

Representative Brent H. Goodfellow proposes to substitute the following bill:

MAIL BOX DAMAGE AND MAIL THEFT

1998 GENERAL SESSION

STATE OF UTAH

Sponsor: Brent H. Goodfellow

AN ACT RELATING TO THE CRIMINAL CODE; CREATING THE OFFENSES OF
DAMAGE TO A MAIL RECEPTACLE AND THEFT OF MAIL; AND PROVIDING
PENALTIES.

This act affects sections of Utah Code Annotated 1953 as follows:

ENACTS:

76-6-1001, Utah Code Annotated 1953

76-6-1002, Utah Code Annotated 1953

76-6-1003, Utah Code Annotated 1953

76-6-1004, Utah Code Annotated 1953

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

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

Part 10. Mail Box Damage and Mail Theft

76-6-1001. Definitions.

As used in this part:

(1) "Key" means any instrument used by the postal service and postal customer, and which is designed to operate the lock on a mail receptacle.

(2) "Mail" means any letter, card, parcel, or other material, along with its contents, that:

(a) has postage affixed by the postal customer or postal service;

(b) has been accepted for delivery by the postal service;

(c) the postal customer leaves for collection by the postal service; or

(d) the postal service delivers to the postal customer.

1 (3) "Mail receptacle" means a mail box, post office box, rural box, or any place intended
2 or used by postal customers or the postal service for the collection or delivery of mail.

3 (4) "Postage" means a postal service stamp, permit imprint, meter strip, or other indication
4 of either prepayment for postal service provided or authorization by the postal service for
5 collection and delivery of mail.

6 (5) "Postal service" means the United States Postal Service and any motor carrier engaged
7 in the business of collecting, transporting, and delivering mail.

8 Section 2. Section **76-6-1002** is enacted to read:

9 **76-6-1002. Damage to mail receptacle -- Penalties.**

10 (1) A person commits the crime of damage to a mail receptacle if the person knowingly
11 damages the condition of a mail receptacle, including:

12 (a) taking, concealing, damaging, or destroying a key; or

13 (b) breaking open, tearing down, taking, damaging, or destroying a mail receptacle.

14 (2) (a) In determining the degree of an offense committed under Subsection (1), the
15 penalty levels in Subsection 76-6-106(2)(c) apply.

16 (b) If the act committed amounts to an offense subject to a greater penalty, this subsection
17 does not prohibit prosecution and sentencing for the more serious offense.

18 Section 3. Section **76-6-1003** is enacted to read:

19 **76-6-1003. Mail theft -- Penalties.**

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

21 (a) knowingly, and with the intent to deprive another:

22 (i) takes, destroys, hides, or embezzles mail; or

23 (ii) obtains any mail by fraud or deception; or

24 (b) buys, receives, conceals, or possesses mail and knows or reasonably should have
25 known that the mail was unlawfully taken or obtained.

26 (2) Mail theft is a:

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

28 (b) felony of the third degree if the value of the mail is or exceeds \$1,000, but is less than
29 \$5,000 in value;

30 (c) class A misdemeanor if the value of the mail is or exceeds \$300, but is less than \$1,000
31 in value; and

1 (d) class B misdemeanor if the value of the mail is less than \$300 in value or the value
2 cannot be ascertained.

3 Section 4. Section **76-6-1004** is enacted to read:

4 **76-6-1004. Presumptions and defenses.**

5 (1) The presumptions and defenses regarding the theft of property in Section 76-6-402
6 apply to this part, in addition to the provisions of this section.

7 (2) It is a defense to a charge of mail theft that:

8 (a) the defendant was unaware that the mail belonged to another person;

9 (b) the defendant reasonably believed he was entitled to the mail or had a right to acquire
10 or dispose of the mail as he did; or

11 (c) the mail belonged to the defendant's spouse, unless the parties were either legally
12 separated or living in separate residences at the time of the alleged mail theft.