

By: Parker

S.B. No. 1281

A BILL TO BE ENTITLED

AN ACT

relating to certain theft 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 adding Subdivision (4) to read as follows:

(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 (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.

(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;

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

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

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

7 (d-1) If it is shown on the trial of an offense under  
8 Subsection (b)(2) that the appropriated mail contained a negotiable  
9 instrument and the actor committed the offense with the intent to  
10 facilitate an offense under Chapter 32, the offense is:

11 (1) a state jail felony if five or fewer negotiable  
12 instruments are appropriated;

13 (2) a felony of the third degree if more than 5 but  
14 fewer than 10 negotiable instruments are appropriated;

15 (3) a felony of the second degree if at least 10 but  
16 fewer than 50 negotiable instruments are appropriated; or

17 (4) a felony of the first degree if 50 or more  
18 negotiable instruments are appropriated.

19 (e-1) An offense described for purposes of punishment by  
20 Subsection (d-1)(1), (2), or (3) is increased to the next higher  
21 category of offense if it is shown on the trial of the offense that  
22 at the time of the offense the actor knew or had reason to believe  
23 that an addressee from whom the actor appropriated a negotiable  
24 instrument was a disabled individual or an elderly individual.

25 SECTION 3. Chapter 31, Penal Code, is amended by adding  
26 Section 31.201 to read as follows:

27 Sec. 31.201. THEFT OF MAIL RECEPTACLE KEY OR LOCK. (a) In

1 this section:

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

3 (2) "Postal service" means:

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

6 (B) any commercial courier that delivers mail.

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

10 (1) knowingly makes, forges, or counterfeits the key  
11 or lock;

12 (2) possesses the key or lock with the intent to  
13 unlawfully or improperly use, sell, or otherwise dispose of the key  
14 or lock; or

15 (3) causes the key or lock to be unlawfully or  
16 improperly used, sold, or otherwise disposed of.

17 (c) An offense under this section is a felony of the first  
18 degree.

19 SECTION 4. The changes in law made by this Act apply only to  
20 an offense committed on or after the effective date of this Act. An  
21 offense committed before the effective date of this Act is governed  
22 by the law in effect on the date the offense was committed, and the  
23 former law is continued in effect for that purpose. For purposes of  
24 this section, an offense was committed before the effective date of  
25 this Act if any element of the offense occurred before that date.

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