

HOUSE BILL 159

E1
HB 805/25 – JUD

(PRE-FILED)

6lr1238
CF SB 171

By: **Delegate Solomon**

Requested: October 17, 2025

Introduced and read first time: January 14, 2026

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Mail Theft**

3 FOR the purpose of altering the prohibition against taking and breaking open a letter;
4 prohibiting the theft of mail under certain circumstances; prohibiting a person from
5 possessing an arrow key under certain circumstances; providing for concurrent
6 jurisdiction in the District Court and circuit court to try a violation of this Act; and
7 generally relating to theft of mail and packages.

8 BY repealing and reenacting, with amendments,

9 Article – Courts and Judicial Proceedings

10 Section 4–301 and 4–302

11 Annotated Code of Maryland

12 (2020 Replacement Volume and 2025 Supplement)

13 BY repealing

14 Article – Criminal Law

15 Section 3–905

16 Annotated Code of Maryland

17 (2021 Replacement Volume and 2025 Supplement)

18 BY adding to

19 Article – Criminal Law

20 Section 3–905 and 3–905.1

21 Annotated Code of Maryland

22 (2021 Replacement Volume and 2025 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
24 That the Laws of Maryland read as follows:

25 **Article – Courts and Judicial Proceedings**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 4–301.

2 (a) Except as provided in §§ 3–803 and 3–8A–03 of this article and 4–302 of this
3 subtitle, the District Court has exclusive original jurisdiction in a criminal case in which a
4 person at least 16 years old or a corporation is charged with violation of the vehicle laws,
5 or the State Boat Act, or regulations adopted pursuant to the vehicle laws or State Boat
6 Act.

7 (b) Except as provided in § 4–302 of this subtitle, the District Court also has
8 exclusive original jurisdiction in a criminal case in which a person at least 18 years old or
9 a corporation is charged with:

10 (1) Commission of a common–law or statutory misdemeanor regardless of
11 the amount of money or value of the property involved;

12 (2) Violation of § 7–104, § 7–105, § 7–107, or § 7–108 of the Criminal Law
13 Article, whether a felony or a misdemeanor;

14 (3) Violation of a county, municipal, or other ordinance, if the violation is
15 not a felony;

16 (4) Criminal violation of a State, county, or municipal rule or regulation, if
17 the violation is not a felony;

18 (5) Doing or omitting to do any act made punishable by a fine,
19 imprisonment, or other penalty as provided by the particular law, ordinance, rule, or
20 regulation defining the violation if the violation is not a felony;

21 (6) Violation of § 8–103 of the Criminal Law Article, whether a felony or a
22 misdemeanor;

23 (7) Violation of § 8–203, § 8–204, § 8–205, § 8–206, § 8–207, § 8–208, or §
24 8–209 of the Criminal Law Article, whether a felony or misdemeanor;

25 (8) Forgery or violation of Title 8, Subtitle 6 of the Criminal Law Article,
26 whether a felony or misdemeanor;

27 (9) Violation of Title 27, Subtitle 4 of the Insurance Article, whether a
28 felony or a misdemeanor;

29 (10) Violation of § 9–1106 of the Labor and Employment Article;

30 (11) Violation of § 8–301 of the Criminal Law Article, whether a felony or
31 misdemeanor;

32 (12) Violation of § 2–209 of the Criminal Law Article;

- (13) Violation of Title 2, Subtitle 5 of the Criminal Law Article;
 - (14) Violation of Title 11, Subtitle 5 of the Financial Institutions Article;
 - (15) Violation of § 10–604, § 10–605, § 10–606, § 10–607, § 10–607.1, or § e Criminal Law Article, whether a felony or misdemeanor;
 - (16) Violation of Title 7, Subtitle 3, Part III of the Criminal Law Article, lony or misdemeanor;
 - (17) Violation of § 20–102 of the Transportation Article, whether a felony or r;
 - (18) Violation of § 8–801 of the Criminal Law Article;
 - (19) Violation of § 8–604 of the Criminal Law Article;
 - (20) Violation of Title 8, Subtitle 2, Part II of the Criminal Law Article;
 - (21) Violation of § 16–801, § 16–802, § 16–803, or § 16–804 of the Election
 - (22) Violation of § 3–203(c) of the Criminal Law Article;
 - (23) Violation of § 11–208 of the Criminal Law Article as a second or offense;
 - (24) Violation of § 11–721 of the Criminal Procedure Article as a second or offense; [or]
 - (25) Violation of § 3–1102(b) or § 3–1103 of the Criminal Law Article; OR
 - (26) VIOLATION OF § 3–905 OR § 3–905.1 OF THE CRIMINAL LAW**

Except as provided in § 4–301(b)(2), (6), (7), (8), (9), (10), (11), (12), (13), (14), 7), (18), (19), (20), (21), (22), (23), (24), [and] (25), AND (26) of this subtitle, the rt does not have jurisdiction to try a criminal case charging the commission of

Except as provided in § 4–303 of this subtitle, the District Court does not have isdiction to try a case in which a juvenile court has exclusive original

1 (c) The jurisdiction of the District Court is concurrent with that of the juvenile
2 court in any criminal case arising under the compulsory public school attendance laws of
3 this State.

4 (d) (1) Except as provided in paragraph (2) of this subsection, the jurisdiction
5 of the District Court is concurrent with that of the circuit court in a criminal case:

(i) In which the penalty may be confinement for 3 years or more or
a fine of \$2,500 or more; or

(ii) That is a felony, as provided in § 4–301(b)(2), (6), (7), (8), (9), (10),
(11), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24), [and] (25), **AND (26)**
of this subtitle.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, a circuit court does not have jurisdiction to try a case charging a violation of § 5–601 or § 5–620 of the Criminal Law Article.

