

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 527 Session of 2023

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

SENATOR BAKER, JUDICIARY, AS AMENDED, JUNE 6, 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 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) Unlawful taking.--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) Unlawful transfer.--A person is guilty of the offense of
14 theft of mail if the person unlawfully transfers, or exercises
15 unlawful control over, mail of another person or an interest in
16 mail of the other person with intent to benefit the person or
17 another person not entitled to the mail or interest in the mail.

18 (c) Grading.--

1 (1) Theft of mail constitutes a:
2 (i) Summary offense if the offense is a first
3 offense and the value of the merchandise MAIL is less <--
4 than \$150.
5 (ii) Misdemeanor of the second degree if the offense
6 is a second offense and the value of the merchandise MAIL <--
7 is less than \$150.
8 (iii) Misdemeanor of the first degree if the offense
9 is a first or second offense and the value of the
10 merchandise MAIL is \$150 or more. <--
11 (iv) Felony of the third degree if the offense is a
12 third or subsequent offense, regardless of the value of
13 the merchandise MAIL. <--
14 (v) Felony of the third degree if the amount
15 involved exceeds \$1,000.
16 (2) Amounts involved in thefts of mail committed
17 pursuant to one scheme or course of conduct, whether from the
18 same home or establishment or several homes or
19 establishments, may be aggregated in determining the grade of
20 the offense.
21 (d) Calculation of prior offenses.--For the purposes of this
22 section, in determining whether an offense is a first, second,
23 third or subsequent offense, the court shall include a
24 conviction, acceptance of Accelerated Rehabilitative Disposition
25 or other form of preliminary disposition occurring before the
26 sentencing on the present violation for an offense under this
27 section, an offense substantially similar to an offense under
28 this section or under the prior laws of this Commonwealth or a
29 similar offense under the statutes of any other state or of the
30 United States.

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

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

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

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

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

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

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

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