

# SENATE BILL 373

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4lr1424  
CF HB 318

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By: **Senator Waldstreicher**

Introduced and read first time: January 17, 2024

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 27, 2024

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Criminal Law – Theft – Mail and ~~Mail Depository~~ Arrow Key**

3 FOR the purpose of altering the prohibition against taking and breaking a letter;  
4 prohibiting the theft of mail from a mail depository; prohibiting the theft of a device  
5 used to open a mail depository; prohibiting the theft of mail with intent to commit  
6 identity theft; prohibiting the theft of mail from an elderly or disabled person with  
7 intent to commit identity theft; and generally relating to theft of mail and mail  
8 depository keys under certain circumstances; prohibiting a person from possessing  
9 an arrow key under certain circumstances; and generally relating to theft of mail  
10 and arrow keys.

11 BY repealing and reenacting, with amendments,  
12 Article – Criminal Law  
13 Section ~~7-101~~ 3-905  
14 Annotated Code of Maryland  
15 (2021 Replacement Volume and 2023 Supplement)

16 ~~BY adding to~~  
17 ~~Article – Criminal Law~~  
18 ~~Section 7-106.1 through 7-106.3~~  
19 ~~Annotated Code of Maryland~~  
20 ~~(2021 Replacement Volume and 2023 Supplement)~~

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
22 That the Laws of Maryland read as follows:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



## Article – Criminal Law

~~7-101.~~

~~(a) In this part the following words have the meanings indicated.~~

~~(b) (1) “Deception” means knowingly to:~~

~~(i) create or confirm in another a false impression that the offender does not believe to be true;~~

~~(ii) fail to correct a false impression that the offender previously has created or confirmed;~~

~~(iii) prevent another from acquiring information pertinent to the disposition of the property involved;~~

~~(iv) sell or otherwise transfer or encumber property without disclosing a lien, adverse claim, or other legal impediment to the enjoyment of the property, regardless of whether the impediment is of value or a matter of official record;~~

~~(v) insert or deposit a slug in a vending machine;~~

~~(vi) remove or alter a label or price tag;~~

~~(vii) promise performance that the offender does not intend to perform or knows will not be performed; or~~

~~(viii) misrepresent the value of a motor vehicle offered for sale by tampering or interfering with its odometer, or by disconnecting, resetting, or altering its odometer with the intent to change the mileage indicated.~~

~~(2) “Deception” does not include puffing or false statements of immaterial facts and exaggerated representations that are unlikely to deceive an ordinary individual.~~

~~(c) “Deprive” means to withhold property of another:~~

~~(1) permanently;~~

~~(2) for a period that results in the appropriation of a part of the property’s value;~~

~~(3) with the purpose to restore it only on payment of a reward or other compensation; or~~

1 ~~(4) to dispose of the property or use or deal with the property in a manner~~  
2 ~~that makes it unlikely that the owner will recover it.~~

3 ~~(d) (1) "Exert control" includes to take, carry away, appropriate to a person's~~  
4 ~~own use or sell, convey, or transfer title to an interest in or possession of property.~~

5 ~~(2) "Exert control" does not include:~~

6 ~~(i) to trespass on the land of another; or~~

7 ~~(ii) to occupy the land of another without authorization.~~

8 ~~(e) (1) "Interactive computer service" means an information service, system,~~  
9 ~~or access software provider that provides or enables computer access by multiple users to~~  
10 ~~a computer server.~~

11 ~~(2) "Interactive computer service" includes a service or system that~~  
12 ~~provides access to the Internet.~~

13 ~~(f) "MAIL" MEANS:~~

14 ~~(1) MATERIAL PROCESSED OR INTENDED TO BE PROCESSED FOR~~  
15 ~~DISTRIBUTION BY A COMMON CARRIER OR DELIVERY SERVICE, INCLUDING A~~  
16 ~~LETTER, POSTAL CARD, PACKAGE, OR ANY OTHER SEALED ARTICLE; OR~~