(ii) A circuit court does have jurisdiction to try a case charging a violation of § 5-601 or § 5-620 of the Criminal Law Article if the defendant:

16 1. Properly demands a jury trial;

17 2. Appeals as provided by law from a final judgment entered
18 in the District Court; or

19 3. Is charged with another offense arising out of the same
20 circumstances that is within a circuit court's jurisdiction.

21 (e) (1) The District Court is deprived of jurisdiction if a defendant is entitled
22 to and demands a jury trial at any time prior to trial in the District Court.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, unless the penalty for the offense with which the defendant is charged permits imprisonment for a period in excess of 90 days, a defendant is not entitled to a jury trial in a criminal case.

(ii) Notwithstanding the provisions of subparagraph (i) of this paragraph, the presiding judge of the District Court may deny a defendant a jury trial if:

28 1. The prosecutor recommends in open court that the judge
29 not impose a penalty of imprisonment for a period in excess of 90 days, regardless of the
30 permissible statutory or common law maximum;

31 2. The judge agrees not to impose a penalty of imprisonment
32 for a period in excess of 90 days; and

3. The judge agrees not to increase the defendant's bond if an
appeal is noted.

4 (f) (1) Except as provided in Title 4, Subtitle 5 of the Family Law Article, the
5 District Court does not have jurisdiction of an offense otherwise within the District Court's
6 jurisdiction if a person is charged:

(i) With another offense arising out of the same circumstances but
not within the District Court's jurisdiction; or

(ii) In the circuit court with an offense arising out of the same circumstances and within the concurrent jurisdictions of the District Court and the circuit court described under subsection (d) of this section.

(2) In the cases described under paragraph (1) of this subsection, the circuit court for the county has exclusive original jurisdiction over all the offenses.

Article – Criminal Law

15 [3-905.

16 (a) A person may not take and break open a letter that is not addressed to the
17 person without permission from the person to whom the letter is addressed or the personal
18 representative of the addressee's estate.

19 (b) A person who violates this section is guilty of a misdemeanor and on conviction
20 is subject to imprisonment for 6 days and a fine of \$15.]

21 3-905.

22 (A) (1) IN THIS SECTION, "MAIL" MEANS AN ITEM THAT HAS BEEN OR IS
23 INTENDED TO BE DELIVERED BY USE OF THE U.S. POSTAL SERVICE OR A COMMON
24 CARRIER OR DELIVERY SERVICE TO A PERSON WHOSE ADDRESS APPEARS ON THE
25 ITEM.

26 (2) "MAIL" INCLUDES AN ADDRESSED LETTER, POSTAL CARD, OR
27 PACKAGE.

(B) A PERSON MAY NOT KNOWINGLY AND INTENTIONALLY OPEN MAIL ADDRESSED TO ANOTHER WITHOUT THE PERMISSION OF THE OTHER OR THE OTHER'S AUTHORIZED REPRESENTATIVE OR DESIGNEE.

1 (C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR
2 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 MONTH OR
3 A FINE OF \$1,000 OR BOTH.

4 **3-905.1.**

5 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
6 INDICATED.

7 (2) "ARROW KEY" MEANS A KEY DESIGNED EXCLUSIVELY FOR
8 ALLOWING AN EMPLOYEE OF THE U.S. POSTAL SERVICE OR A COMMON CARRIER OR
9 DELIVERY SERVICE TO ACCESS A MAILBOX OR OTHER DEPOSITORY FOR STORING
10 MAIL.

11 (3) "MAIL" HAS THE MEANING STATED IN § 3-905 OF THIS SUBTITLE.

12 (B) (1) A PERSON MAY NOT COMMIT THEFT UNDER § 7-104 OF THIS
13 ARTICLE INVOLVING AT LEAST 1 BUT FEWER THAN 16 ITEMS OF MAIL.

14 (2) A PERSON MAY NOT COMMIT THEFT UNDER § 7-104 OF THIS
15 ARTICLE INVOLVING 16 OR MORE ITEMS OF MAIL.

16 (3) A PERSON MAY NOT COMMIT THEFT UNDER § 7-104 OF THIS
17 ARTICLE INVOLVING ONE OR MORE ITEMS OF MAIL USING AN ARROW KEY.

18 (C) A PERSON MAY NOT POSSESS AN ARROW KEY WITH THE INTENT TO USE
19 OR ALLOW THE USE OF THE ARROW KEY IN THE COMMISSION OF A VIOLATION OF
20 THIS SECTION.

21 (D) (1) A PERSON WHO VIOLATES SUBSECTION (B)(1) OF THIS SECTION IS
22 GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT
23 NOT EXCEEDING 6 MONTHS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

24 (2) A PERSON WHO VIOLATES SUBSECTION (B)(2) OF THIS SECTION IS
25 GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT
26 EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$2,000 OR BOTH.

27 (3) A PERSON WHO VIOLATES SUBSECTION (B)(3) OF THIS SECTION IS
28 GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT
29 EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

30 (4) A PERSON WHO VIOLATES SUBSECTION (C) OF THIS SECTION IS
31 GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT
32 EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$3,000 OR BOTH.

1 (E) A SENTENCE IMPOSED UNDER THIS SECTION MAY BE SEPARATE FROM
2 AND CONSECUTIVE TO OR CONCURRENT WITH A SENTENCE FOR ANY OTHER CRIME
3 BASED ON THE ACTS ESTABLISHING A VIOLATION OF THIS SECTION.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2026.