SENATE BILL 83:
Criminal Law/Filing False Document

Committee:	House Judiciary III, if favorable, Regulatory Reform	**Date:**	June 2, 2015
Introduced by:	Sen. Bingham	**Prepared by:**	Janice Paul
Analysis of:	PCS to Third Edition S83-CSTJ-40		Committee Counsel

SUMMARY: The Proposed Committee Substitute (PCS) for Senate Bill 83 would amend 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. The PCS would make various modifications to the specific procedures to be followed when a clerk of court suspects that a lien or encumbrance is false, and would change the effective date of the act.

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: The PCS to Senate Bill 83 would amend 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 PCS would authorize 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; would allow 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 would set out the procedures to be followed when a register of deeds or clerk of court suspects a fraudulent document.

EFFECTIVE DATE: This act becomes effective December 1, 2015, and applies to offenses committed on or after that date.