
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1051 Session of
2021

INTRODUCED BY THOMAS, CIRESI, GLEIM, JAMES, MOUL, PICKETT,
WARREN AND ZIMMERMAN, MARCH 31, 2021

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 31, 2021

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

6 Section 1. Title 18 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 3936. Theft of mail.

9 (a) Movable property.--A person is guilty of the offense of
10 theft of mail if the person unlawfully takes, or exercises
11 unlawful control over, mail of another person with intent to
12 deprive the other person of mail.

13 (b) Immovable property.--A person is guilty of the offense
14 of theft of mail if the person unlawfully transfers, or
15 exercises unlawful control over, mail of another person or an
16 interest in mail of the other person with intent to benefit the
17 person or another person not entitled to the mail or interest in
18 the mail.

1 (c) Grading.--

2 (1) Theft of mail constitutes a:

3 (i) Summary offense if the offense is a first
4 offense and the value of the merchandise is less than
5 \$150.

6 (ii) Misdemeanor of the second degree if the offense
7 is a second offense and the value of the merchandise is
8 less than \$150.

9 (iii) Misdemeanor of the first degree if the offense
10 is a first or second offense and the value of the
11 merchandise is \$150 or more.

12 (iv) Felony of the third degree if the offense is a
13 third or subsequent offense, regardless of the value of
14 the merchandise.

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

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

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

1 United States.

2 (e) Fingerprinting.--Prior to the commencement of trial or
3 entry of plea of a defendant who is 16 years of age or older and
4 accused of the summary offense of theft of mail, the issuing
5 authority shall order the defendant to submit within five days
6 of the order for fingerprinting by the municipal police
7 department of the jurisdiction in which the offense allegedly
8 was committed or the Pennsylvania State Police. The following
9 shall apply:

10 (1) Fingerprints so obtained shall be forwarded
11 immediately to the Pennsylvania State Police for
12 determination as to whether or not the defendant previously
13 has been convicted of the offense of theft of mail.

14 (2) The results of the determination under paragraph (1)
15 shall be forwarded to the police department obtaining the
16 fingerprints, if the police department is the prosecutor, or
17 to the issuing authority if the prosecutor is other than a
18 police officer.

19 (3) The issuing authority may not proceed with the trial
20 or plea in summary cases until in receipt of the
21 determination made by the Pennsylvania State Police.

22 (4) The magisterial district judge shall use the
23 information obtained solely for the purpose of grading the
24 offense in accordance with subsection (c).

25 (f) Definitions.--As used in this section, the following
26 words and phrases shall have the meanings given to them in this
27 subsection unless the context clearly indicates otherwise:

28 "Mail." A letter, package, bag, mail or item of value sent
29 or delivered through a private or commercial interstate carrier,
30 including, but not limited to, the United States Postal Service,

1 FedEx Corporation and United Parcel Service.

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