

By: Parker, et al.
(Alders)

S.B. No. 1281

Substitute the following for S.B. No. 1281:

By: Smithee

C.S.S.B. No. 1281

A BILL TO BE ENTITLED

AN ACT

relating to certain criminal offenses involving mail or a mail receptacle key or lock; creating a criminal offense; increasing a criminal penalty.

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

SECTION 1. Section 31.20(a), Penal Code, is amended by amending Subdivision (3) and adding Subdivision (4) to read as follows:

(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:

(i) is in transit; or

(ii) has been delivered but not yet received by the addressee; or

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

(4) "Negotiable instrument" has the meaning assigned by Section 3.104, Business & Commerce Code.

SECTION 2. Section 31.20, Penal Code, is amended by amending Subsections (b) and (d) and adding Subsections (b-1), (b-2), (b-3), (d-1), and (e-1) to read as follows:

(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:

(1) deprive that addressee of the mail; or

(2) steal a negotiable instrument.

(b-1) If an actor possesses mail from five or more addressees, there is a rebuttable presumption that actor appropriated the mail without the effective consent of the applicable addressee and with the intent to deprive the addressee of the mail.

(b-2) If an actor possesses mail containing a combined total of five or more negotiable instruments, there is a rebuttable presumption that the actor:

(1) appropriated the mail without the effective consent of the applicable addressee and with the intent to steal the negotiable instruments; and

(2) committed the offense under this section with the intent to facilitate an offense under Chapter 32.

(b-3) The presumptions established under Subsections (b-1) and (b-2) do not apply to a business or other commercial entity or governmental agency that is engaged in a business activity or governmental function that does not violate a penal law of this state.

(d) If it is shown on the trial of an offense under Subsection (b)(1) ~~[this section]~~ 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, the ~~[an]~~ offense ~~[under this section]~~ is:

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

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

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

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

(d-1) If it is shown on the trial of an offense under Subsection (b)(2) that the appropriated mail contained a negotiable instrument and the actor committed the offense with the intent to facilitate an offense under Chapter 32, 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) 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. Subchapter D, Chapter 32, Penal Code, is amended

by adding Section 32.56 to read as follows:

Sec. 32.56. UNLAWFUL CONDUCT INVOLVING MAIL RECEPTACLE KEY OR LOCK. (a) In this section:

(1) "Mail" has the meaning assigned by Section 31.20.

(2) "Postal service" means:

(A) the United States Postal Service or a contractor of the United States Postal Service; or

(B) any commercial courier that delivers mail.

(b) 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) 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. The changes in law made by this Act apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act 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 purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 5. This Act takes effect September 1, 2025.