

2025 SB0410 Testimony For 2025-02-05.pdf

Uploaded by: Alan Lang

Position: FAV

SB0410 – Favorable

Honorable Senators

I support:

- Altering the prohibition against taking and breaking open a letter;
- providing that a person may not knowingly and intentionally open mail addressed to another without permission of the person or an authorized designee;
- providing certain penalties for violations of the Act;
- prohibiting the theft of mail under certain circumstances;
- prohibiting a person from possessing an arrow key under certain circumstances; and
- providing for concurrent jurisdiction in the District Court and circuit court to try a violation of the Act.

Please enter a favorable report for SB0410.

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Legislative District 30B
February 5, 2025

SB0410 - MBA - FAV - GR25.pdf

Uploaded by: Evan Richards

Position: FAV



SB 410 – Criminal Law – Mail and Package Theft
Committee: Senate Judicial Proceedings Committee
Date: February 5, 2025
Position: Favorable

The Maryland Bankers Association (MBA) **SUPPORTS** SB 410. This legislation prohibits the theft of mail and prohibits possession of mail keys with intent to steal mail. Passing this legislation will provide additional tools to prosecute those who prevent Marylanders from receiving their mail, which can include items like financial statements and checks.

Criminals are continuing to target the U.S. mail to commit check fraud. When criminals steal a check, they can “wash” the check with chemicals to remove ink, allowing them to change the payee’s name and the dollar amount and cash the check with a depository institution. According to FinCEN’s Suspicious Activity Report (SAR) Statistics, nearly half a million SARs were filed in 2024 that mentioned either “check” or “mail” in the filing.

This sophisticated form of fraud is a serious issue, and Maryland banks continue to implement innovative solutions that counter check fraud, including deposit reviews, fraud detection tools, hold policies, and increased customer and employee education. In addition, the American Bankers Association has implemented a [*Practice Safe Checks*](#) campaign, highlighting how criminals use/alter checks and how customers can best protect their money if sending checks in the mail. This campaign is publicly available to anyone who wishes to utilize it.

SB 410 modernizes Maryland’s theft statute and arms prosecutors with additional tools to help protect Maryland residents. Accordingly, MBA urges the issuance of a **FAVORABLE** report on SB 410.

The Maryland Bankers Association (MBA) represents FDIC-insured community, regional, and national banks, employing thousands of Marylanders and holding more than \$194 billion in deposits in almost 1,200 branches across our State. The Maryland banking industry serves customers across the State and provides an array of financial services including residential mortgage lending, business banking, estates and trust services, consumer banking, and more.

SAR Stats Report

Year Month	Industry	Suspicious Activity	Count
2014	Depository Institution	Check	96,826
2014	Depository Institution	Mail	5,935
2014	Depository Institution	[Total]	102,761
2015	Depository Institution	Check	112,162
2015	Depository Institution	Mail	8,363
2015	Depository Institution	[Total]	120,525
2016	Depository Institution	Check	152,602
2016	Depository Institution	Mail	6,337
2016	Depository Institution	[Total]	158,939
2017	Depository Institution	Check	145,274
2017	Depository Institution	Mail	5,651
2017	Depository Institution	[Total]	150,925
2018	Depository Institution	Check	166,512
2018	Depository Institution	Mail	5,956
2018	Depository Institution	[Total]	172,468
2019	Depository Institution	Check	228,476
2019	Depository Institution	Mail	7,604

SAR Stats Report

Year Month	Industry	Suspicious Activity	Count
2019	Depository Institution	[Total]	236,080
2020	Depository Institution	Check	216,963
2020	Depository Institution	Mail	7,363
2020	Depository Institution	[Total]	224,326
2021	Depository Institution	Check	249,812
2021	Depository Institution	Mail	7,165
2021	Depository Institution	[Total]	256,977
2022	Depository Institution	Check	501,477
2022	Depository Institution	Mail	11,830
2022	Depository Institution	[Total]	513,307
2023	Depository Institution	Check	528,865
2023	Depository Institution	Mail	21,748
2023	Depository Institution	[Total]	550,613
2024	Depository Institution	Check	480,111
2024	Depository Institution	Mail	18,542
2024	Depository Institution	[Total]	498,653
All Years [Total]	Depository Institution	[Total]	2,985,574

SB 410 - MSAA Favorable.pdf

Uploaded by: Patrick Gilbert

Position: FAV



Maryland State's Attorneys' Association

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Rich Gibson
President

Steven I. Kroll
Coordinator

DATE: February 3, 2025

BILL NUMBER: SB 410

POSITION: Favorable

The Maryland State's Attorneys' Association (MSAA) supports Senate Bill 410 and urges this Committee to issue a favorable report.

