

BILL ANALYSIS

Senate Research Center

H.B. 37
By: Minjarez et al. (Perry)
Criminal Justice
5/16/2019
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 37 amends current law relating to the creation of the criminal offense of mail theft.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 31, Penal Code, by adding Section 31.20, as follows:

Sec. 31.20. MAIL THEFT. (a) Defines "disabled individual," "elderly individual," "identifying information," and "mail" for purposes of this section.

(b) Provides that a person commits an offense if the person intentionally appropriates mail from another person's mailbox or premises without the effective consent of the addressee and with the intent to deprive that addressee of the mail.

(c) Provides that, except as provided by Subsections (d) and (e), an offense under this section is a Class A misdemeanor if the mail is appropriated from fewer than 10 addressees, a state jail felony if the mail is appropriated from at least 10 but fewer than 30 addressees, or a felony of the third degree if the mail is appropriated from 30 or more addressees.

(d) Provides that if it is shown on the trial of an offense under this section that the appropriated mail contained an item of identifying information and the actor committed the offense with the intent to facilitate an offense under Section 32.51 (Fraudulent Use or Possession of Identifying Information), an offense under this section is:

(1) a state jail felony if the mail is appropriated from fewer than 10 addressees;

(2) a felony of the third degree if the mail is appropriated from at least 10 but fewer than 20 addressees;

(3) a felony of the second degree if the mail is appropriated from at least 20 but fewer than 50 addressees; or

(4) a felony of the first degree if the mail is appropriated from 50 or more addressees.

(e) Provides that an offense described for purposes of punishment by Subsection (d)(1), (2), or (3) is increased to the next higher category of offense if it is shown on the trial of the offense that at the time of the offense the actor knew or had reason to believe that an addressee from whom the actor appropriated mail was a disabled individual or an elderly individual.

(f) Authorizes an actor, if conduct that constitutes an offense under this section also constitutes an offense under another law, to be prosecuted under this section, the other law, or both.

SECTION 2. Effective date: September 1, 2019.