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H.B. No. 37

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the criminal offense of mail theft.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 31, Penal Code, is amended by adding
Section 31.20 to read as follows:

Sec. 31.20. MAIL THEFT. (a) In this section:

(1) "Disabled individual" and "elderly individual"
have the meanings assigned by Section 22.04.

(2) "Identifying information" has the meaning
assigned by Section 32.51.

(3) "Mail" means a letter, postal card, package, bag,
or other sealed article that:

(A) is delivered by a common carrier or delivery
service and not yet received by the addressee; or

(B) has been left to be collected for delivery by
a common carrier or delivery service.

(b) 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) Except as provided by Subsections (d) and (e), an
offense under this section is:

(1) a Class A misdemeanor if the mail is appropriated
from fewer than 10 addressees;

1 (2) a state jail felony if the mail is appropriated
2 from at least 10 but fewer than 30 addressees; or

3 (3) a felony of the third degree if the mail is
4 appropriated from 30 or more addressees.

5 (d) If it is shown on the trial of an offense under this
6 section that the appropriated mail contained an item of identifying
7 information and the actor committed the offense with the intent to
8 facilitate an offense under Section 32.51, an offense under this
9 section is:

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

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

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

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

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

24 (f) If conduct that constitutes an offense under this
25 section also constitutes an offense under another law, the actor
26 may be prosecuted under this section, the other law, or both.

27 SECTION 2. This Act takes effect September 1, 2019.