

## **BILL ANALYSIS**

Senate Research Center  
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C.S.S.B. 1281  
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Committee Report (Substituted)

### **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.

S.B. 1281 amends Chapter 31 of the Texas Penal Code to:

- Expand the definition of mail theft to explicitly include the theft of negotiable instruments, recognizing the financial harm inflicted on victims when checks, money orders, and other financial documents are stolen.
- Establish a new offense for the theft of a mail receptacle key or lock, ensuring that criminals who compromise secure mail delivery systems face appropriate legal consequences.
- Enhance penalties for offenses committed as part of an organized scheme, addressing the role of mail theft in broader financial and identity fraud operations.

Committee Substitute:

C.S.S.B. 1281 makes some minor changes for clarity.

The definition of "mail" is expanded to include parcels that are in transit. Current Texas law does not include mail that is in the process of being delivered by a carrier service, meaning that if the individual stealing the mail is a postal or carrier worker, they cannot currently be charged under this statute. C.S.S.B. 1281 cleans this up.

S.B. 1281 Section 31.201(b) currently requires that the person who commits the offense must be the person who stole the key or lock. This does not account for those who may be in possession of the key legally but are illegally copying the key or intending to use it for nefarious purposes (e.g., a postal worker who copies the key to later steal the mail). C.S.S.B. 1281 clarifies this by separating the theft of the key from the other elements.

C.S.S.B. 1281 states that the first offense under Section 31.201 is a third degree felony, while all subsequent offenses are second degree. This change was made at the advisement of law enforcement.

C.S.S.B. 1281 amends current law relating to certain criminal 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 amending Subdivision (3) and adding Subdivision (4) to redefine "mail" and 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, rather than 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.

(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 Subchapter D, Chapter 32, Penal Code, by adding Section 32.56, as follows:

Sec. 32.56. UNLAWFUL CONDUCT INVOLVING MAIL RECEPTACLE KEY OR LOCK. (a) Defines "mail" and "postal service."

(b) Provides that a person commits an offense if, with the intent to harm or defraud another or to deprive another of that person's property, the person obtains, possesses, duplicates, transfers, or uses a key or lock adopted by a postal service for any box or other authorized receptacle for the deposit or delivery of mail.

(c) Provides that an offense under this section is a felony of the third degree, except that the offense is a felony of the second degree if it is shown on the trial of the offense that the actor has been previously convicted of an offense under this section.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2025.