



## HOUSE COMMITTEE ON APPROPRIATIONS

# FISCAL NOTE

SENATE BILL NO. 527 as Amended by A03330

PRINTER'S NO. 1281

PRIME SPONSOR: Farry

### COST / (SAVINGS)

FUND	FY 2023/24	FY 2024/25
General Fund	See Fiscal Impact	See Fiscal Impact

### SUMMARY:

Creates the offense of "Theft of mail."

### ANALYSIS:

Senate Bill 527 creates the "Theft of mail" offense. An individual is guilty of the theft of mail offense if they unlawfully take or transfer, or exercise unlawful control over, mail of another person with the intent to deprive the other person of the mail. Mail is defined as a letter, package, bag, mail, or item of value sent or delivered to another. An individual is guilty of a:

- Summary offense if the offense is a first offense and the value of the mail is less than \$200.
  - A summary offense is punishable by imprisonment of not more than ninety days and/or a fine of up to \$300.
- Misdemeanor of the second degree if the offense is a second offense and the value of the mail is less than \$200.
  - A misdemeanor of the second degree is punishable by imprisonment of up to two years and/or a fine of up to \$5,000.
- Misdemeanor of the first degree if the offense is a first or second offense and the value of the mail is \$200 or more.
  - A misdemeanor of the first degree is punishable by imprisonment of up to five years and/or a fine of up to \$10,000.
- Felony of the third degree if the offense is a third or subsequent offense, regardless of the value of the mail, or if the amount involved exceeds \$2,000.
  - A felony of the third degree is punishable by imprisonment of up to seven years and/or a fine of up to \$15,000.

This legislation would take effect in 60 days upon enactment.

### FISCAL IMPACT:

Data are not available to reliably estimate how many individuals may be convicted and sentenced for this new offense. Theft is already a punishable offense in the Commonwealth (Title 18 Chapter 39). This legislation effectively changes the grading of the offense when the theft involves mail. Without data on the number of thefts involving mail, it is not possible to determine the impact of this grading change. Therefore, its potential fiscal impact on the Commonwealth is indeterminable.

It should be noted that the marginal annual cost to incarcerate an additional inmate in a state correctional institution was \$15,213 in FY 2021/22. This cost assumes that fewer than 300 additional individuals were incarcerated. Offenders with a maximum sentence of less than two years are typically sent to a county jail. Marginal costs are not available for county facilities, but the average annual cost to incarcerate someone in a county jail in 2022 was \$43,701.

**PREPARED BY:** Bradley Keen  
House Appropriations Committee (D)

**DATE:** December 12, 2023

*Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*