1	HOUSE BILL 590
2	44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999
3	INTRODUCED BY
4	Dara Dana
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10	AN ACT
11	RELATING TO CRIMINAL OFFENSES; ENACTING THE PROTECTION OF
12	MAILS ACT; CREATING NEW CRIMINAL OFFENSES; PRESCRIBING
13	CRIMINAL PENALTIES.
14	
15	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:
16	Section 1. SHORT TITLEThis act may be cited as the
17	"Protection of Mails Act".
18	Section 2. DEFINITIONSAs used in the Protection of
19	Mails Act:
20	A. "authorized depository" means a mailbox, post
21	office box or rural box used by postal customers to deposit
22	outgoing mail or used by the postal service to deliver
23	incoming mail;
24	B. "letter box" means any mail receptacle intended
25	or used for the receipt or delivery of mail on a mail route;
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1	C. "mail" means any letter, card, parcel or other
2	material that:
3	(1) is sent or delivered by means of the
4	postal service;
5	(2) has postage affixed by the postal
6	customer or postal service or has been accepted for delivery
7	by the postal service; and
8	(3) is placed in any authorized depository or
9	mail receptacle or given to any postal service employee for
10	del i very;
11	D. "mail receptacle" means any place used by the
12	postal service or postal customers to place outgoing mail or
13	receive incoming mail;
14	E. "postage" means a postal service stamp, permit
15	imprint, meter strip or other authorized indication of
16	prepayment for service provided or authorized by the postal
17	service for collection and delivery of mail; and
18	F. "postal service" means the United States postal
19	servi ce.
20	Section 3. OBSTRUCTION OF MAILSPENALTY
21	A. Obstruction of mails consists of knowingly
22	obstructing or delaying:
23	(1) the passage of the mail; or
24	(2) any carrier or conveyance carrying the
25	mail.
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1	B. Whoever commits obstruction of mails is guilty
2	of a misdemeanor.
3	Section 4. DESTRUCTION OF A LETTER BOX OR THE MAIL
4	PENALTY
5	A. Destruction of a letter box or the mail
6	consists of knowingly:
7	(1) tearing down, taking, damaging or
8	destroying a letter box;
9	(2) breaking open a letter box; or
10	(3) injuring, destroying or defacing mail
11	deposited in a letter box.
12	B. Whoever commits destruction of a letter box or
13	the mail is guilty of a misdemeanor.
14	Section 5. MAIL THEFT OR RECEIPT OF STOLEN MAIL
15	PENALTY
16	A. Mail theft or receipt of stolen mail consists
17	of knowi ngl y:
18	(1) taking or, by fraud or deception,
19	obtaining mail from a post office, postal station, letter box,
20	mail receptacle, authorized depository or mail carrier;
21	(2) taking from mail any article contained in
22	the mail;
23	(3) secreting, embezzling or destroying mail
24	or any article contained in the mail;
25	(4) taking or, by fraud or deception,
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obtaining mail or any article contained in the mail that has been delivered to or left for collection on, or adjacent to, a mail receptacle or authorized depository; or

(5) buying, receiving, concealing or possessing mail or any article contained in the mail knowing that the mail has been unlawfully taken or obtained.

B. Whoever commits mail theft or receipt of stolen mail when the value of the mail or article contained in the mail is one hundred dollars (\$100) or less is guilty of a petty misdemeanor and shall be sentenced pursuant to the provisions of Section 31-19-1 NMSA 1978.

C. Whoever commits mail theft or receipt of stolen mail when the value of the mail or article contained in the mail is over one hundred dollars (\$100) but not more than one thousand dollars (\$1,000) is guilty of a misdemeanor and shall be sentenced pursuant to the provisions of Section 31-19-1 NMSA 1978.

D. Whoever commits mail theft or receipt of stolen mail when the value of the mail or article contained in the mail is over one thousand dollars (\$1,000) but not more than two thousand five hundred dollars (\$2,500) is guilty of a fourth degree felony and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978.

E. Whoever commits mail theft or receipt of stolen mail when the value of the mail or article contained in the .126244.2

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mail is over two thousand five hundred dollars (\$2,500) but not more than twenty thousand dollars (\$20,000) is guilty of a third degree felony and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978.

F. Whoever commits mail theft or receipt of stolen mail when the value of the mail or article contained in the mail is over twenty thousand dollars (\$20,000) is guilty of a second degree felony and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978.

Section 6. DEFENSES.--In any prosecution pursuant to the Protection of Mails Act, it is an affirmative defense that:

A. the defendant was unaware that the property was that of another person;

B. the defendant reasonably believed that he was entitled to the property involved or had a right to acquire or dispose of it as he did; or

C. the property involved was that of the defendant's spouse, unless the parties were not living together as husband and wife and were living in separate abodes at the time of the alleged offense.

Section 7. EFFECTIVE DATE. -- The effective date of the provisions of this act is July 1, 1999.

