

By: West, et al.

S.B. No. 15

A BILL TO BE ENTITLED

1 AN ACT
2 relating to recording requirements for certain documents
3 concerning real property; creating the criminal offenses of real
4 property theft and real property fraud and establishing a statute
5 of limitations for those offenses.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Article 12.01, Code of Criminal Procedure, as
8 amended by H.B. 1778, S.B. 127, and S.B. 2798, Acts of the 89th
9 Legislature, Regular Session, 2025, and effective September 1,
10 2025, is reenacted and amended to read as follows:

11 Art. 12.01. FELONIES. Except as provided in Articles
12 12.015 and 12.03, felony indictments may be presented within these
13 limits, and not afterward:

14 (1) no limitation:

15 (A) murder and manslaughter;

16 (B) sexual assault under Section 22.011(a)(2),
17 Penal Code, or aggravated sexual assault under Section
18 22.021(a)(1)(B), Penal Code;

19 (C) sexual assault, if:

20 (i) during the investigation of the offense
21 biological matter is collected and the matter:

22 (a) has not yet been subjected to
23 forensic DNA testing; or

24 (b) has been subjected to forensic DNA

1 testing and the testing results show that the matter does not match
2 the victim or any other person whose identity is readily
3 ascertained; or

4 (ii) probable cause exists to believe that
5 the defendant has committed the same or a similar sex offense
6 against five or more victims;

7 (D) continuous sexual abuse of young child or
8 disabled individual under Section 21.02, Penal Code;

9 (E) indecency with a child under Section 21.11,
10 Penal Code;

11 (F) an offense involving leaving the scene of a
12 collision under Section 550.021, Transportation Code, if the
13 collision resulted in the death of a person;

14 (G) trafficking of persons under Section
15 20A.02(a)(7) or (8), Penal Code;

16 (H) continuous trafficking of persons under
17 Section 20A.03, Penal Code;

18 (I) compelling prostitution under Section
19 43.05(a)(2) or (3), Penal Code;

20 (J) tampering with physical evidence under
21 Section 37.09(a)(1) or (d)(1), Penal Code, if:

22 (i) the evidence tampered with is a human
23 corpse, as defined by that section; or

24 (ii) the investigation of the offense shows
25 that a reasonable person in the position of the defendant at the
26 time of the commission of the offense would have cause to believe
27 that the evidence tampered with is related to a criminal homicide

1 under Chapter 19, Penal Code;

2 (K) interference with child custody under
3 Section 25.03(a)(3), Penal Code;

4 (L) burglary under Section 30.02, Penal Code, if:

5 (i) the offense is punishable under
6 Subsection (d) of that section because the defendant entered a
7 habitation with the intent to commit an offense under Section
8 22.011 or 22.021, Penal Code; and

9 (ii) during the investigation of the
10 offense biological matter is collected and the matter:

11 (a) has not yet been subjected to
12 forensic DNA testing; or

13 (b) has been subjected to forensic DNA
14 testing and the testing results show that the matter does not match
15 the victim or any other person whose identity is readily
16 ascertained;

17 (M) failure to stop or report sexual or
18 assaultive offense against child under Section 38.17, Penal Code;
19 or

20 (N) continuous promotion of prostitution under
21 Section 43.032, Penal Code;

22 (2) ten years from the date of the commission of the
23 offense:

24 (A) theft of any estate, real, personal or mixed,
25 by an executor, administrator, guardian or trustee, with intent to
26 defraud any creditor, heir, legatee, ward, distributee,
27 beneficiary or settlor of a trust interested in such estate;

1 (B) theft by a public servant of government
2 property over which the public servant exercises control in the
3 public servant's official capacity;

4 (C) forgery or the uttering, using, or passing of
5 forged instruments;

6 (D) injury to an elderly or disabled individual
7 punishable as a felony of the first degree under Section 22.04,
8 Penal Code;

9 (E) sexual assault, except as provided by
10 Subdivision (1) or (10) [~~(9)~~];

11 (F) arson;

12 (G) trafficking of persons under Section
13 20A.02(a)(1), (2), (3), or (4), Penal Code; [~~or~~]

