

By: Representatives Hall, Aguirre, Hale,
Kinkade

To: Judiciary A

HOUSE BILL NO. 1274

1 AN ACT TO PROVIDE ADDITIONAL PENALTIES AND CRIMES FOR THEFT
2 OF MAIL, DUPLICATION OF DEPOSIT KEYS AND CREDIT CARDS; TO PROVIDE
3 THAT THE PENALTIES AND OFFENSES SHALL BE CONSTRUED IN ADDITION TO
4 ANY OTHER SIMILAR CRIMES AS AN ADDITIONAL OFFENSE; AND FOR RELATED
5 PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 **SECTION 1.** (1) As used in this act, the term:

8 (a) "Mail" means any letter, postal card, parcel,
9 envelope, package, bag or other material, or any other sealed
10 article addressed to another, along with its contents.

11 (b) "Mail depository" means a mail box, letter box,
12 or mail receptacle of a postal service, post office box, rural
13 box, letter box, lock drawer, an office of a postal service, a
14 vehicle of a postal service, or any area intended or used by
15 postal customers or a postal service for the collection, deposit,
16 or delivery of mail.

17 (c) "Postal service" means the United States Postal
18 Service or its contractors, or any commercial courier that
19 delivers mail.



20 (2) Any of the following acts shall constitute mail theft:

21 (a) Stealing, converting, taking, destroying, hiding,
22 or embezzling mail, removing mail from a mail depository, or
23 taking mail from a mail carrier with a postal service.

24 (b) Obtaining, or attempting to obtain, custody of mail
25 by fraud or deception.

26 (c) Damages, opens, tears down, takes or destroys any
27 mail depository.

28 (d) Selling, receiving, possessing, transferring,
29 buying, or concealing mail obtained by acts described in
30 paragraphs (a), (b), or (c) of this subsection, while knowing or
31 having reason to know the mail was obtained illegally.

32 (3) (a) Whoever violates the provisions of this section
33 shall be imprisoned for not more than five (5) years, fined not
34 more than Five Thousand Dollars (\$5,000.00), or both.

35 (b) Upon a second or subsequent conviction or violation
36 of the provisions of this section, the offender shall be
37 imprisoned for not less than one (1) year nor more than ten (10)
38 years, fined not more than Twenty Thousand Dollars (\$20,000.00),
39 or both.

40 (4) In addition to the penalties provided in subsection (3)
41 of this section, a person convicted under this section shall be
42 ordered to make full restitution to the victim and any other
43 person who has suffered a financial loss as a result of the
44 offense.



(5) An offense committed under this section may be prosecuted in any of the following counties:

(a) The county where the offense occurred.

(b) The county of residence or place of business of the direct or indirect victim.

(6) (a) If conduct that constitutes an offense under this section also constitutes an offense under any other law, the actor may be prosecuted under this section, the other law, or both.

(b) The provisions of this section shall not be construed to change or alter any other similar provision of law, but shall be read as an additional crime for any similar acts.

SECTION 2. (1) As used in this section, the following terms shall have the following meanings:

(a) "Mail" means any letter, postal card, parcel, envelope, package, bag, or any other sealed article addressed to another, along with its contents.

(b) "Mail depository" means a mail box, letter box, or mail receptacle of a postal service, post office box, rural box, letter box, lock drawer, an office of a postal service, a vehicle of a postal service, or any area intended or used by postal customers or a postal service for the collection, deposit, or delivery of mail.

(c) "Postal service" means the United States Postal Service or its contractors, or any commercial courier that delivers mail.



70 (2) Any of the following acts shall constitute theft or
71 unauthorized reproduction of a mail depository key or lock:

72 (a) Stealing, purloining, embezzling, or obtaining by
73 false pretense any key or lock adopted by a postal service for any
74 box or other authorized receptacle for the deposit or delivery of
75 mail.

76 (b) Knowingly and unlawfully making, forging, or
77 counterfeiting any such key, device, or lock designed to provide
78 access to a mail depository or to any key providing access to any
79 mail depository, or possessing any such key, device, or lock
80 adopted by a postal service that delivers mail with the intent to
81 unlawfully or improperly use, sell, or otherwise dispose of the
82 key or lock, or to cause the key or lock to be unlawfully or
83 improperly used, sold, or otherwise disposed.

84 (3) (a) Any person who violates the provisions of this
85 section shall be imprisoned for not more than five (5) years, or
86 fined not more than Five Thousand Dollars (\$5,000.00), or both.

87 (b) Upon a second or subsequent conviction or violation
88 of the provisions of this section, the offender shall be
89 imprisoned for not less than one (1) year nor more than ten (10)
90 years and may, in addition, be fined not more than Twenty Thousand
91 Dollars (\$20,000.00).

92 (4) In addition to the penalties provided in subsection (3)
93 of this section, a person convicted under this section shall be
94 ordered to make full restitution to the victim and any other



95 person who has suffered a financial loss as a result of the
96 offense.

97 (5) (a) If conduct that constitutes an offense under this
98 section also constitutes an offense under any other law, the actor
99 may be prosecuted under this section, the other law, or both.

100 (b) The provisions of this section shall not be
101 construed to change or alter any other similar provision of law,
102 but shall be read as an additional crime for any similar acts.

