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HOUSE BILL 265

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Avon W. Wilson

AN ACT

**RELATING TO CRIMINAL LAW; 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 intentionally
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 and shall be sentenced pursuant to the
3 provisions of Section 31-19-1 NMSA 1978.

4 Section 4. DESTRUCTION OF A LETTER BOX OR THE MAIL--
5 PENALTY. --

6 A. Destruction of a letter box or the mail
7 consists of intentionally:

8 (1) tearing down, taking, damaging or
9 destroying a letter box;

10 (2) breaking open a letter box; or

11 (3) injuring, destroying or defacing mail
12 deposited in a letter box.

13 B. Whoever commits destruction of a letter box or
14 the mail is guilty of a misdemeanor and shall be sentenced
15 pursuant to the provisions of Section 31-19-1 NMSA 1978.

16 Section 5. MAIL THEFT OR RECEIPT OF STOLEN MAIL--
17 PENALTY. --

18 A. Mail theft or receipt of stolen mail consists
19 of intentionally:

20 (1) taking or, by fraud or deception,
21 obtaining mail from a post office, postal station, letter box,
22 mail receptacle, authorized depository or mail carrier;

23 (2) taking from mail any article contained in
24 the mail;

25 (3) secreting, embezzling or destroying mail

1 or any article contained in the mail;

2 (4) taking or, by fraud or deception,
3 obtaining mail or any article contained in the mail that has
4 been delivered to or left for collection on, or adjacent to, a
5 mail receptacle or authorized depository; or

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

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

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

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