14 (H) compelling prostitution under Section
15 43.05(a)(1), Penal Code;

16 (I) real property theft under Section 31.23,
17 Penal Code; or

18 (J) real property fraud under Section 32.60,
19 Penal Code;

20 (3) seven years from the date of the commission of the
21 offense:

22 (A) an offense under Chapter 32, Penal Code,
23 except as provided by Subdivision (2)(C) or (J);

24 (B) a felony violation under Chapter 162, Tax
25 Code;

26 (C) money laundering;

27 (D) health care fraud under Section 35A.02, Penal

1 Code;

2 (E) bigamy under Section 25.01, Penal Code,

3 except as provided by Subdivision (7); or

4 (F) possession or promotion of child pornography

5 under Section 43.26, Penal Code;

6 (4) five years from the date of the commission of the

7 offense:

8 (A) theft or robbery;

9 (B) except as provided by Subdivision (5),

10 kidnapping;

11 (C) except as provided by Subdivision (1) or (5),

12 burglary;

13 (D) injury to an elderly or disabled individual

14 that is not punishable as a felony of the first degree under Section

15 22.04, Penal Code;

16 (E) abandoning or endangering an elderly or

17 disabled individual;

18 (F) insurance fraud;

19 (G) assault under Section 22.01, Penal Code, if

20 the assault was committed against a person whose relationship to or

21 association with the defendant is described by Section 71.0021(b),

22 71.003, or 71.005, Family Code;

23 (H) continuous violence against the family under

24 Section 25.11, Penal Code; or

25 (I) aggravated assault under Section 22.02,

26 Penal Code;

27 (5) if the investigation of the offense shows that the

1 victim is younger than 17 years of age at the time the offense is
2 committed, 20 years from the 18th birthday of the victim of one of
3 the following offenses:

4 (A) kidnapping under Section 20.03, Penal Code,
5 or aggravated kidnapping under Section 20.04, Penal Code; or

6 (B) subject to Subdivision (1)(L), burglary
7 under Section 30.02, Penal Code, if the offense is punishable under
8 Subsection (d) of that section because the defendant entered a
9 habitation with the intent to commit an offense described by
10 Subdivision (1)(B) or (D) of this article or Paragraph (A) of this
11 subdivision;

12 (6) 20 years from the 18th birthday of the victim of
13 one of the following offenses:

14 (A) trafficking of a child under Section
15 20A.02(a)(5) or (6), Penal Code; or

16 (B) sexual performance by a child under Section
17 43.25, Penal Code;

18 (7) ten years from the 18th birthday of the victim of
19 the offense:

20 (A) injury to a child under Section 22.04, Penal
21 Code;

22 (B) bigamy under Section 25.01, Penal Code, if
23 the investigation of the offense shows that the person, other than
24 the legal spouse of the defendant, whom the defendant marries or
25 purports to marry or with whom the defendant lives under the
26 appearance of being married is younger than 18 years of age at the
27 time the offense is committed; or

- 1 (C) abandoning or endangering a child;
- 2 (8) ten years from the date the offense was
3 discovered: trafficking of a disabled individual under Section
4 [20A.02](#)(a)(5) or (6), Penal Code;
- 5 (9) four years from the date the offense was
6 discovered: failure to report child abuse or neglect if the offense
7 is punishable as a state jail felony under Section [261.109](#)(c),
8 Family Code;
- 9 (10) two years from the date the offense was
10 discovered: sexual assault punishable as a state jail felony under
11 Section [22.011](#)(f)(2), Penal Code; or
- 12 (11) three years from the date of the commission of the
13 offense: all other felonies.

14 SECTION 2. Title 1, Code of Criminal Procedure, is amended
15 by adding Chapter 5C to read as follows:

16 CHAPTER 5C. PROCEDURES FOR REAL PROPERTY THEFT AND FRAUD

17 Art. 5C.001. INFORMATION TO BE INCLUDED IN JUDGMENT OR
18 ORDER. For an offense under Section 31.23 or 32.60, Penal Code, the
19 judgment of conviction or order of deferred adjudication must
20 include:

21 (1) the street address or legal description of the
22 real property that the court finds to be included in the conduct
23 constituting the offense; and

24 (2) the identifying reference number assigned by the
25 county clerk to each document:

26 (A) that relates to real property that the court
27 finds to be included in the conduct constituting the offense; and

1 (B) that is recorded in the real property records
2 of the county.

