



Statement of the Maryland Federation of National Active and Retired Federal Employees

**Senate Judicial Proceedings Committee Hearing, February 2, 2024
On Senate Bill 373 – Criminal Law - Theft – Mail and Mail Depository Key**

(Position – FAV)

Good afternoon, Chair Smith and Vice-Chair Waldstreicher and members of the Judicial Proceedings Committee. My name is Robert M. Doyle and I am testifying on behalf of the State Legislative Committee of the Maryland Federation of the National Active and Retired Federal Employees Association (NARFE), representing approximately 300,000 federal annuitants and employees in Maryland. For the continuing protection and benefit of our senior membership as well as all Maryland seniors, we support – and ask you for a favorable report on – Senate Bill 373, entitled Criminal Law – Theft – Mail and Mail Depository Key.

While mail theft is prohibited by Federal law, if SB 373 becomes law, Maryland will join numerous other states which have adopted mail theft laws. This is important not only as an additional deterrent factor

but also it would allow state prosecution of someone charged with mail theft if Federal prosecution does not occur.

SB 373 addresses mail theft in Maryland in several ways. If enacted, it would make all of these actions felonies in Maryland:

- 1) theft of mail from mail boxes and mail depositories like the multiple mail boxes in apartment or condominium lobbies;
- 2) theft of Arrow Keys which US Postal Service carriers use to open mail depositories; and
- 3) theft of mail with intent to commit identity theft with special provisions when this happens to elderly persons (which HB 318 defines as someone at least 68 years old) and vulnerable adults (which MD Article – Criminal Law sec. 3-604(a)(10) defines as an adult who lacks the physical or mental capacity to provide for the adult's daily needs.)

Identity theft from seniors is a major crime. Statistics from the Federal Trade Commission for 2022 show nationally over 177 thousand reports of identity theft from consumers 60 years old and older. The

FTC statistics did not break down numbers for seniors state by state, but for Maryland as a whole, we had over 20 thousand reports of identity theft collected by the FTC in 2022.¹ Although I was unable to find any hard statistics on senior identify theft in Maryland resulting from mail theft, I can tell you that identify theft is a worrisome concern for seniors from listening to my NARFE Annapolis chapter members. Identity theft affects us all, but it can be especially harmful for seniors and vulnerable adults who often lack the financial resources to recover from identity theft. For this reason, while we endorse the entirety of SB 373, we especially appreciate how the bill offers special emphasis to elderly persons and vulnerable adults who become victims of identity theft.

This special emphasis is demonstrated in the penalties the SB 373 will impose on violators. The strongest penalties both in terms of the potential prison terms and potential fines imposed are for those charged with mail theft for the purpose of identity theft from elderly persons or vulnerable adults. This includes a minimum of 2 year incarceration for someone convicted of theft of a single item or a small number of items of

¹ Consumer Sentinel Network Data Book – 2022, Federal Trade Commission, Washington, DC, February 2023.

mail for identity theft from an elderly person or vulnerable person, and longer minimum terms when the person convicted has stolen larger quantities of mail, perhaps evidence of an ongoing scheme.

Because we support bills like this one that help seniors stay in Maryland because they feel protected here, and provide solid reasons to not retire to other states, Maryland NARFE asks respectfully for the Committee to give a favorable report to SB 373. Thank you for the opportunity to testify today.

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