

The Senate Committee on Judiciary offered the following substitute to HB 94:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 8 of Title 16 of the Official Code of Georgia Annotated,
2 relating to theft, so as to provide for the crime of theft by possession of stolen mail; to
3 provide for the crime of porch piracy; to provide for definitions; to provide for penalties; to
4 provide for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Article 1 of Chapter 8 of Title 16 of the Official Code of Georgia Annotated, relating to theft,
8 is amended by adding a new Code section to read as follows:

9 "16-8-24.

10 (a) As used in this Code section, the term:

11 (1) 'Mail' means a letter, post card, package, bag, or other sealed article that:

12 (A) Is delivered by the United States Postal Service, a common carrier, or a delivery
13 service and has not yet been received by the person to whom it is addressed; or

14 (B) Has been left in a location to be collected for delivery by the United States Postal
15 Service, a common carrier, or a delivery service.

(2) 'Possesses stolen mail' means to knowingly receive, retain, possess, conceal, or dispose of stolen mail knowing that it has been stolen and to withhold such stolen mail from the true owner or person to whom the mail is addressed or to appropriate such stolen mail to the use of any person other than the true owner or the person to whom the mail is addressed.

(b) A person shall be guilty of the crime of theft by possession of stolen mail if he or she:

(1) Possesses stolen mail addressed to three or more different mailboxes or addresses; and

(2) Possesses a minimum of ten separate pieces of stolen mail.

(c) A person who violates this Code section shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one nor more than five years, or, in the discretion of the trial judge, as for a misdemeanor.

(d) Each set of ten separate pieces of stolen mail addressed to three or more different mailboxes or addresses constitutes a separate and distinct crime and may be punished accordingly.

(e) The fact that the person who stole the mail has not been convicted, apprehended, or identified shall not be a defense to the charge of theft by possession of stolen mail."

SECTION 2.

Said article is further amended by adding a new Code section to read as follows:

"16-8-25.

(a) As used in this Code section, the term 'dwelling' has the same meaning as provided in Code Section 16-7-1.

(b) A person shall be guilty of the crime of porch piracy if such person takes, removes, or otherwise appropriates three or more envelopes, bags, packages, or other related articles of another person without the permission of such other person from the porch, steps, or

41 immediate vicinity of any entrance or exit of a dwelling of three or more different
42 mailboxes or addresses.
43 (c) A person who violates this Code section shall be guilty of a felony and, upon
44 conviction thereof, shall be punished by imprisonment for not less than one nor more than
45 five years, or, in the discretion of the trial judge, as for a misdemeanor."

46 **SECTION 3.**

47 All laws and parts of laws in conflict with this Act are repealed.