

Bill Summary
1st Session of the 60th Legislature

Bill No.:	SB 925
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Author:	Sen. Hamilton
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Bill Analysis

SB 925 authorizes victims of identity theft to file of record a notice of fraudulent conveyance setting forth the nature of the fraudulent conveyance. The notice may be filed by persons acting on behalf of the victim. Such notice shall serve as constructive notice that the conveyance is alleged to be fraudulent. The notice must contain an accurate and full description of the real property affected by the recorded fraudulent conveyance. The notice shall be filed in the county clerk's office of the county or counties where the real property is situated. County clerks may charge fees for the recording of the notice. The clerk may refuse to file a notice of fraudulent conveyance if the clerk has a reasonable belief that the notice constitutes sham legal process or if the filing constitutes a slander of title. The measure defines title theft and provides that a person convicted of filing documents pertaining to an interest in real property with intent to deceive another person as to the veracity of the document recorded shall be guilty of a felony. Such persons shall be subject to a maximum fine of \$5,000.00 and/or a term of imprisonment in the custody of the Department of Corrections not to exceed 3 years. Persons committing title theft with the intent to defraud the owner of the real property or the owner of an interest in the real property shall be guilty of a felony and subject to a maximum fine of \$5,000.00 and/or a term of imprisonment in the custody of the Department of Corrections not to exceed 10 years. The measure requires county clerks to prominently display a sign that is clearly visible to the general public in or near the county clerk's office stating that it is a crime to knowingly file a fraudulent document pertaining to real property with the county clerk.

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