

Package thieves could face a minimum \$3,000 fine, 10-day jail sentence under new Utah bill

A yet-to-be-considered amendment to the bill would remove the minimum penalties originally proposed but would keep package theft a third-degree felony.

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A Utah Senate committee opted not to move forward Tuesday with a proposal that could slap convicted porch pirates with a penalty of at least 10 days in jail and fines starting at \$3,000, as some raised concerns that the proposed punishments were too harsh for the crime.

As more and more Utahns turn to the online marketplace — particularly amid the pandemic — package theft has become an issue frequently bemoaned on community Facebook groups and neighborhood apps. And Sen. Gene Davis, D-Salt Lake City and the bill's sponsor, said he's received many emails over the last few months from constituents concerned that packages are "being stolen almost minutes after they're delivered."

"This is designed to stop that from happening," he said of his bill.

If ultimately approved, [SB156](#) would create an offense of package theft and would make it a third degree felony to "knowingly and with the intent to deprive another" take, destroy, hide or "embezzle" a delivered parcel from outside a house or apartment.

Dave Davis, president of the Utah Retail Merchants Association, spoke in support of the proposal during public comment, noting that this is a "significant issue for Utah retailers."

"Oftentimes when these packages are taken, the liability may ultimately fall back to the retailer, so any effort to shine a light on this, to appropriately put additional penalties on this I think is a good idea and we support the bill," he said.

But others spoke against the version of the proposal that was available Tuesday morning, arguing that the punishment was too harsh in a state that largely eschews mandatory minimum sentences.

"Of course everybody understands the annoyance of porch pirates," said Marina Lowe, legislative and policy counsel at the American Civil Liberties Union of Utah. "But the real principle upon which most of our criminal justice system is founded is this notion that the punishment should fit the crime. And when you have a penalty that is so outsized and unrelated to the underlying offense, that really is extremely problematic."

Davis said there was an amended version of his bill that removed the mandatory sentencing requirements, but lawmakers opted to wait to weigh in on the proposal because it was not available Tuesday morning.

[The substitute version of the bill](#), which was online by afternoon, would remove the minimum penalties for package theft but would keep the offense as a third degree felony, [which is punishable by up to five years in prison and a fine of as much as \\$5,000](#).

William Carlson with the Salt Lake County District Attorney's Office said it and the Statewide Association of Prosecutors were also opposed to the bill in its current form and noted that there are already ways to deal with porch piracy. Offenders could be charged under the state's mail theft statute, or they could be charged with standard theft, depending on the value of the item that was stolen, he said.

“We believe that the mail theft statute, which addresses ways to penalize this behavior, is more narrowly tailored to address the concerns,” he told lawmakers during public comment. “And for those very high value items that are stolen, we could always charge an individual with theft, which could go up to a second degree felony if the value of the item is high enough.”

Under state code, [mail theft can be punished up to a third-degree felony](#). It is a class A misdemeanor if the mail “has no monetary value and does not include the name of an individual” and a second degree felony if it contains the personal identifying information of 10 or more people.

In response to arguments that the bill was unnecessary in light of other statutes, Davis noted that the mail theft statute only encompasses items delivered by the U.S. Postal Service and that his proposal would expand that to other package delivery companies, such as Amazon.

“If the U.S. Post Office delivers a package to your home, we have a state law to deal with those who steal those packages or mail from their home, and this just mirrors that and says any package that’s left on your front porch and is delivered to your home gets the same treatment as that,” he said.

And Davis argued that state’s theft statute is inadequate to deal with low-value package theft.

“A \$25 to \$50 package, the police are saying is not even worth their time” he said.

The Senate Judiciary, Law Enforcement, and Criminal Justice Committee voted to hold the bill Tuesday, but it could come back as soon as the committee’s next hearing for additional consideration.