and/or \$500 fine (first conviction) or 1 year imprisonment and/or \$500 fine (second or subsequent conviction)
Less than \$1,500 (four or more prior theft convictions)**	Misdemeanor – 5 years imprisonment and/or \$5,000 fine
At least \$1,500 but less than \$25,000	Felony – 5 years imprisonment and/or \$10,000 fine
At least \$25,000 but less than \$100,000	Felony – 10 years imprisonment and/or \$15,000 fine
\$100,000 or more	Felony – 20 years imprisonment and/or \$25,000 fine

* Subject to two-year statute of limitations.
** Subject to specified notice requirements.

Source: Department of Legislative Services

Postal Service-related Theft under Federal Law

It is a federal crime to steal or receive stolen mail, as specified under 18 USC § 1708. On conviction, a violator is subject to imprisonment for up to five years and/or a \$250,000 maximum fine.

It is also a federal crime to steal any property used by USPS, as specified under 18 USC § 1707. On conviction, a violator is subject to (1) if the value of the stolen property does not exceed \$1,000, imprisonment for up to one year and/or a maximum fine of \$100,000 or (2) if the value of stolen property is more than \$1,000, imprisonment for up to three years and/or a maximum fine of \$250,000.

State Fiscal Effect: Given the penalty structure for the mail theft offense established under the bill, the bill is not anticipated to materially affect State finances or operations. The bill establishes a felony offense for behavior already considered a misdemeanor or felony under existing statute. However, the bill's mail theft offense does not carry an incarceration or monetary penalty for a first or second offense, and it is unclear how many individuals would be sentenced for a third mail theft offense, which is subject to a minimum incarceration penalty and fine. Individuals can be simultaneously charged with general theft and mail theft for the same acts.

This estimate assumes (1) most mail and package thefts are not reported to law enforcement and are not represented in the offense data in **Exhibit 2**; (2) mail and package thefts represent a small portion of the guilty dispositions listed in Exhibit 2; (3) the majority of stolen mail or packages have a value of less than \$1,500; (4) individuals who received probation for theft in **Exhibit 3** are unlikely to be sentenced to incarceration under the bill; and (5) as a result of plea bargaining, individuals subject to the bill's provisions are more likely to be sentenced under the general theft statute for a third or subsequent offense than under the bill.

While the District Court has concurrent jurisdiction with the circuit courts over felony general theft offenses, the bill creates a new felony theft offense; also, mail theft that involves lesser value items that would be misdemeanor general thefts are felony mail thefts under the bill. Changing crimes from misdemeanors to felonies means that (1) such cases are likely to be filed in the circuit courts rather than the District Court and (2) some persons may eventually serve longer incarcerations due to more stringent penalty provisions, applicable to some offenses for prior felony convictions. Accordingly, it is assumed that this bill shifts an unknown number of cases from the District Court to the circuit courts.

Relevant Offense Data

Exhibit 2 contains information on the number of violations and guilty dispositions in the

District Court and the circuit courts over the last two fiscal years under the general theft statute for specific offenses. Information is not available on how many of these violations and guilty dispositions involved the theft of mail or packages.

Exhibit 2
Violations and Guilty Dispositions for Offenses under the General Theft Statute for
Fiscal 2023 and 2024

	<u>Fiscal 2023</u>		<u>Fiscal 2024</u>	
	<u>Violations</u>	<u>Guilty Dispositions</u>	<u>Violations</u>	<u>Guilty Dispositions</u>
<u>District Court Offenses</u>				
Theft less than \$100	7,399	692	9,324	775
Theft at least \$100 but less than \$1,500	12,787	1,235	14,532	1,492
Theft at least \$1,500 but less than \$25,000	5,430	204	5,436	236
Theft at least \$25,000 but less than \$100,000	876	11	973	10
Theft \$100,000 or more	62	0	92	0
<u>Circuit Court Offenses</u>				
Theft less than \$100	1,104	96	1,130	97
Theft at least \$100 but less than \$1,500	3,094	503	2,988	503
Theft at least \$1,500 but less than \$25,000	2,116	226	1,852	268
Theft at least \$25,000 but less than \$100,000	403	38	489	49
Theft \$100,000 or more	40	13	50	6

Source: Maryland Judiciary; Department of Legislative Services

Exhibit 3 displays the number of individuals referred to the Division of Parole and Probation (DPP) within the Department of Public Safety and Correctional Services for theft

less than \$100 and theft of at least \$100, but less than \$1,500. Data is not available on how many of the DPP cases listed below involve theft of mail or a package.

Exhibit 3
Individuals Referred to the Division of Parole and Probation for Violations of Specified Theft Offenses in Fiscal 2024

<u>Offense</u>	<u>Number of Individuals Referred to the Division of Parole and Probation</u>
Theft less than \$100	406
Theft at least \$100 but less than \$1,500	1,268

Source: Department of Public Safety and Correctional Services; Department of Legislative Services

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State’s Attorneys’ Association; Maryland Department of Health; Department of Public Safety and Correctional Services; Department of Legislative Services

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km/aad

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