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FISCAL IMPACT REPORT

SPONSOR: HJC DATE TYPED: 3/19/03 HB 215/HJCS

SHORT TITLE: Protection of Mails Act SB _____

ANALYST: Fox-Young

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
			\$0.1 See Narrative		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

Responses Received From:

- Corrections Department (CD)
- Attorney General (AG)
- Association of District Attorneys (AODA)
- Administrative Office of the Courts (AOC)

SUMMARY

Synopsis of Bill

The House Judiciary Committee Substitute for HB 215 enacts the crime of “destruction of a letter box,” making it a misdemeanor to intentionally destroy a letter box.

Destruction of a letter box consists of intentionally and without the consent of the owner:

- Tearing down, taking, damaging or destroying a letter box; or
- Breaking open a letter box.

Significant Issues

There is a question as to whether federal law would preempt this Act.

The AG notes that federal law already punishes anyone who “knowingly and willfully obstructs or retards the passage of the mail, or any carrier or conveyance carrying the mail” with a fine and up to six months in jail. Additionally, AG notes that Congress has exclusive authority “to establish post offices and post roads.” (U.S. Const. Art. I, § 8)

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AG reports that both federal and state courts have indicated that federal law may preempt state regulation of the mail. In Carter v. State (420 So.2d 292, 298 Ala. Ct. Crim. App. 1982), the court ruled that “Alabama may be precluded from prosecuting offenses involving mail theft by virtue of the preemption doctrine.” The AG also references United States v. Eddy (25 F. Cas. 975 N.D. Ill. 1858) where the court ruled that once a letter is in the mail “the laws of the United States operate on it, and not the laws of the state.”

FISCAL IMPLICATIONS

Courts, district attorneys and public defenders would likely experience increases in caseload, with the passage of this bill.

County jails will likely see population increases as a result of the bill.

The Corrections Department (CD) notes that probation and parole may see an increase in clients.

JCF/yr