



SENATE BILL 83: Criminal Law/Filing False Document

2015-2016 General Assembly

Committee:

Introduced by:

Analysis of: S.L. 2015-87

Date:

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SUMMARY: *S.L. 2015-87 amends the law to specify the procedures to be followed by registers of deeds and clerks of court when they suspect that a document presented for filing or recording is false.*

This act became October 1, 2015, and applies to all filings on or after that date.

CURRENT LAW: Under G.S.14-118.6, any person who attempts to file a false lien or encumbrance against the real or personal property of a public officer or public employee or an immediate family member of a public officer or public employee on account of the performance of the public official or public employee's official duties, knowing or having reason to know that it is false or contains a materially false statement, is guilty of a Class I felony.

BILL ANALYSIS: S.L. 2015-87 amends G.S. 14-118.6 to provide the same authority to clerks of superior court that registers of deeds have when presented with a document they suspect to be false. The act authorizes clerks of superior court to deny filing or recording of a lien or encumbrance against the property of public officials or their family members if the clerk has a reasonable suspicion that the lien or encumbrance is false; allows them to bring questioned documents, whether filed against a public official or any other citizen, before the appropriate judge to determine the validity of the document; and sets out the procedures to be followed when a register of deeds or clerk of court suspects a fraudulent document.

EFFECTIVE DATE: This act became October 1, 2015, and applies to all filings on or after that date.

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