17 ~~(2) MATERIAL LEFT TO BE COLLECTED FOR DELIVERY BY A COMMON~~  
18 ~~CARRIER OR DELIVERY SERVICE, INCLUDING A LETTER, POSTAL CARD, PACKAGE,~~  
19 ~~OR ANY OTHER SEALED ARTICLE.~~

20 ~~(g) "Motor vehicle" has the meaning stated in § 11-135 of the Transportation~~  
21 ~~Article.~~

22 ~~[(g)] (H) "Obtain" means:~~

23 ~~(1) in relation to property, to bring about a transfer of interest in or~~  
24 ~~possession of the property; and~~

25 ~~(2) in relation to a service, to secure the performance of the service.~~

26 ~~[(h)] (I) Except as otherwise expressly provided in this part, "owner" means a~~  
27 ~~person, other than the offender:~~

28 ~~(1) who has an interest in or possession of property regardless of whether~~  
29 ~~the person's interest or possession is unlawful; and~~

~~(2) without whose consent the offender has no authority to exert control over the property.~~

~~[(i)] (j) (1) "Property" means anything of value.~~

~~(2) "Property" includes:~~

~~(i) real estate;~~

~~(ii) money;~~

~~(iii) a commercial instrument;~~

~~(iv) an admission or transportation ticket;~~

~~(v) a written instrument representing or embodying rights concerning anything of value, or services, or anything otherwise of value to the owner;~~

~~(vi) a thing growing on or affixed to, or found on land, or part of or affixed to any building;~~

~~(vii) electricity, gas, and water;~~

~~(viii) a bird, animal, or fish that ordinarily is kept in a state of confinement;~~

~~(ix) food or drink;~~

~~(x) a sample, culture, microorganism, or specimen;~~

~~(xi) a record, recording, document, blueprint, drawing, map, or a whole or partial copy, description, photograph, prototype, or model of any of them;~~

~~(xii) an article, material, device, substance, or a whole or partial copy, description, photograph, prototype, or model of any of them that represents evidence of, reflects, or records a secret;~~

~~1. scientific, technical, merchandising, production, or management information; or~~

~~2. designed process, procedure, formula, invention, trade secret, or improvement;~~

~~(xiii) a financial instrument; and~~

~~(xiv) information, electronically produced data, and a computer software or program in a form readable by machine or individual.~~

1 ~~[(j)] (K)~~ “Property of another” means property in which a person other than the  
 2 offender has an interest that the offender does not have the authority to defeat or impair,  
 3 even though the offender also may have an interest in the property.

4 ~~[(k)] (L)~~ “Service” includes:

5 (1) ~~labor or professional service;~~

6 (2) ~~telecommunication, public utility, toll facility, or transportation service;~~

7 (3) ~~lodging, entertainment, or restaurant service; and~~

8 (4) ~~the use of computers, data processing, or other equipment.~~

9 ~~[(l)] (M)~~ “Slug” means an object that, because of its size, shape, or other quality,  
 10 can be deposited or inserted in a vending machine as an improper substitute for the  
 11 payment required to operate the vending machine.

12 ~~[(m)] (N)~~ (1) “Theft” means the conduct described in §§ 7-104 through 7-107  
 13 of this subtitle.

14 (2) ~~“Theft” includes motor vehicle theft, unless otherwise indicated.~~

15 ~~[(n)] (O)~~ “Vending machine” means a device designed to receive a specified  
 16 payment and in exchange automatically offer, provide, assist in providing, or allow a person  
 17 to acquire property or service.

