
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 696 Session of
2023

INTRODUCED BY MARCELL, TOMLINSON, CIRESI, GILLEN, JAMES,
B. MILLER, NEILSON AND ROWE, MARCH 24, 2023

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 24, 2023

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in theft and related offenses,
3 providing for the offense of theft of mail.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 18 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 3936. Theft of mail.

9 (a) Movable property.--A person is guilty of the offense of
10 theft of mail if the person unlawfully takes, or exercises
11 unlawful control over, mail of another person with intent to
12 deprive the other person of mail.

13 (b) Receiving stolen mail.--A person is guilty of the
14 offense of theft of mail if the person intentionally receives,
15 retains or disposes of mail of another person knowing the mail
16 has been stolen, or believing that the mail has probably been
17 stolen, unless the mail is received, retained or disposed with
18 the intent to restore the mail to the other person.

1 (c) Grading.--

2 (1) An offense under this section constitutes the
3 following:

4 (i) A misdemeanor of the third degree if the
5 contents of the mail has a value of less than \$50.

6 (ii) A misdemeanor of the second degree if the
7 contents of the mail has a value of less than \$50 and the
8 offense is a second offense.

9 (iii) A misdemeanor of the first degree if the
10 contents of the mail has a value of \$50 or more and the
11 offense is a first or second offense.

12 (iv) A felony of the third degree if the offense is
13 a third or subsequent offense, regardless of the value of
14 the contents of the mail.

15 (v) A felony of the third degree if the contents of
16 the mail has a value of more than \$1,000.

17 (vi) A felony of the second degree if the contents
18 of the mail contain a firearm.

19 (2) The value of the contents of mail involved in an
20 offense under this section during a scheme or course of
21 conduct, whether from the same residence or establishment or
22 multiple residences or establishments, may be aggregated in
23 determining the grade of the offense under paragraph (1).

24 (d) Calculation of prior offenses.--For the purposes of this
25 section, in determining whether an offense is a first, second,
26 third or subsequent offense, the court shall include a
27 conviction, acceptance of Accelerated Rehabilitative Disposition
28 or other form of preliminary disposition, occurring before the
29 sentencing on the present violation, for an offense under this
30 section, an offense substantially similar to an offense under

1 this section or under the prior laws of this Commonwealth or a
2 similar offense under the statutes of any other state or of the
3 United States.

4 (e) Definitions.--As used in this section, the following
5 words and phrases shall have the meanings given to them in this
6 subsection unless the context clearly indicates otherwise:

7 "Mail." A letter, package, bag, mail or item of value sent
8 or delivered through a private or commercial interstate carrier,
9 including, but not limited to, the United States Postal Service,
10 FedEx Corporation and United Parcel Service.

11 "Receive." To acquire possession of, control of or title to
12 or lend on the security of property.

13 Section 2. This act shall take effect in 60 days.