



Maryland State's Attorneys' Association

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DATE: February 14, 2025

BILL NUMBER: HB 1073

POSITION: Unfavorable

The Maryland State's Attorneys' Association (MSAA) opposes House Bill 1073 and urges this Committee to issue an unfavorable report.

HB 1073 is one of a number of bills introduced this session that deal with the theft of mail. This bill criminalizes the theft of mail as a felony offense, and provides for a maximum sentence of five years in prison.

Although MSAA recognizes the disruptive effects of mail theft, and can appreciate that the harm caused by the theft of important mail is often greatly in excess of the value of the piece of mail itself, the maximum sentence proposed by HB 1073 may be, in different circumstances, unfairly excessive or unduly restrictive. Treating the theft of a letter or package as equivalent to the theft of property with a value of up to \$25,000, regardless of the actual value of the letter or package stolen, can lead to absurd results – because of the special status HB 1073 affords letters and packages, a perpetrator who steals a package containing, say, an inexpensive lawn decoration would be subject to felony criminal liability, while a perpetrator who commits the same offense after the decoration has been removed from the package and placed on the victim's lawn would not. In other cases, where an extremely high-value package was taken, prosecutors would be limited to the mail theft provisions established by this bill, and could not resort to the consolidated theft statute, MD. CODE ANN., CRIM. LAW § 7-104, which may provide a better accountability mechanism in such a situation.

MSAA applauds the General Assembly for taking up this important issue, but urges this Committee to consider alternative solutions, like those provided in House Bill 805, that afford more flexibility to courts and prosecutors to address the circumstances in each case individually.