

By: Minjarez, Larson, Zedler, Pacheco,  
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H.B. No. 37

Substitute the following for H.B. No. 37:

By: Collier

C.S.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 is delivered by common carrier or a  
delivery service and not yet received by the addressee.

(b) A person commits an offense if the person appropriates  
mail 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;

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

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

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

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

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

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

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

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

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

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