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SENATE BILL NO. 939

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Finance and Appropriations
on January 29, 2025)

(Patron Prior to Substitute—Senator Salim)

A *BILL to amend the Code of Virginia by adding in Article 3 of Chapter 5 of Title 18.2 a section numbered 18.2-110.1, relating to mail theft; penalty.*

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 3 of Chapter 5 of Title 18.2 a section numbered 18.2-110.1 as follows:

§ 18.2-110.1. Mail theft; penalty.

A. As used in this section:

"Delivery service" means the same as that term is defined in § 18.2-246.6. "Delivery service" does not include the United States Postal Service.

"Mail" means any letter, postal card, parcel, package, bag, or other material, along with its contents, that (i) has postage affixed by the postal customer or a postal service, (ii) has been accepted for delivery by a postal service, (iii) the postal customer leaves for collection by a postal service, or (iv) a postal service delivers to the postal customer, which has not been retrieved from the mail receptacle.

"Mail receptacle" means a mailbox, post office box, rural box, letter box, lock drawer, or any place or area intended or used by postal customers or a postal service for the collection, deposit, or delivery of mail.

"Postal service" means the United States Postal Service or a delivery service.

B. Any person who (i) knowingly, willfully, and with the intent to deprive, injure, damage, or defraud another (a) takes, destroys, hides, or embezzles mail or (b) obtains any mail by fraud or deception; (ii) buys, receives, conceals, or possesses (a) mail and knows or reasonably should know that the mail was unlawfully taken or obtained, (b) any key he knows or reasonably should know is suited to any lock adopted by the United States Postal Service that provides access to any mail receptacle located in a cluster mailbox unit or other mailbox panel used for the purpose of centralized mail in any neighborhood, including any condominium or apartment complex, or (c) a counterfeit device or key designed to provide access to any lock described in clause (b); or (iii) knowingly, willfully, and with the intent to steal any mail inside damages, opens, removes, injures, vandalizes, or destroys any mail receptacle is guilty of a Class 6 felony.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 2 of the Acts of Assembly of 2024, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

SENATE SUBSTITUTE

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