

HOUSE BILL NO. 77

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES COULOMBE, Tomaszewski, Vance, Costello, Eischeid, Stapp, Johnson, Schwanke, Rauscher, Bynum, Underwood, Ruffridge, McCabe, Kopp, Saddler, Moore

Introduced: 1/31/25

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act making the theft of mail or an article within mail theft in the second degree."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 *** Section 1.** AS 11.46.130(a) is amended to read:

4 (a) A person commits the crime of theft in the second degree if the person
5 commits theft as defined in AS 11.46.100 and

6 (1) the value of the property or services is \$750 or more but less than
7 \$25,000;

8 (2) the property is a firearm or explosive;

9 (3) the property is taken from the person of another;

10 (4) the property is taken from a vessel and is vessel safety or survival
11 equipment;

12 (5) the property is taken from an aircraft and the property is aircraft
13 safety or survival equipment;

14 (6) the value of the property is \$250 or more but less than \$750 and,
15 within the preceding five years, the person has been convicted and sentenced on two

1 or more separate occasions in this or another jurisdiction of

2 (A) an offense under AS 11.46.120, or an offense under
3 another law or ordinance with similar elements;

4 (B) a crime set out in this subsection or an offense under
5 another law or ordinance with similar elements;

6 (C) an offense under AS 11.46.140(a)(1), or an offense under
7 another law or ordinance with similar elements; or

8 (D) an offense under AS 11.46.220(c)(1) or (c)(2)(A), or an
9 offense under another law or ordinance with similar elements; [OR]

10 (7) the property is an access device or identification document; **or**

11 **(8) the property is mail or an article within mail**

12 **(A) that is obtained by fraud or deception or taken**

13 **(i) from a post office, postal station, mail receptacle,**
14 **authorized depository, or mail carrier; or**

15 **(ii) after the mail or article has been delivered to or**
16 **left for collection in, on, or adjacent to a mail receptacle or**
17 **authorized depository; or**

18 **(B) that the person buys, receives, retains, conceals, or**
19 **disposes of, with knowledge that the mail or article was stolen.**

20 * **Sec. 2.** AS 11.46.130(b) is amended by adding new paragraphs to read:

21 (5) "authorized depository" means a mailbox, letter box, post office
22 box, or rural box used by postal customers for the deposit of outgoing mail or used by
23 the United States Postal Service for the delivery of incoming mail;

24 (6) "juvenile detention facility" and "juvenile treatment facility" have
25 the meanings given in AS 47.12.990;

26 (7) "mail" means a letter, a card, a parcel, or material that

27 (A) is sent or delivered by means of the United States Postal
28 Service;

29 (B) has postage affixed to it by the postal customer or United
30 States Postal Service or has been accepted for delivery by the United States
31 Postal Service; and

1 (C) is placed in an authorized depository or mail receptacle or
2 given to a United States Postal Service employee for delivery;

3 (8) "mail receptacle" means a location used by the United States Postal
4 Service or a postal customer for the placement of outgoing mail or the receipt of
5 incoming mail;

6 (9) "postage" means a United States Postal Service stamp, permit
7 imprint, meter strip, or other authorized indication of prepayment for services
8 provided or authorized by the United States Postal Service for the collection and
9 delivery of mail.

10 * **Sec. 3.** AS 11.46.130 is amended by adding new subsections to read:

11 (d) It is a defense to a crime charged under (a)(8) of this section that

12 (1) the defendant reasonably believed that the defendant was entitled to
13 the property or had a right to acquire or dispose of the property;

14 (2) the property was property of a person living in the same household
15 as the named recipient;

16 (3) the defendant had a valid power of attorney concerning the named
17 recipient; or

18 (4) the defendant was given express permission by the named recipient
19 to collect mail for the named recipient or for the address of the named recipient.

20 (e) The provisions of (a)(8) of this section do not apply to an act carried out in
21 accordance with the official duties of an employee charged with the operation of a
22 juvenile treatment facility, juvenile detention facility, or correctional facility.

23 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to
24 read:

25 **APPLICABILITY.** AS 11.46.130, as amended by secs. 1 - 3 of this Act, applies to
26 offenses committed on or after the effective date of this Act.