

MAIL THEFT AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Walt Brooks

Senate Sponsor: Don L. Ipson

LONG TITLE

General Description:

This bill modifies provisions related to mail theft.

Highlighted Provisions:

This bill:

- ▶ defines terms; and
- ▶ modifies the crime of mail theft.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-6-1001, as enacted by Laws of Utah 1998, Chapter 87

76-6-1003, as last amended by Laws of Utah 2004, Chapter 340

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **76-6-1001** is amended to read:

76-6-1001. Definitions.

As used in this part:

(1) "Common mail carrier" means a person engaged in or transacting the business of collecting, transporting, or delivering mail, other than the United States Postal Service.

[(+)] (2) "Key" means any instrument used by the postal service and postal customer,

30 and which is designed to operate the lock on a mail receptacle.

31 ~~[(2)]~~ (3) "Mail" means any letter, card, parcel, or other material, along with its
32 contents, that:

- 33 (a) has postage affixed by the postal customer or postal service;
- 34 (b) has been accepted for delivery by the postal service;
- 35 (c) the postal customer leaves for collection by the postal service; or
- 36 (d) the postal service delivers to the postal customer.

37 ~~[(3)]~~ (4) "Mail receptacle" means a mail box, post office box, rural box, or any place or
38 area intended or used by postal customers or ~~[the]~~ a postal service for the collection or delivery
39 of mail.

40 (5) "Personal identifying information" means the same as that term is defined in
41 Section 76-6-1102.

42 ~~[(4)]~~ (6) "Postage" means a postal service stamp, permit imprint, meter strip, or other
43 indication of either prepayment for postal service provided or authorization by the postal
44 service for collection and delivery of mail.

45 ~~[(5)]~~ (7) "Postal service" means the United States Postal Service and any ~~[motor carrier~~
46 ~~engaged in the business of collecting, transporting, and delivering mail]~~ common mail carrier.

47 Section 2. Section **76-6-1003** is amended to read:

48 **76-6-1003. Mail theft -- Penalties.**

49 (1) A person commits the crime of mail theft if the person:

- 50 (a) knowingly, and with the intent to deprive another:
 - 51 (i) takes, destroys, hides, or embezzles mail; or
 - 52 (ii) obtains any mail by fraud or deception; or
- 53 (b) buys, receives, conceals, or possesses mail and knows or reasonably should have
54 known that the mail was unlawfully taken or obtained.

55 (2) Mail theft is [a]:

56 ~~[(a) felony of the second degree if the value of the mail is or exceeds \$5,000;]~~

57 ~~[(b) felony of the third degree if the value of the mail is or exceeds \$1,000, but is less~~

58 ~~than \$5,000 in value; and]~~

59 ~~[(c) class A misdemeanor if the value of the mail is less than \$1,000 in value or the~~
60 ~~value cannot be ascertained.]~~

61 (a) a third degree felony;

62 (b) a class A misdemeanor, if the mail has no monetary value and does not include the
63 name of an individual; or

64 (c) a second degree felony, if the mail contains the personal identifying information of
65 10 or more individuals.