



HB946 Criminal Law - Theft - Mail and Packages (Porch Piracy Act of 2024)

February 20th, 2024

SUPPORT

Background: Prohibiting the theft of mail or packages from intended recipients.

Comments: As an increasing number of consumers add online commerce to their retail experience, loss prevention statutes need to be modernized to protect purchases delivered through this channel. We believe specific porch piracy statutes help accomplish that objective.

Customers rely on retailers and retail delivery partners to deliver packages on time, intact, and securely. When porch piracy prevents customers from having a good retail experience, it erodes customer trust.

We have heard from law enforcement that lack of clear and consistently applicable statutes under which to charge porch pirates is an obstacle in combating the problem. Law enforcement entities have specifically pointed to unclear and limited statutes under which to charge and prosecute porch pirates as a barrier to successful deterrence of porch piracy. As a result, package theft is often committed by repeat offenders, harming the consumer experience, undermining customer trust and costing the retailer.

At the federal level, under 18 U.S.C. § 1708, mail theft is committed by one who “steals, takes, or abstracts, ... from or out of any mail, post office, or station thereof, letter box, mail receptacle, or any mail route or other authorized depository for mail matter, or from a letter or mail carrier, any ... package ... or abstracts or removes from any such ... package ... any article or thing contained therein.” This law has been interpreted by the courts to apply only to mail carried by the United States Postal Service (USPS), rather than private carriers.

In crafting a state mail theft statute, it is helpful to consider holistic language that includes every day package delivery by all carries, not just postal items delivered by USPS. Thus, we urge a favorable report on this legislation.