

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.

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

(4) "Postage" means a postal service stamp, permit imprint, meter strip, or other indication of either prepayment for postal service provided or authorization by the postal service for

collection and delivery of mail.

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

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

76-6-1002. Damage to mail receptacle -- Penalties -- Greater offenses.

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

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

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

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

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

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

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

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

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

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

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

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

(2) Mail theft is a:

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

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

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

(d) class B misdemeanor if the value of the mail is less than \$300 in value or the value

cannot be ascertained.

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

76-6-1004. Presumptions and defenses.

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

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

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

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

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