

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 527 Session of 2023

INTRODUCED BY FARRY, LANGERHOLC, LAUGHLIN AND MARTIN, MARCH 15, 2023

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, DECEMBER 12, 2023

AN ACT

1 ~~Amending Title 18 (Crimes and Offenses) of the Pennsylvania~~ <--
2 ~~Consolidated Statutes, in theft and related offenses,~~
3 ~~providing for the offense of theft of mail.~~

4 AMENDING TITLE 18 (CRIMES AND OFFENSES) OF THE PENNSYLVANIA <--
5 CONSOLIDATED STATUTES, IN THEFT AND RELATED OFFENSES, FURTHER <--
6 PROVIDING FOR DEFINITIONS THE OFFENSE OF THEFT OF MAIL. <--

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 ~~Section 1. Title 18 of the Pennsylvania Consolidated~~ <--
10 ~~Statutes is amended by adding a section to read:~~

11 ~~§ 3936. Theft of mail.~~

12 ~~(a) Unlawful taking. A person is guilty of the offense of~~
13 ~~theft of mail if the person unlawfully takes, or exercises~~
14 ~~unlawful control over, mail of another person with intent to~~
15 ~~deprive the other person of mail.~~

16 ~~(b) Unlawful transfer. A person is guilty of the offense of~~
17 ~~theft of mail if the person unlawfully transfers, or exercises~~
18 ~~unlawful control over, mail of another person or an interest in~~
19 ~~mail of the other person with intent to benefit the person or~~

~~another person not entitled to the mail or interest in the mail.~~

~~(c) Grading.~~

~~(1) Theft of mail constitutes a:~~

~~(i) Summary offense if the offense is a first offense and the value of the mail is less than \$150.~~

~~(ii) Misdemeanor of the second degree if the offense is a second offense and the value of the mail is less than \$150.~~

~~(iii) Misdemeanor of the first degree if the offense is a first or second offense and the value of the mail is \$150 or more.~~

~~(iv) Felony of the third degree if the offense is a third or subsequent offense, regardless of the value of the mail.~~

~~(v) Felony of the third degree if the amount involved exceeds \$1,000.~~

~~(2) Amounts involved in thefts of mail committed pursuant to one scheme or course of conduct, whether from the same home or establishment or several homes or establishments, may be aggregated in determining the grade of the offense.~~

~~(d) Calculation of prior offenses. For the purposes of this section, in determining whether an offense is a first, second, third or subsequent offense, the court shall include a conviction, acceptance of Accelerated Rehabilitative Disposition or other form of preliminary disposition occurring before the sentencing on the present violation for an offense under this section, an offense substantially similar to an offense under this section or under the prior laws of this Commonwealth or a similar offense under the statutes of any other state or of the~~

1 ~~United States.~~

2 ~~(c) Definitions. As used in this section, the following~~
3 ~~words and phrases shall have the meanings given to them in this~~
4 ~~subsection unless the context clearly indicates otherwise:~~

5 ~~"Mail." A letter, package, bag, mail or item of value sent~~
6 ~~or delivered through a private or commercial interstate carrier,~~
7 ~~including, but not limited to, the United States Postal Service,~~
8 ~~FedEx Corporation and United Parcel Service.~~

9 ~~Section 2. This act shall take effect in 60 days.~~

10 ~~SECTION 1. THE DEFINITION OF "PROPERTY" IN SECTION 3901 OF~~ <--
11 ~~TITLE 18 OF THE PENNSYLVANIA CONSOLIDATED STATUTES IS AMENDED~~
12 ~~AND THE SECTION IS AMENDED BY ADDING A DEFINITION TO READ:~~
13 ~~§ 3901. DEFINITIONS.~~

14 ~~SUBJECT TO ADDITIONAL DEFINITIONS CONTAINED IN SUBSEQUENT~~
15 ~~PROVISIONS OF THIS CHAPTER WHICH ARE APPLICABLE TO SPECIFIC~~
16 ~~PROVISIONS OF THIS CHAPTER, THE FOLLOWING WORDS AND PHRASES WHEN~~
17 ~~USED IN THIS CHAPTER SHALL HAVE, UNLESS THE CONTEXT CLEARLY~~
18 ~~INDICATES OTHERWISE, THE MEANINGS GIVEN TO THEM IN THIS SECTION:~~

19 ~~* * *~~

20 ~~"MAIL." A LETTER, PACKAGE, BAG, MAIL OR ITEM OF VALUE SENT~~
21 ~~OR DELIVERED THROUGH A PRIVATE OR COMMERCIAL INTERSTATE CARRIER,~~
22 ~~INCLUDING, BUT NOT LIMITED TO, THE UNITED STATES POSTAL SERVICE,~~
23 ~~FEDEX CORPORATION AND UNITED PARCEL SERVICE.~~

24 ~~* * *~~

25 ~~"PROPERTY." ANYTHING OF VALUE, INCLUDING REAL ESTATE,~~
26 ~~TANGIBLE AND INTANGIBLE PERSONAL PROPERTY, CONTRACT RIGHTS,~~
27 ~~CHOSES IN ACTION AND OTHER INTERESTS IN OR CLAIMS TO WEALTH,~~
28 ~~ADMISSION OR TRANSPORTATION TICKETS, CAPTURED OR DOMESTIC~~
29 ~~ANIMALS, FOOD AND DRINK, ELECTRIC OR OTHER POWER. THE TERM SHALL~~
30 ~~INCLUDE MAIL.~~

1 THE OFFENSE.

2 (D) CALCULATION OF PRIOR OFFENSES.--FOR THE PURPOSES OF THIS
3 SECTION, IN DETERMINING WHETHER AN OFFENSE IS A FIRST, SECOND,
4 THIRD OR SUBSEQUENT OFFENSE, THE COURT SHALL INCLUDE A
5 CONVICTION, ACCEPTANCE OF ACCELERATED REHABILITATIVE DISPOSITION
6 OR OTHER FORM OF PRELIMINARY DISPOSITION OCCURRING BEFORE THE
7 SENTENCING ON THE PRESENT VIOLATION FOR AN OFFENSE UNDER THIS
8 SECTION, AN OFFENSE SUBSTANTIALLY SIMILAR TO AN OFFENSE UNDER
9 THIS SECTION OR UNDER THE PRIOR LAWS OF THIS COMMONWEALTH OR A
10 SIMILAR OFFENSE UNDER THE STATUTES OF ANY OTHER STATE OR OF THE
11 UNITED STATES.

12 (E) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
13 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
14 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

15 "MAIL." A LETTER, PACKAGE, BAG, MAIL OR ITEM OF VALUE SENT
16 OR DELIVERED THROUGH A PRIVATE OR COMMERCIAL INTERSTATE CARRIER,
17 INCLUDING, BUT NOT LIMITED TO, THE UNITED STATES POSTAL SERVICE,
18 FEDEX CORPORATION AND UNITED PARCEL SERVICE.

19 SECTION 2. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.