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HOUSE BILL 590

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Dara Dana

AN ACT

RELATING TO CRIMINAL OFFENSES; ENACTING THE PROTECTION OF
MAILS ACT; CREATING NEW CRIMINAL OFFENSES; PRESCRIBING
CRIMINAL PENALTIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE.--This act may be cited as the
"Protection of Mails Act".

Section 2. DEFINITIONS.--As used in the Protection of
Mails Act:

A. "authorized depository" means a mailbox, post
office box or rural box used by postal customers to deposit
outgoing mail or used by the postal service to deliver
incoming mail;

B. "letter box" means any mail receptacle intended
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 delivery;

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 service.

20 Section 3. OBSTRUCTION OF MAILS--PENALTY.--

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 knowingly:

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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1 obtaining mail or any article contained in the mail that has
2 been delivered to or left for collection on, or adjacent to, a
3 mail receptacle or authorized depository; or

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

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

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

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

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

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

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

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

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

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

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

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

1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

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6 March 1, 1999

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8 Mr. Speaker:

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10 Your JUDICIARY COMMITTEE, to whom has been referred

11
12 HOUSE BILL 590

13
14 has had it under consideration and reports same with
15 recommendation that it DO PASS, amended as follows:

16 1. On page 2, line 21, strike the word "knowingly" and
17 insert in lieu thereof "intentionally".

18
19 2. On page 3, line 6, strike the word "knowingly" and
20 insert in lieu thereof "intentionally".

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22 3. On page 3, line 17, strike the word "knowingly" and
23 insert in lieu thereof "intentionally".,

24 and thence referred to the APPROPRIATIONS AND FINANCE
25 COMMITTEE.

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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

HJC/HB 590

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Respectfully submitted,

R. David Pederson, Chairman

Adopted _____

(Chief Clerk)

Not Adopted _____

(Chief Clerk)

Date _____

The roll call vote was 10 For 0 Against

Yes: 10

Excused: Luna, Sanchez

Absent: None

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1 FORTY- FOURTH LEGISLATURE
2 FIRST SESSION, 1999

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4 March 3, 1999

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7 Mr. Speaker:

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9 Your APPROPRIATIONS AND FINANCE COMMITTEE, to
10 whom has been referred

11 HOUSE BILL 590, as amended

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13 has had it under consideration and reports same with
14 recommendation that it DO PASS.

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16 Respectfully submitted,

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21 Max Coll, Chairman
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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 9 For 0 Against

Yes: 9

Excused: Abeyta, Coll, Larrañaga, Marquardt, Pearce, Picraux, Varela,
Watchman

Absent: None

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