103 **SECTION 3.** (1) As used in this section, the following terms
104 shall have the following meanings:

105 (a) "Sight order" means a written or electronic
106 instruction to pay money that is authorized by the person giving
107 the instruction and that is payable on demand or at a definite
108 time by the person being instructed to pay. The term includes a
109 check, an electronic debit, or an automatic bank draft.

110 (2) The crime of the theft or receipt of a stolen check or
111 similar sight order is committed when a person steals an unsigned
112 check or similar sight order or, with knowledge that an unsigned
113 check or similar sight order has been stolen, receiving the check
114 or sight order with intent to use it, to sell it, or to transfer
115 it to a person other than the person from whom the check or sight
116 order was stolen.

117 (3) (a) Whoever violates the provisions of this section
118 shall be imprisoned for not more than five (5) years, fined not
119 more than Five Thousand Dollars (\$5,000.00), or both.



(b) Upon a second or subsequent conviction or violation of the provisions of this section, the offender shall be imprisoned for not less than one (1) year nor more than ten (10) years and may, in addition, be fined not more than Twenty Thousand Dollars (\$20,000.00).

(4) In addition to the penalties provided in subsection (3) of this section, a person convicted under this section shall be ordered to make full restitution to the victim and any other person who has suffered a financial loss as a result of the offense.

(5) An offense committed under this section may be prosecuted in any of the following counties:

(a) The county where the offense occurred.

(b) The county of residence or place of business of the direct or indirect victim.

(6) (a) If conduct that constitutes an offense under this section also constitutes an offense under any other law, the actor may be prosecuted under this section, the other law, or both.

(b) The provisions of this section shall not be construed to change or alter any other similar provision of law, but shall be read as an additional crime for any similar acts.

SECTION 4. (1) As used in this section, the following terms shall have the following meanings:

(a) "Counterfeit credit card or debit card" means a:

(i) Credit card or debit card that:



1. Purports on its face to have been issued by an issuer that did not issue the card;

2. Has been altered to contain a digital imprint other than that which was placed on the card by the issuer;

3. Contains a digital imprint with account information or account holder information differing from that which is printed or embossed on the card; or

4. Has been altered to change the account information or account holder information on the face of the card from that which was printed or embossed on the card by the issuer; or

(ii) Card, other than one issued as a credit card or debit card, that has been altered to contain the digital imprint of a credit card or debit card.

(a) "Credit card" has the meaning assigned by Section 97-45-31.

(b) "Digital imprint" means the digital data placed on a credit card or debit card or on a counterfeit credit card or debit card.

(2) A person commits the offense of traffic in or possession of counterfeit credit cards if the person, with the intent to harm or defraud another, obtains, possesses, transfers, or uses:

(a) A counterfeit credit card or debit card or related documents;



(b) The number and expiration date of a credit card or debit card without the consent of the account holder; or

(c) The data stored on the digital imprint of a credit card or debit card without the consent of the account holder.

(3) If an actor possessed five (5) or more of an item described by subsection (2)(b) or (c), a rebuttable presumption exists that the actor possessed each item without the consent of the account holder.

(4) The presumption established under subsection (3) does not apply to a business or other commercial entity or a government agency that is engaged in a business activity or governmental function that does not violate a criminal law of this state.

(5) An offense under this section shall be:

(a) A misdemeanor if the number of items obtained, possessed, transferred, or used is less than five (5); and upon conviction, shall be subject to a fine not to exceed One Thousand Dollars (\$1,000.00), or to imprisonment for a term not to exceed one (1) year, or both.

(b) A felony if the number of items obtained, possessed, transferred, or used is five (5) or more but less than ten (10); and upon conviction, the offender shall be imprisoned for not less than one (1) year nor more than five (5) years and may, in addition, be fined not more than Five Thousand Dollars (\$5,000.00).



194 (c) A felony if the number of items obtained,
195 possessed, transferred, or used is ten (10) or more but less than
196 fifty (50); and upon conviction, the offender shall be imprisoned
197 for not less than five (5) years nor more than fifteen (15) years
198 and may, in addition, be fined not more than Ten Thousand Dollars
199 (\$10,000.00).

200 (d) A felony if the number of items obtained,
201 possessed, transferred, or used is fifty (50) or more; and upon
202 conviction, the offender shall be imprisoned for not less than ten
203 (10) years nor more than twenty (20) years and may, in addition,
204 be fined not more than Twenty Thousand Dollars (\$20,000.00).

205 (6) In addition to the penalties provided in subsection (5)
206 of this section, a person convicted under this section shall be
207 ordered to make full restitution to the victim and any other
208 person who has suffered a financial loss as a result of the
209 offense.

210 (7) An offense committed under this section may be
211 prosecuted in any of the following counties:

212 (a) The county where the offense occurred.

213 (b) The county of residence or place of business of the
214 direct or indirect victim.

215 (8) If a court orders a defendant convicted of
216 an offense under this section to make restitution to a victim of
217 the offense, the court may order the defendant to reimburse the



victim for lost income or other expenses, other than attorney's fees, incurred as a result of the offense.

(9) (a) If conduct that constitutes an offense under this section also constitutes an offense under any other law, the actor may be prosecuted under this section, the other law, or both.

(b) The provisions of this section shall be not be construed to change or alter any other similar provision of law, but shall be read as an additional crime for any similar acts.

SECTION 5. This act shall take effect and be in force from and after July 1, 2025.

