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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.

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

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

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

7 **76-6-1002. Damage to mail receptacle.**

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

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

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

12 (2) (a) Damage to a mail receptacle is a class B misdemeanor unless the damage
13 constitutes a class A or greater offense against the property of another under this title.

14 (b) Damage to each mail receptacle is a separate offense under this section.

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

16 **76-6-1003. Mail theft.**

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

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

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

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

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

23 (2) Mail theft is a:

24 (a) felony of the second degree if the mail theft causes pecuniary loss equal to or in excess
25 of \$5,000 in value;

26 (b) felony of the third degree if the mail theft causes pecuniary loss equal to or in excess
27 of \$1,000 but is less than \$5,000 in value;

28 (c) class A misdemeanor if the mail theft causes pecuniary loss equal to or in excess of
29 \$300 but is less than \$1,000 in value; and

30 (d) class B misdemeanor if the mail theft causes pecuniary loss less than \$300 in value or
31 the value cannot be ascertained.

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

2 **76-6-1004. Presumptions and defenses.**

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

5 (2) There is probable cause to believe a person has committed mail theft if the person
6 possesses or controls mail addressed to two or more third parties, and each party has a different
7 address.

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

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

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

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

Legislative Review Note

as of 1-6-98 2:40 PM

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel