

1-1 By: Parker S.B. No. 1281
1-2 (In the Senate - Filed February 14, 2025;
1-3 February 28, 2025, read first time and referred to Committee on
1-4 Criminal Justice; March 13, 2025, reported adversely, with
1-5 favorable Committee Substitute by the following vote: Yeas 7,
1-6 Nays 0; March 13, 2025, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	<u>Flores</u>	X		
1-10	<u>Parker</u>	X		
1-11	<u>Hagenbuch</u>	X		
1-12	<u>Hinojosa of Hidalgo</u>	X		
1-13	<u>Huffman</u>	X		
1-14	<u>King</u>	X		
1-15	<u>Miles</u>	X		

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 1281 By: Parker

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to certain criminal offenses involving mail or a mail
1-20 receptacle key or lock; creating a criminal offense; increasing a
1-21 criminal penalty.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 31.20(a), Penal Code, is amended by
1-24 amending Subdivision (3) and adding Subdivision (4) to read as
1-25 follows:

1-26 (3) "Mail" means a letter, postal card, package, bag,
1-27 or other sealed article that:

1-28 (A) is delivered by a common carrier or delivery
1-29 service and:

1-30 (i) is in transit; or

1-31 (ii) has been delivered but not yet
1-32 received by the addressee; or

1-33 (B) has been left to be collected for delivery by
1-34 a common carrier or delivery service.

1-35 (4) "Negotiable instrument" has the meaning assigned
1-36 by Section 3.104, Business & Commerce Code.

1-37 SECTION 2. Section 31.20, Penal Code, is amended by
1-38 amending Subsections (b) and (d) and adding Subsections (d-1) and
1-39 (e-1) to read as follows:

1-40 (b) A person commits an offense if the person intentionally
1-41 appropriates mail [~~from another person's mailbox or premises~~]
1-42 without the effective consent of the addressee and with the intent
1-43 to:

1-44 (1) deprive that addressee of the mail; or

1-45 (2) steal a negotiable instrument.

1-46 (d) If it is shown on the trial of an offense under
1-47 Subsection (b)(1) [~~this section~~] that the appropriated mail
1-48 contained an item of identifying information and the actor
1-49 committed the offense with the intent to facilitate an offense
1-50 under Section 32.51, the [~~an~~] offense [~~under this section~~] is:

1-51 (1) a state jail felony if the mail is appropriated
1-52 from fewer than 10 addressees;

1-53 (2) a felony of the third degree if the mail is
1-54 appropriated from at least 10 but fewer than 20 addressees;

1-55 (3) a felony of the second degree if the mail is
1-56 appropriated from at least 20 but fewer than 50 addressees; or

1-57 (4) a felony of the first degree if the mail is
1-58 appropriated from 50 or more addressees.

1-59 (d-1) If it is shown on the trial of an offense under
1-60 Subsection (b)(2) that the appropriated mail contained a negotiable

2-1 instrument and the actor committed the offense with the intent to
 2-2 facilitate an offense under Chapter 32, the offense is:
 2-3 (1) a state jail felony if five or fewer negotiable
 2-4 instruments are appropriated;
 2-5 (2) a felony of the third degree if more than 5 but
 2-6 fewer than 10 negotiable instruments are appropriated;
 2-7 (3) a felony of the second degree if at least 10 but
 2-8 fewer than 50 negotiable instruments are appropriated; or
 2-9 (4) a felony of the first degree if 50 or more
 2-10 negotiable instruments are appropriated.

2-11 (e-1) An offense described for purposes of punishment by
 2-12 Subsection (d-1)(1), (2), or (3) is increased to the next higher
 2-13 category of offense if it is shown on the trial of the offense that
 2-14 at the time of the offense the actor knew or had reason to believe
 2-15 that an addressee from whom the actor appropriated a negotiable
 2-16 instrument was a disabled individual or an elderly individual.

2-17 SECTION 3. Subchapter D, Chapter 32, Penal Code, is amended
 2-18 by adding Section 32.56 to read as follows:

2-19 Sec. 32.56. UNLAWFUL CONDUCT INVOLVING MAIL RECEPTACLE KEY
 2-20 OR LOCK. (a) In this section:

- 2-21 (1) "Mail" has the meaning assigned by Section 31.20.
- 2-22 (2) "Postal service" means:
 - 2-23 (A) the United States Postal Service or a
 - 2-24 contractor of the United States Postal Service; or
 - 2-25 (B) any commercial courier that delivers mail.

2-26 (b) A person commits an offense if, with the intent to harm
 2-27 or defraud another or to deprive another of that person's property,
 2-28 the person obtains, possesses, duplicates, transfers, or uses a key
 2-29 or lock adopted by a postal service for any box or other authorized
 2-30 receptacle for the deposit or delivery of mail.

2-31 (c) An offense under this section is a felony of the third
 2-32 degree, except that the offense is a felony of the second degree if
 2-33 it is shown on the trial of the offense that the actor has been
 2-34 previously convicted of an offense under this section.

2-35 SECTION 4. The changes in law made by this Act apply only to
 2-36 an offense committed on or after the effective date of this Act. An
 2-37 offense committed before the effective date of this Act is governed
 2-38 by the law in effect on the date the offense was committed, and the
 2-39 former law is continued in effect for that purpose. For purposes of
 2-40 this section, an offense was committed before the effective date of
 2-41 this Act if any element of the offense occurred before that date.

2-42 SECTION 5. This Act takes effect September 1, 2025.

2-43 * * * * *