



## Maryland State's Attorneys' Association

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**DATE:**                   **January 17, 2025**

**BILL NUMBER:**   **HB 280**

**POSITION:**           **Unfavorable**

The Maryland State's Attorneys' Association (MSAA) opposes House Bill 280 and urges this Committee to issue an unfavorable report.

HB 280 is one of a number of bills introduced this session – including HB 64, HB 126, HB 135, HB 143, HB 177, HB 210, and HB 291 – that deal with the theft of mail. This bill criminalizes the theft of mail as a felony offense and, although it does not provide a penalty for either a first or second violation, authorizes courts to impose a sentence between six months and three years for a third offense.

MSAA is concerned that the language of this bill – insofar as it does not provide a penalty for either a first or second violation of the statute – could be construed to preclude the imposition of a sentence for the theft of, say, a high-value package if a defendant were to be convicted both of theft in violation of MD. CODE ANN., CRIM. LAW § 7-104 as well as of the new mail theft law created by HB 280. As drafted, theft would arguably be a lesser included offense, which would merge into the mail theft conviction and restrict a court to the sentence provided by that statute. As there is no penalty provided for either a first or second violation of HB 280's mail theft provision, a court could be restricted to simply ordering restitution – given the facts, this result may fail to adequately account for the harm caused by the defendant's conduct. As a result, prosecutors would be unlikely to charge defendants with violating the law created by HB 280, electing instead to proceed only on the general theft charge.

While well-intentioned, HB 280 creates the possibility that perpetrators will escape accountability, and unless this loophole is closed by adding penalties for first and second offenses, MSAA is opposed to the bill.