

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 692
Judiciary

(Delegate Toles, *et al.*)

Criminal Law - Mail and Package Theft (Porch Piracy Act)

This bill establishes the new offense of mail theft and corresponding penalties for mail theft violations. Under the bill, mail theft refers to (1) violations of the general theft statute (under § 7-104 of the Criminal Law Article) involving the theft of “mail” or (2) the commission of specified acts related to the theft of mail involving the use or possession of an “arrow key.” A sentence for a conviction for mail theft may be separate from and consecutive to or concurrent with a sentence for any other crime based on the acts establishing the violation. The District Court has concurrent jurisdiction with the circuit courts for felony mail theft. Finally, the bill repeals the existing offense of taking and breaking open a letter without permission. Instead, the bill prohibits a person from knowingly and intentionally opening “mail” addressed to another without the permission of the other or the other’s authorized representative or designee. Violators are guilty of a misdemeanor, punishable by imprisonment for up to one month and/or a \$1,000 maximum fine.

Fiscal Summary

State Effect: The bill is not expected to materially affect State finances or operations.

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

Small Business Effect: None.

Analysis

Bill Summary:

Definitions

“Arrow key” means a key designed exclusively for allowing an employee of the U.S. Postal Service (USPS) or a common carrier or delivery service to access a mailbox or other depository for storing mail.

“Mail” means an item that has been or is intended to be delivered by use of USPS or a common carrier or delivery service to a person whose address appears on the item. Mail includes an addressed letter, a postal card, or a package.

Exhibit 1 lists the penalties under the bill for a violation of § 7-104 of the Criminal Law Article (general theft) involving mail, mail theft involving an arrow key, and possession of an arrow key with the intent to use it to commit mail theft or allow it to be used to commit mail theft.

Exhibit 1 **Penalties for Mail Theft and Arrow Key Offenses Under the Bill**

Offense

Penalties

Theft involving one or more items of mail	Misdemeanor – imprisonment for up to two years and/or a maximum fine of \$1,000
Theft of at least one item of mail using an arrow key	Felony – imprisonment for up to five years and/or a maximum fine of \$5,000
Possession of an arrow key with the intent to use or allow the use of the arrow key to commit mail theft	Felony – imprisonment for up to three years and/or a maximum fine of \$3,000

Source: Department of Legislative Services

Current Law:

Opening a Letter without Permission – Repealed and Replaced Under the Bill

A person is prohibited 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 – § 7-104 of the Criminal Law Article

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 2**.

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.

Exhibit 2
Penalties for General Theft

Value of Property and/or Services

Maximum Penalty

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

State Expenditures:

Department of Public Safety and Correctional Services

The Department of Public Safety and Correctional Services (DPSCS) advises that the bill has a potential impact on incarceration expenditures. According to DPSCS, there were 2,619 Division of Parole and Probation (DPP) probation cases opened in fiscal 2025 that *could* involve mail or package theft. Specifically, there were 2,016 individuals referred to DPP for theft offenses involving less than \$1,500 in fiscal 2025. Data is not available on how many of these DPP cases *actually* involved theft of mail or a package. Regardless, DPSCS advises that if a portion of these individuals are incarcerated in State facilities under the bill it would have an effect on the Division of Correction within DPSCS. Assuming that mail or package thefts represent a small portion of theft offenses, individuals sentenced to probation under the general theft statute are unlikely to be sentenced to incarceration under the bill, and individuals subject to the bill’s provisions are more likely to be sentenced under the general theft statute (which is still an available option).

Office of the Public Defender

The Office of the Public Defender (OPD) advises that the bill will result in new cases for OPD requiring the equivalent of one attorney statewide. However, the bill creates a new felony offense for which individuals are likely already charged under the existing general theft statute. While the bill may result in an increased effort for existing OPD clients who are now charged with a felony offense under the bill (rather than only misdemeanor general theft offenses), OPD can likely accommodate any increased level effort within existing budgeted resources.

Additional Comments: According to the Judiciary, there were 21 violations (charges) and 1 guilty disposition for violations of opening a letter without permission under § 3-905 of the Criminal Law Article in the District Court during fiscal 2024. There were 16 violations and 1 guilty disposition for this offense in the District Court during fiscal 2025. Data for general theft violations does not distinguish if violations involved the theft of mail or packages.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years; however, legislation with similar provisions has been proposed. For example, see HB 210 of 2025.

Designated Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Office of the Public Defender; Department of Public Safety and Correctional Services; Department of Legislative Services

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jg/aad

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