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FISCAL IMPACT REPORT

SPONSOR Wilson DATE TYPED 3/14/05 HB 707/aHJC

SHORT TITLE Protection of Mails Act SB _____

ANALYST Ford

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
			Minimal – See Narrative		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

Attorney General (AGO)

Department of Corrections (NMCD)

SUMMARY

Synopsis of HJC Amendment

The House Judiciary Committee Amendment changes the schedule of penalties for mail theft or receipt of stolen mail. The penalties continue to be based on the value of the mail that was stolen. The minimum threshold for a misdemeanor is raised and the minimum threshold for a 4th degree felony is lowered. The thresholds for 3rd degree felony and 2nd degree felony remain unchanged.

The schedule of penalties, as amended, is as follows:

Value of stolen mail	Penalty
\$250 or less	Petty misdemeanor
Over \$250 but less than \$500	Misdemeanor
Over \$500 but less than \$2,500	4 th Degree Felony
Over \$2,500 but less than \$20,000	3 rd Degree Felony
Over \$20,000	2 nd Degree Felony

Synopsis of Original Bill

House Bill 707 enacts the Protection of Mails Act, providing for definitions of terms and of new offenses. The bill also provides penalties for the offenses of obstruction of mails, destruction of a letter box or the mail, and mail theft or receipt of stolen mail, as follows:

- Obstruction of mails: misdemeanor, sentenced pursuant to Section 31-19-1 NMSA 1978 (up to one year in county jail or a fine up to \$1,000 or both),
- Destruction of a letter box or the mail: misdemeanor, sentenced pursuant to Section 31-19-1 NMSA 1978 (up to one year in county jail or a fine up to \$1,000 or both),
- Mail theft or receipt of stolen mail with a value of less than \$100: Petty misdemeanor, sentenced pursuant to Section 31-19-1 NMSA 1978 (up to 6 months in county jail or a fine of up to \$500 or both),
- Mail theft or receipt of stolen mail with a value over \$100 but not more than \$1,000: misdemeanor sentenced pursuant to Section 31-19-1 NMSA 1978 (up to one year in county jail or a fine up to \$1,000 or both),
- Mail theft of receipt of stolen mail with a value over \$1,000 but not more than \$2,500: fourth degree felony, sentenced pursuant to 31-18-15 NMSA 1978 (18 months imprisonment),
- Mail theft of receipt of stolen mail with a value over \$2,500 but not more than \$20,000: third degree felony, sentenced pursuant to 31-18-15 NMSA 1978 (3 years imprisonment),
- Mail theft of receipt of stolen mail with a value over \$20,000: second degree felony, sentenced pursuant to 31-18-15 NMSA 1978 (9 years imprisonment).

The bill provides for several affirmative defenses in any prosecution pursuant to the Act.

Significant Issues

Federal law has several provisions relating to obstruction of the mails, destruction of mails, theft of mail, and theft or destruction of postal service property. In some cases, the penalty provided in federal law is harsher than the penalty provided in this bill, while in other cases, the federal penalty is weaker.

FISCAL IMPLICATIONS

Because the bill creates new crimes, it may result in cost increases to the NMCD, which notes that its current facility operations would be adequate as the number of felony offenders would likely be small. However, destroying of letter boxes is a fairly frequently committed crime and if the probation and parole officers were to supervise such offenders, there might be a fairly large increase in client numbers.

EF/yr:lg