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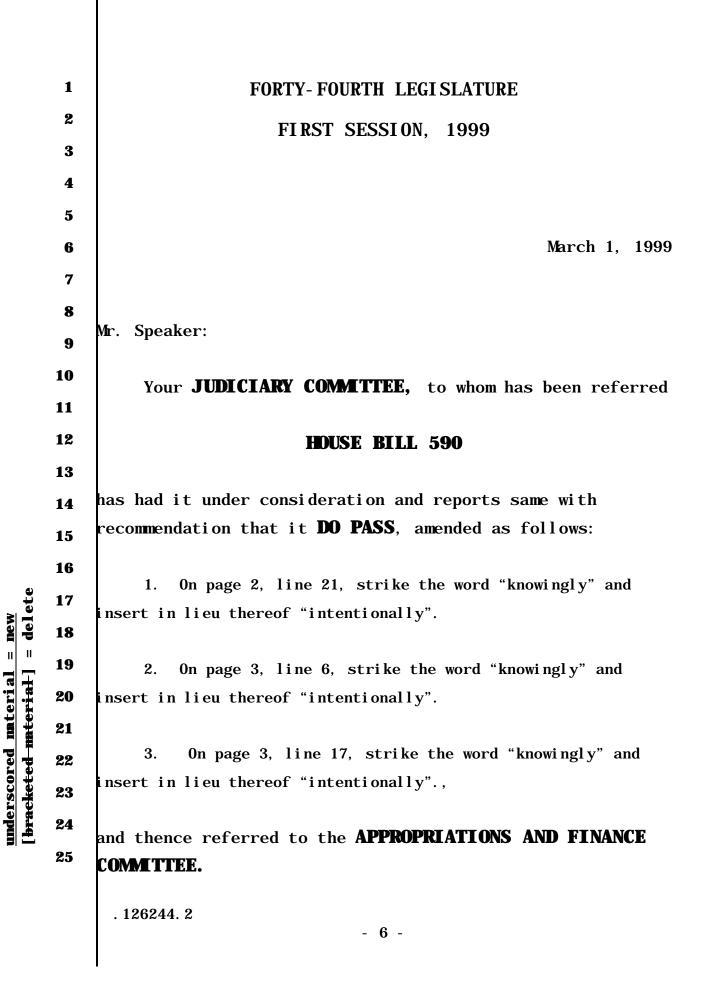
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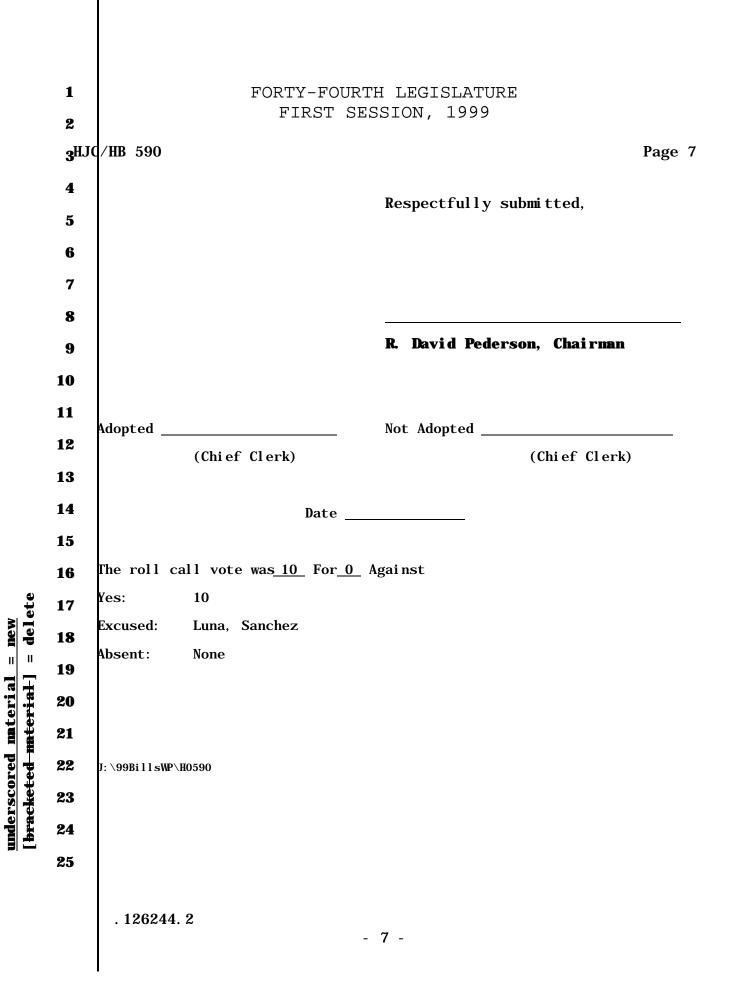
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		1	FORTY-FOURTH LEGI SLATURE				
		2	FIRST SESSION, 1999				
		3					
		4					
		5	March 3, 1999				
		6					
			Mr. Speaker:				
		8					
		9	Your APPROPRIATIONS AND FINANCE COMMITTEE, to				
		10	whom has been referred				
		11					
		12	HOUSE BILL 590, as anended				
		13	has had it under consideration and reports some with				
		14	has had it under consideration and reports same with recommendation that it DO PASS.				
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	del ete	16	Respectfully submitted,				
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	FORTY-FOURTH LEGISLATURE
	FIRST SESSION, 1999
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Adopted	Not Adopted
	(Chief Clerk) (Chief Clerk)
	Data
	Date
The roll c	all vote was <u>9</u> For <u>0</u> Against
Yes:	9
Excused:	Abeyta, Coll, Larrañaga, Marquardt, Pearce, Picraux, Varela, Watchman
Absent:	None
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