

BILL ANALYSIS

H.B. 1572
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Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

During the 86th Regular Session, the Texas Legislature enacted H.B. 37 to create the criminal offense of mail theft. The bill author has informed the committee that mail theft remains a serious issue, as it can be used by individuals and organized criminal groups to carry out financial fraud, identity theft, and other illegal activities. The bill author has also informed the committee that workers delivering mail often face risks of harassment, assault, and other threats while on the job. H.B. 1572 seeks to build off of the progress of H.B. 37 by enhancing the punishment for assault of a mail carrier or delivery service worker and establishing the legal presumption that an individual has committed mail theft if the individual is found in possession of mail belonging to five or more different persons, not including the individual themselves.

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

H.B. 1572 amends the Penal Code to enhance the penalty for the following offenses if the offense is committed against a person the actor knows is an employee or contractor of a common carrier or delivery service while the person is performing a duty relating to the delivery of mail:

- for assault in which the actor intentionally, knowingly, or recklessly causes bodily injury to the person, including the person's spouse, from a Class A misdemeanor to a third degree felony; and
- for aggravated assault, from a second degree felony to a first degree felony.

The bill establishes that, for purposes of the enhancement, an actor is presumed to have known the person assaulted was an employee or contractor of a common carrier or delivery service if the person was wearing a distinctive uniform or badge indicating that status.

H.B. 1572 establishes a presumption that, for purposes of the application of the offense of mail theft, an actor in possession of mail that in the aggregate is addressed to at least five persons other than the actor has engaged in mail theft unless the actor possesses the mail in the course of the person's duties as an employee or contractor of a common carrier or delivery service. The bill increases the penalty for mail theft as follows:

- from a Class A misdemeanor to a state jail felony for theft of mail that is appropriated from fewer than 10 addresses;

- from a state jail felony to a third degree felony for theft of mail that is appropriated from at least 10 but fewer than 30 addresses; and
- from a third degree felony to a second degree felony for theft of mail that is appropriated from 30 or more addresses.

The bill increases from a state jail felony to a third degree felony the penalty enhancement for theft of mail that contains identifying information, is appropriated from fewer than 10 addresses, and is committed with the intent to facilitate fraudulent use or possession of that information.

H.B. 1572 applies only to an offense committed on or after the bill's effective date. An offense committed before the bill's effective date is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For these purposes, an offense was committed before the bill's effective date if any element of the offense occurred before that date.

EFFECTIVE DATE

September 1, 2025.