

BILL ANALYSIS

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S.B. 1281
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Mail theft has become a pervasive and costly crime in Texas, affecting individuals, businesses, and financial institutions alike. While current state law criminalizes the theft of mail, it does not adequately address the growing problem of stolen negotiable instruments, such as checks, money orders, and bearer bonds, which are frequently altered, counterfeited, and fraudulently cashed. Criminals exploit gaps in the law to steal financial documents from mailboxes, leading to identity theft, financial losses, and significant disruptions for victims.

Additionally, organized mail theft rings increasingly target mail receptacle keys and locks to facilitate large-scale theft operations. Stolen postal keys grant criminals unrestricted access to cluster mailboxes and multi-unit residences, allowing them to intercept sensitive personal and financial information. Despite the severity of these offenses, Texas law lacks a specific statute to criminalize the theft of mail receptacle keys or locks, making prosecution and deterrence more difficult.

Expanding the mail theft statute to include negotiable instruments and creating a specific offense for stealing mail receptacle keys or locks will strengthen protections for Texans against financial crimes and identity fraud. These reforms will provide law enforcement with the necessary tools to combat mail-related offenses and ensure that perpetrators are held accountable.

As proposed, S.B. 1281 amends current law relating to certain theft offenses involving mail or a mail receptacle key or lock; creates a criminal offense; and increases a criminal penalty.

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 Section 31.20(a), Penal Code, by adding Subdivision (4) to define "negotiable instrument."

SECTION 2. Amends Section 31.20, Penal Code, by amending Subsections (b) and (d) and adding Subsections (d-1) and (e-1), as follows:

(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 or steal a negotiable instrument. Makes nonsubstantive changes.

(d) Provides that, if it is shown on the trial of an offense under Subsection (b)(1) (relating to the offense of intentionally appropriating mail without consent and with the intent to deprive the addressee of the mail), rather than under Section 31.20 (Mail Theft), 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), the offense is designated as certain offenses under certain circumstances. Makes nonsubstantive changes to this subsection.

(d-1) Provides that, if it is shown on the trial of an offense under Subsection (b)(2) (relating to the offense of intentionally appropriating mail without consent and with the intent to steal a negotiable instrument) that the appropriated mail contained a negotiable instrument and the actor committed the offense with the intent to facilitate an offense under Chapter 32 (Fraud), the offense is:

- (1) a state jail felony if five or fewer negotiable instruments are appropriated;
- (2) a felony of the third degree if more than 5 but fewer than 10 negotiable instruments are appropriated;
- (3) a felony of the second degree if at least 10 but fewer than 50 negotiable instruments are appropriated; or
- (4) a felony of the first degree if 50 or more negotiable instruments are appropriated.

(e-1) Provides that an offense described for purposes of punishment by Subsection (d-1)(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 a negotiable instrument was a disabled individual or an elderly individual.

SECTION 3. Amends Chapter 31, Penal Code, by adding Section 31.201, as follows:

Sec. 31.201. THEFT OF MAIL RECEPTACLE KEY OR LOCK. (a) Defines "mail" and "postal service."

(b) Provides that a person commits an offense if the person steals a key or lock adopted by a postal service for any box or other authorized receptacle for the deposit or delivery of mail and:

- (1) knowingly makes, forges, or counterfeits the key or lock;
- (2) possesses the key or lock with the intent to unlawfully or improperly use, sell, or otherwise dispose of the key or lock; or
- (3) causes the key or lock to be unlawfully or improperly used, sold, or otherwise disposed of.

(c) Provides that an offense under this section is a felony of the first degree.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2025.