18 ~~7-106.1.~~

19 ~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS~~  
 20 ~~INDICATED.~~

21 ~~(2) “ARROW KEY” MEANS AN INSTRUMENT THAT ALLOWS A MAIL~~  
 22 ~~CARRIER TO ACCESS A MAIL DEPOSITORY.~~

23 ~~(3) “MAIL DEPOSITORY” MEANS A MAILBOX, LETTER BOX, OR~~  
 24 ~~RECEPTACLE IN WHICH MAIL IS DEPOSITED OR STORED.~~

25 ~~(B) (1) (i) A PERSON MAY NOT KNOWINGLY OR WILLFULLY AND~~  
 26 ~~WITHOUT PERMISSION OF THE INTENDED RECIPIENT OF THE MAIL REMOVE MAIL~~  
 27 ~~FROM A MAIL DEPOSITORY WITH THE INTENT TO DEPRIVE THE INTENDED~~  
 28 ~~RECIPIENT OF THE MAIL.~~

1 ~~(H) A PERSON WHO VIOLATES THIS PARAGRAPH IS GUILTY OF A~~  
2 ~~MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT~~  
3 ~~EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$4,000 OR BOTH.~~

4 ~~(2) (I) A PERSON MAY NOT COMMIT A VIOLATION OF PARAGRAPH~~  
5 ~~(1)(I) OF THIS SUBSECTION INVOLVING MAIL FOR AT LEAST 10 INTENDED~~  
6 ~~RECIPIENTS BUT LESS THAN 30 INTENDED RECIPIENTS.~~

7 ~~(H) A PERSON WHO VIOLATES THIS PARAGRAPH IS GUILTY OF A~~  
8 ~~FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT LESS THAN~~  
9 ~~180 DAYS AND NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$10,000 OR~~  
10 ~~BOTH.~~

11 ~~(3) (I) A PERSON MAY NOT COMMIT A VIOLATION OF PARAGRAPH~~  
12 ~~(1)(I) OF THIS SUBSECTION INVOLVING MAIL FOR 30 OR MORE INTENDED~~  
13 ~~RECIPIENTS.~~

14 ~~(H) A PERSON WHO VIOLATES THIS PARAGRAPH IS GUILTY OF A~~  
15 ~~FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT LESS THAN 2~~  
16 ~~YEARS AND NOT EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.~~

17 ~~(C) (1) A PERSON MAY NOT WILLFULLY OR KNOWINGLY AND WITHOUT~~  
18 ~~THE PERMISSION OF THE OWNER OF THE ARROW KEY OR DEVICE OBTAIN AN ARROW~~  
19 ~~KEY OR OTHER DEVICE USED TO GAIN ACCESS TO A MAIL REPOSITORY.~~

20 ~~(2) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A~~  
21 ~~FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT LESS THAN 5~~  
22 ~~YEARS AND NOT EXCEEDING 99 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.~~

23 ~~(D) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A CONVICTION~~  
24 ~~UNDER THIS SECTION DOES NOT MERGE WITH A CONVICTION FOR ANY OTHER CRIME~~  
25 ~~BASED ON THE ACT ESTABLISHING A VIOLATION OF THIS SECTION.~~

26 ~~7-106.2.~~

27 ~~(A) IN THIS SECTION, "PERSONAL IDENTIFYING INFORMATION" HAS THE~~  
28 ~~MEANING STATED IN § 8-301 OF THIS ARTICLE.~~

29 ~~(B) (1) (I) A PERSON MAY NOT VIOLATE § 7-106.1(B)(1) OF THIS~~  
30 ~~SUBTITLE BY TAKING MAIL THAT CONTAINS AN ITEM OF PERSONAL IDENTIFYING~~  
31 ~~INFORMATION WITH THE INTENT TO FACILITATE A VIOLATION OF § 8-301 OF THIS~~  
32 ~~ARTICLE.~~

1 ~~(H) A PERSON WHO VIOLATES THIS PARAGRAPH IS GUILTY OF A~~  
2 ~~FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT LESS THAN 6~~  
3 ~~MONTHS AND NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$10,000 OR~~  
4 ~~BOTH.~~

5 ~~(2) (I) A PERSON MAY NOT COMMIT A VIOLATION OF PARAGRAPH~~  
6 ~~(1)(I) OF THIS SUBSECTION INVOLVING MAIL FOR AT LEAST 10 INTENDED~~  
7 ~~RECIPIENTS BUT LESS THAN 20 INTENDED RECIPIENTS.~~