Theft of mail can be a challenging problem to address within the framework of our existing statutory structure. While theft of high-value packages or letters can be fairly remedied by prosecution under the general theft statute, MD. CODE ANN., CRIM. LAW § 7-104, in many circumstances, the theft of a letter results in harm and disruption far in excess of the value of the letter itself. When mail is stolen, victims may lose important letters from loved ones, sensitive medical or financial information, utility bill reminders, or court summonses – the value of these letters is nominal, but the impact of their loss can be profound.

SB 410 creates a new provision within the Criminal Law Article specifically for theft of mail, in recognition of the unique challenges posed by this type of criminal conduct. By imposing modest, but reasonable, maximum penalties for stealing mail of another, for unlawfully opening mail, and for possessing an arrow key with unlawful intent, this bill both deters potential mail thieves and empowers prosecutors to seek justice for victims. Further, this bill does not limit courts in fashioning appropriate sentences – the final clause in the bill allows for criminal liability under the general theft statute as well, which will be important in cases involving the theft of a small number of very high-value packages.

Mail theft undermines trust in the postal system and leaves victims, unsure of what was taken, particularly vulnerable. Ensuring that this conduct is both deterred from occurring and, when it occurs, is appropriately addressed by the criminal legal system will protect the privacy and safety of Marylanders – MSAA urges this Committee to issue a favorable report.

Written Testimony - Steven Sultan.pdf

Uploaded by: Steven Sultan

Position: FAV



Statement of Steven Sultan Deputy Chief Counsel of the U.S. Postal Inspection Service

February 5, 2024

I am Steven Sultan, United States Postal Inspector, and Deputy Chief Counsel for the U.S. Postal Inspection Service. The Postal Inspection Service is the federal law enforcement and security arm of the United States Postal Service. Our agency works diligently to enforce criminal laws to protect the U.S. Postal Service ("USPS" or "Postal Service") employees, customers, and our nation's mailstream. I recognize that your constituents depend on the Postal Service for safe and reliable transmittal of mail, and I thank you for the opportunity to speak with you today.

Unfortunately, mail theft and robberies of USPS letter carriers have risen dramatically. Robberies of USPS letter carriers have traditionally occurred because the assailant sought to steal personal items from the carrier, such as cell phones, jewelry or cash. Over the past few years, however, we have seen a shift in criminal activity. Organized criminal groups have increasingly sought to rob USPS letter carriers for their postal keys, in order to steal U.S. Mail from receptacles and commit financial crimes. Postal keys, sometimes also called arrow keys, are keys that permit access to collection boxes, outdoor parcel lockers, cluster box units, and apartment panels in a given geographic area. The Postal Service and the Postal Inspection Service maintain accountability of postal keys to ensure they are not lost or stolen. However, this has led to robberies of carriers being a significant method criminals use to obtain keys.

Once in the hands of bad actors, criminals utilize the keys to steal large volumes of mail, which we call "volume attacks." Criminals have always sought immediate financial gain through the theft of cash and merchandise in the mail. Criminals have also sought to steal checks in order to "wash," or alter, the information on the check to fraudulently cash it. Often, these thefts were committed by people experiencing addiction issues for a for a quick payday and were relatively unsophisticated. However, the dark web and encrypted messaging apps have created forums that criminals exploit to sell stolen checks and personal identifying information to commit identity theft. This has shifted from the theft of mail being committed by lone actors and small informal groups to large, organized criminal elements. Stolen checks and personal identifying information are a new currency and are traded amongst criminals online with often devastating financial effects to victims.

To counter this trend, the Postal Service and the Postal Inspection Service launched the Project Safe Delivery initiative to prevent the theft of mail, to protect the mail and letter carriers, and to increase the enforcement of criminal laws. We are upgrading blue collection boxes with high security features, including electronic components. We are raising awareness through public education messaging and training our employees and law enforcement partners. And when robberies and mail theft do occur, postal inspectors enforce the laws that protect our employees and the nation's mail, collaborating with prosecutors and other law enforcement agencies at the federal, state, and local level.

The legislation before this committee would significantly enhance the ability of law enforcement to investigate robberies of letter carriers and the theft of mail in Maryland. For example, in the course of investigating a robbery, law enforcement will often catch a suspect in possession of the postal key taken from the carrier. Depending on the other evidence established, the suspect may or may not have been associated with the robbery. Unauthorized possession of a postal key is illegal federally, but under Maryland law these keys are not provided any special protection or status, even though they give criminals access to a vast amount of personal and financial information that may be contained in collection boxes, apartment panels, and other mail receptacles. This bill would fill this critical gap and give law enforcement the tools to charge those who we can only establish possessed the fruits of the robbery.

Additionally, the legislation before this committee seeks to update and modernize Maryland law to keep Marylanders' finances safe. In Maryland, basic theft charges lack the ability to effectively address the issue. Maryland grades theft by the value of the property, but mail containing PII is typically valueless for charging purposes. This bill recognizes that mail containing PII is extremely valuable to both victims and criminals and treats the theft of mail or possession of stolen mail as such.

