



SPONSOR: Rep. K. Williams & Sen. Walsh
Reps. Bolden, Bush, Cooke, K. Johnson, Matthews,
Osienski, Ramone, D. Short, Shupe, Michael Smith; Sens.
Hocker, Pettyjohn, Richardson, Sokola, Wilson

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE BILL NO. 50

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THEFT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

Section 1. Amend Chapter 5, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 841E. Mail theft; class A misdemeanor; class G felony; class F felony; class D felony; class B felony.

(a) A person is guilty of mail theft when the person takes, exercises control over or obtains mail addressed to another person intending to deprive that person of it or appropriate it.

(b) For purposes of this section, "mail" means a letter, postal card, package, bag, or any other article or thing contained therein addressed to a person and delivered to a residential dwelling or the curtilage of a residential dwelling.

(c) This section shall apply whether the addressee of the property is alive or deceased.

(d) (1) Except where a victim is 62 years of age or older, or an "adult who is impaired" as defined in § 3902(2) of Title 31, or a "person with a disability" as defined in § 3901(a)(2) of Title 12, mail theft is a class A misdemeanor, unless the value of the property received, retained or disposed of is \$1,500 or more, in which case it is a class G felony. If the defendant has been convicted of mail theft within the previous 5 years, mail theft is a class G felony even if the value of the property is less than \$1,500.

(2) Where a victim is 62 years of age or older, or an "adult who is impaired" as defined in § 3902(2) of Title 31, or a "person with a disability" as defined in § 3901(a)(2) of Title 12, mail theft is a class G felony unless the value of the property received, retained or disposed of is \$1,500 or more, in which case it is a class F felony. If the defendant has been convicted of mail theft within the previous 5 years, mail theft is a class F felony even if the value of the property is less than \$1,500.

(3) Notwithstanding paragraphs (d)(1) and (2) of this section:

a. Where the value of the property received, retained or disposed of is more than \$50,000 but less than \$100,000, mail theft is a class D felony.

22 b. Where the value of the property received, retained or disposed of is \$100,000 or more, mail theft is a
23 class B felony.

24 (4) Upon conviction, the sentencing judge shall require full restitution to the victim for any monetary losses
25 suffered and shall consider the imposition of community service.

SYNOPSIS

This Act creates a separate offense for the theft of mail, including packages, from a residential dwelling. A first offense of mail theft is a class A misdemeanor unless the value of the stolen property is \$1,500 or more, in which case it is a class G felony. A second offense of mail theft, within the previous 5 years is a class G felony, regardless of the value of the stolen property.

Where a victim is 62 years of age or older, an adult who is impaired, or a person with a disability, a first offense of mail theft is a class G felony unless the value of the stolen property is \$1,500 or more, in which case it is a class F felony. A second offense of mail theft within the previous 5 years is a class F felony, regardless of the value of the property stolen.

Where the value of the property is more than \$50,000 but less than \$100,000, mail theft is a class D felony. Where the value of the property is \$100,000 or more, mail theft is a class B felony.

Upon conviction, monetary restitution is required and a sentencing judge shall consider the imposition of community service.