8 ~~(H) A PERSON WHO VIOLATES THIS PARAGRAPH IS GUILTY OF A~~  
9 ~~FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT LESS THAN 2~~  
10 ~~YEARS AND NOT EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.~~

11 ~~(3) (I) A PERSON MAY NOT COMMIT A VIOLATION OF PARAGRAPH~~  
12 ~~(1)(I) OF THIS SUBSECTION INVOLVING MAIL FOR AT LEAST 20 INTENDED~~  
13 ~~RECIPIENTS BUT LESS THAN 50 INTENDED RECIPIENTS.~~

14 ~~(H) A PERSON WHO VIOLATES THIS PARAGRAPH IS GUILTY OF A~~  
15 ~~FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT LESS THAN 2~~  
16 ~~YEARS AND NOT EXCEEDING 20 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.~~

17 ~~(4) (I) A PERSON MAY NOT COMMIT A VIOLATION OF PARAGRAPH~~  
18 ~~(1)(I) OF THIS SUBSECTION INVOLVING MAIL FOR 50 OR MORE INTENDED~~  
19 ~~RECIPIENTS.~~

20 ~~(H) A PERSON WHO VIOLATES THIS PARAGRAPH IS GUILTY OF A~~  
21 ~~FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT LESS THAN 5~~  
22 ~~YEARS AND NOT EXCEEDING 99 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.~~

23 ~~(C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A CONVICTION~~  
24 ~~UNDER THIS SECTION DOES NOT MERGE WITH A CONVICTION FOR ANY OTHER CRIME~~  
25 ~~BASED ON THE ACT ESTABLISHING A VIOLATION OF THIS SECTION.~~

26 ~~7-106.3.~~

27 ~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS~~  
28 ~~INDICATED.~~

29 ~~(2) "ELDERLY PERSON" MEANS A PERSON WHO IS AT LEAST 65 YEARS~~  
30 ~~OLD.~~

31 ~~(3) "DISABLED PERSON" MEANS A PERSON WHO HAS:~~

~~(I) A DEVELOPMENTAL DISABILITY, AS DEFINED IN § 7-101(G) OF THE HEALTH GENERAL ARTICLE;~~

~~(II) AN INTELLECTUAL DISABILITY, AS DEFINED IN § 7-101(N) OF THE HEALTH GENERAL ARTICLE;~~

~~(III) A MENTAL DISORDER, AS DEFINED IN § 10-101(I) OF THE HEALTH GENERAL ARTICLE; OR~~

~~(IV) A PHYSICAL DISABILITY.~~

~~(B) (1) (I) A PERSON MAY NOT VIOLATE § 7-106.2 OF THIS SUBTITLE AGAINST AN INTENDED RECIPIENT OF MAIL WHEN THE PERSON KNOWS OR BELIEVES THAT THE INTENDED RECIPIENT IS AN ELDERLY PERSON OR A DISABLED PERSON.~~

~~(II) A PERSON WHO VIOLATES THIS PARAGRAPH IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT LESS THAN 2 YEARS AND NOT EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.~~

~~(2) (I) A PERSON MAY NOT COMMIT A VIOLATION OF PARAGRAPH (1)(I) OF THIS SUBSECTION INVOLVING MAIL FOR AT LEAST 10 INTENDED RECIPIENTS BUT LESS THAN 50 INTENDED RECIPIENTS.~~

~~(II) A PERSON WHO VIOLATES THIS PARAGRAPH IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT LESS THAN 2 YEARS AND NOT EXCEEDING 20 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.~~

~~(3) (I) A PERSON MAY NOT COMMIT A VIOLATION OF PARAGRAPH (1)(I) OF THIS SUBSECTION INVOLVING MAIL FOR AT LEAST 50 INTENDED RECIPIENTS.~~

~~(II) A PERSON WHO VIOLATES THIS PARAGRAPH IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT LESS THAN 5 YEARS AND NOT EXCEEDING 99 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.~~

~~(C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A CONVICTION UNDER THIS SECTION DOES NOT MERGE WITH A CONVICTION FOR ANY OTHER CRIME BASED ON THE ACT ESTABLISHING A VIOLATION OF THIS SECTION.~~

3-905.