The legislation proposed does not replace or usurp the federal laws on mail theft, financial crimes, and assault and robbery of federal employees. Rather, it is complimentary to existing federal law and the work being done in the federal court system. As discussed above, lone actors and informal criminal groups have largely been supplanted with sophisticated organized criminal elements. While federal charges may be appropriate for some members of the groups, state charges may be most appropriate for others. This law will give law enforcement and prosecutors the flexibility needed in many instances to seek justice, deterrence and rehabilitation. Further, as is the case with drug trafficking organizations, charging one member of the organization is often a way to build a case against a group's leadership. This bill would give federal law enforcement and prosecutors the ability to work together with Maryland law enforcement and prosecutors to investigate, disrupt and dismantle entire criminal organizations through a collaborative effort at the state and federal level.

Postal inspectors are proud to work diligently alongside local Maryland law enforcement and prosecutors to protect Maryland Postal Service employees and keep Maryland postal customers' mail safe, and this bill would enhance our ability to carry out this mission. Thank you.

2025 5 2 OPD Opposition to Mail Theft sb 410 (1).p

Uploaded by: Elizabeth Hilliard

Position: UNF



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Position on Proposed Legislation

BILL: SB 410 Criminal Law - Mail and Package Theft

FROM: Maryland Office of the Public Defender

POSITION: Unfavorable

DATE: February 5, 2025

The Maryland Office of the Public Defender respectfully requests that the Judiciary Committee issue unfavorable reports on Senate Bill 410. Our opposition is rooted in three facts:

- 1) Current Maryland law already criminalizes theft.¹ Indeed, Section 7-104 of the Criminal Law Section of the Maryland Code provides graduated penalties for thefts based upon the value of the goods or services stolen. The below chart illustrates how the application of Section 7-104 works in a typical theft case;
- 2) A felony conviction does not work to deter criminal behavior and instead ends up harming an individual's ability to access educational, employment, and housing opportunities in the future; and
- 3) The bill as written is overbroad and if it is meant to address solely the issue of arrow key reproduction it should be written as such.

First, the current theft penalties are numerous with graduated penalties:

Graduated Penalties Under MD Code, Criminal Law, § 7 – 104 (General Theft Provisions)			
Subsection	Value Lost	Misdemeanor/Felony	Statutory Max. Penalty
(g)(1)(i)	More than \$1,500 but less than or equal to	Felony	5 years imprisonment and/or a fine not

¹ Federal law criminalizes mail theft in 18 U.S.C. § 1708, which carries a fine and imprisonment of “not more than five years, or both.” *Id.*

	\$25,000		more than \$10,000 (plus restitution)
(g)(1)(ii)	More than \$25,000 but less than \$100,000	Felony	10 years imprisonment and/or a fine not more than \$15,000 (plus restitution)
(g)(1)(iii)	More than or equal to \$100,000	Felony	20 years imprisonment and/or a fine of not more than \$25, 000 (plus restitution)
(g)(2)(i)(1)	at least \$100 but less than \$1,500	Misdemeanor	upon first conviction, 6 months imprisonment and/or a fine of not more than \$500 (plus restitution)
(g)(2)(i)(2)	at least \$100 but less than \$1,500	Misdemeanor	upon second conviction, 1 year imprisonment and/or a fine of up to \$500 (plus restitution)
(g)(3)(i)	less than \$100	Misdemeanor	imprisonment up to 90 days and/or a fine of \$500 (plus restitution)

Senate Bill 410 seeks to make possession of 1-16 mail items procured by “theft” under CL 7-104 a misdemeanor subject to 6 months imprisonment, and to make 16 or more mail items procured by “theft” under CL 7-104 a **felony** subject to 2 years imprisonment. A person who possesses an arrow key due to “theft” under CL 7-104 or uses an arrow key to commit theft would be subject to a **felony** subject to 5 years imprisonment or 3 years imprisonment respectively. To put the unnecessary duplicativeness of such a policy into perspective, it bears noting that OPD currently defends thousands of theft-**over** \$100 but less than \$1,500 every year. The charts below illustrate the number of cases OPD defended for the indicated fiscal and calendar years:

THEFT \$100-1,500 Annual Breakdown

FY

Multiple selections

Year

Multiple selections

Fiscal Year

FY - # Matters with Charge - Theft \$100 - \$1,500				
Charge Description	sectionCode	section Name	sectionNumber	# Cases Per Client Adjusted*
THEFT \$100 TO UNDER \$1,500	CR 7-104	1 1137	3569	46,702
THEFT \$100 TO UNDER \$1,500	CR 7-104	1F1137	3572	300
Total				46,957

