

BILL ANALYSIS

C.S.H.B. 37
By: Minjarez
Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Concerns have been raised about potential limitations facing law enforcement agencies as they pursue criminals who have stolen mail. It has been suggested that the referral of such mail theft for federal prosecution hampers the ability of these agencies to seek justice for an offense that has ramifications extending far beyond the theft of property, considering the potential contents of the mail. C.S.H.B. 37 seeks to address this issue by creating the offense of mail theft.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 37 amends the Penal Code to create the offense of mail theft for a person who appropriates mail without the effective consent of the applicable addressee and with the intent to deprive that addressee of the mail. The bill establishes penalties for the offense ranging from a Class A misdemeanor to a third degree felony depending on the number of addressees from which the mail is appropriated. The bill provides penalty enhancements for the offense ranging from a state jail felony to a first degree felony for such conduct if:

- the appropriated mail contained an item of identifying information and the actor committed the offense with the intent to facilitate an offense for the fraudulent use or possession of identifying information, or
- the actor knew or had reason to believe at the time of the offense that an addressee from whom the actor appropriated mail was a disabled individual or an elderly individual.

If conduct that constitutes an offense under the bill's provisions also constitutes an offense under another law, the actor may be prosecuted under the bill's provisions, the other law, or both. The bill defines "mail" and provides for the definition of other terms by reference.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 37 may differ from the original in minor or nonsubstantive ways, the following

summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute revises the conduct constituting the offense of mail theft and the penalty range established for the offense. The substitute includes penalty enhancements for the offense based on the mail containing certain identifying information and on the victim being a disabled or elderly individual.

The substitute includes a provision establishing that, if conduct that constitutes an offense under the bill's provisions also constitutes an offense under another law, the actor may be prosecuted under the bill's provisions, the other law, or both.

The substitute includes definitions for "disabled individual," "elderly individual," and "identifying information."