(a) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

1           **(2) "ARROW KEY" MEANS AN INSTRUMENT THAT ALLOWS A MAIL**  
2 **CARRIER TO ACCESS A MAILBOX OR OTHER DEPOSITORY FOR STORING MAIL.**

3           **(3) (I) "MAIL" MEANS AN ITEM THAT HAS BEEN OR IS INTENDED TO**  
4 **BE DELIVERED BY USE OF A COMMON CARRIER OR DELIVERY SERVICE TO A PERSON**  
5 **WHOSE ADDRESS APPEARS ON THE ITEM.**

6           **(II) "MAIL" INCLUDES AN ADDRESSED LETTER, POSTAL CARD,**  
7 **OR PACKAGE.**

8           **(B) (1) A person may not [take and] INTENTIONALLY break open [a letter] AN**  
9 **ITEM OF MAIL that is not addressed to the person without permission from the person to**  
10 **whom the [letter] MAIL is addressed or the personal representative of the addressee's**  
11 **estate.**

12           **(2) A PERSON MAY NOT COMMIT AN ACT THAT WOULD CONSTITUTE A**  
13 **VIOLATION OF § 7-104 OF THIS ARTICLE INVOLVING THE THEFT OF 1 BUT LESS THAN**  
14 **16 ITEMS OF MAIL.**

15           **(3) A PERSON MAY NOT COMMIT AN ACT THAT WOULD CONSTITUTE A**  
16 **VIOLATION OF § 7-104 OF THIS ARTICLE INVOLVING THEFT OF 16 OR MORE ITEMS**  
17 **OF MAIL.**

18           **(4) A PERSON MAY NOT COMMIT AN ACT THAT WOULD CONSTITUTE A**  
19 **VIOLATION OF § 7-104 OF THIS ARTICLE INVOLVING THEFT OF 1 OR MORE ITEMS OF**  
20 **MAIL USING AN ARROW KEY.**

21           **(C) A PERSON MAY NOT POSSESS AN ARROW KEY WITH THE INTENT TO USE**  
22 **OR ALLOW THE USE OF THE ARROW KEY IN THE COMMISSION OF A VIOLATION OF**  
23 **THIS SECTION.**

24           **[(b)] (D) (1) A person who violates SUBSECTION (B)(1) OF this section is**  
25 **guilty of a misdemeanor and on conviction is subject to imprisonment for 6 days and a fine**  
26 **of \$15.**

27           **(2) A PERSON WHO VIOLATES SUBSECTION (B)(2) OF THIS SECTION IS**  
28 **GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT**  
29 **NOT EXCEEDING 6 MONTHS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.**

30           **(3) A PERSON WHO VIOLATES SUBSECTION (B)(3) OF THIS SECTION IS**  
31 **GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT**  
32 **EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$2,000 OR BOTH.**

1           **(4) A PERSON WHO VIOLATES SUBSECTION (B)(4) OF THIS SECTION IS**  
2 **GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT**  
3 **EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.**

4           **(5) A PERSON WHO VIOLATES SUBSECTION (C) OF THIS SECTION IS**  
5 **GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT**  
6 **EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$3,000 OR BOTH.**

7           **(E) A SENTENCE IMPOSED UNDER THIS SECTION MAY BE SEPARATE FROM**  
8 **AND CONSECUTIVE TO OR CONCURRENT WITH A SENTENCE FOR ANY OTHER CRIME**  
9 **BASED ON THE ACTS ESTABLISHING A VIOLATION OF THIS SECTION.**

10           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11           October 1, 2024.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.