FY - # Matters with Charge - Theft \$100 - \$1,500							
sectionNumber	FY20	FY21	FY22	FY23	FY24	FY25	Total
3569	533	9,573	8,898	9,450	11,508	6,740	46,702
3572	11	83	40	53	76	37	300
Total	544	9,646	8,929	9,494	11,571	6,773	46,957

Calendar Year

CY - # Matters with Charge - Theft \$100 - \$1,500				
Charge Description	sectionCode	section Name	sectionNumber	# Cases Per Client Adjusted*
THEFT \$100 TO UNDER \$1,500	CR 7-104	1 1137	3569	46,602
THEFT \$100 TO UNDER \$1,500	CR 7-104	1F1137	3572	299
Total				46,856

CY - # Matters with Charge - Theft \$100 - \$1,500							
sectionNumber	2020	2021	2022	2023	2024	2025	Total
3569	5,481	8,992	9,065	10,177	12,581	306	46,602
3572	65	44	47	65	75	3	299
Total	5,541	9,026	9,105	10,231	12,644	309	46,856

*Adjusted to remove ineligible matters and matters where client retained private counsel

As illustrated in the charts above, OPD defends an average of 10,251.5 theft-over \$100, but less than \$1,500, charges per calendar year.² Maryland State prosecutors are already charging thousands of people with theft annually. Adding new theft crimes to the Code, will not solve the problem. Leading to the second fact that necessitates our opposition.

A felony conviction is not a deterrent and does not work to make Maryland, or our mail, any safer. Certainty and swiftness of a conviction are the primary ways that the criminalization of behavior works to deter that behavior. Research shows clearly that the chance of being caught is a vastly more effective deterrent than even draconian punishment.³ Thus, enforcement of existing statutes with celerity and certainty should be the focus, not further legislation.

Additionally, felonies are the highest level of crime. As such, people with felony convictions face increased challenges in gaining employment. Eighty-seven percent of employers conduct background checks. Most employers do not hire people with felony convictions and/or who have

² Please note the data for 2020 is not complete. OPD rolled out its eDefender case management system in May of that year and, unfortunately, the charge data did not migrate to our new system from Prolaw. The remainder of the data is valid through 1/10/25. We derived the average annual number from adding CY 2021 - 2024 data and dividing by 4 (i.e. $9,026 + 9,105 + 10,231 + 12,644 = 41,006 / 4 = 10,251.5$).

³ <https://nij.ojp.gov/topics/articles/five-things-about-deterrence>.

served time in prison. Sixty percent of incarcerated people remain unemployed one year after their release. This inability to gain employment desperately impacts a person's quality of life and ability to establish a livelihood without committing crime.

Similarly, without employment, a person re-entering society cannot provide him or herself housing if they have no income to pay for it. At the same time, people with felony convictions are unable to access public housing and housing voucher programs. Most, if not all, government housing disqualifies applicants with felony convictions. Furthermore, families that live in public housing or have housing through a government voucher, are often not allowed to have family members with felony convictions live with them. Additionally, most landlords often do background checks and do not rent to people with criminal backgrounds and specifically felony charges. This means that a person with a felony conviction not only faces significant barriers accessing housing but is most likely unable to access affordable housing because of their conviction. They could also be prohibited from reunifying with their families if their family lives in any form of public housing.

Additionally, people with felony convictions are excluded from participating in food supplement programs in Maryland. With the prices of food on the rise, limited income and no access to food supplement programs, the options for a convicted felon to survive and meet their basic needs without reoffending are little to none.

Finally, this bill seeks to cover a swath of mail-related behavior resulting in the aforementioned issue of duplicativeness. If the bill is meant to address theft and misuse of an arrow key alone, it should be drafted as such. **Notably, there are many bills that appear to attempt to address various versions on this issue this year:**

HB 64 Theft of Mail Packages and Victim Notification

HB 79 Criminal Law – Mailing of Fake, Fraudulent, or Altered Documents – Prohibition

HB 126 Criminal Law – Theft – Mail and Packages (Porch Piracy Act of 2025)

HB 135 Criminal Law – Theft – Mail and Packages (Porch Piracy Act of 2025)

HB 143 Criminal Law – Theft – Mail and Packages (Porch Piracy Act of 2025)

HB 177 Criminal Law – Theft and Opening of Mail Packages

HB 210 Criminal Law – Theft – Mail and Packages (Porch Piracy Act of 2025)

HB 269 Criminal Law – Petty Theft – Statute of Limitations

HB 280 Criminal Law – Theft – Mail and Packages (Porch Piracy Act of 2025)

HB 805 Criminal Law - Mail and Package Theft

If the aim is to improve enforcement, the focus should be on better legislation, not more.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue an unfavorable report on Senate Bill 410.

Submitted by: Maryland Office of the Public Defender, Government Relations Division.