3 Art. 5C.002. JUDGMENT OR ORDER TO BE FILED WITH COUNTY
4 CLERK. Not later than the 10th day after the date the court enters a
5 judgment of conviction or order of deferred adjudication for an
6 offense under Section 31.23 or 32.60, Penal Code, the prosecutor or
7 court clerk, as determined by local court rule, shall file with the
8 county clerk:

9 (1) a certified copy of the judgment or order for
10 recording in the real property records of the county where the real
11 property that is the subject of the offense is located;

12 (2) a statement explaining the filing; and

13 (3) if the judgment or order does not comply with
14 Article 5C.001, a certified copy of the indictment.

15 Art. 5C.003. EFFECT OF NONCOMPLIANCE. A judgment of
16 conviction or order of deferred adjudication for an offense under
17 Section 31.23 or 32.60, Penal Code, is not invalid solely because
18 the judgment or order fails to comply with Article 5C.001 or 5C.002.

19 SECTION 3. Chapter 42, Code of Criminal Procedure, is
20 amended by adding Article 42.0376 to read as follows:

21 Art. 42.0376. RESTITUTION FOR REAL PROPERTY THEFT. (a)
22 Except as provided by Subsection (b) and subject to Subsection (c),
23 the court shall order a defendant convicted of or placed on deferred
24 adjudication community supervision for an offense under Section
25 31.23, Penal Code, to pay restitution, as applicable:

26 (1) for an offense under Section 31.23(b)(1), to the
27 owner of the real property or nonpossessory interest in real

1 property that is the subject of the offense in an amount equal to
2 the value of the real property or nonpossessory interest;

3 (2) for an offense under Section 31.23(b)(2), to the
4 owner of the benefit that is the subject of the offense in an amount
5 equal to the value of the benefit;

6 (3) to a title company or insurer that paid a claim
7 based on the conduct constituting the offense, in an amount equal to
8 the value of the payment made by the title company or insurer; or

9 (4) to the owner of the real property or nonpossessory
10 interest in real property or the owner of the benefit in an amount
11 equal to, as applicable:

12 (A) the value of losses incurred as a reasonably
13 foreseeable result of the conduct constituting the offense,
14 including loss of or damage to:

15 (i) personal property, including machinery
16 or vehicles located on or in the real property that is the subject
17 of the offense;

18 (ii) trees, landscaping, flora, and growing
19 or harvested agricultural commodities placed or maintained on the
20 real property by the owner, regardless of the state of growth; or

21 (iii) a structure attached to the real
22 property that is not included in the market value of the property
23 for the tax year in which the offense was committed, as indicated on
24 the appraisal roll for the appraisal district in which the real
25 property is located; or

26 (B) reasonable attorney's fees and court costs
27 related to an action brought to quiet title to or dispute the

1 conveyance or possession of the real property that is the subject of
2 the offense.

3 (b) The court may not order a defendant convicted of or
4 placed on deferred adjudication community supervision for an
5 offense under Section 31.23(b)(1), Penal Code, to pay restitution
6 under Subsection (a)(1) if, before a judgment of conviction or
7 order of deferred adjudication is entered in the case, the
8 defendant:

9 (1) is listed in the county real property records as
10 the owner of the real property or nonpossessory interest in real
11 property that is the subject of the offense;

12 (2) executes a quitclaim deed or other instrument
13 conveying the title or interest to the owner of the property or
14 interest;

15 (3) files for recording in the county real property
16 records the quitclaim deed or other instrument; and

17 (4) provides to the court a certified copy of the
18 recorded quitclaim deed or other instrument.

19 (c) The court shall reduce the amount of restitution that a
20 defendant is ordered to pay under Subsection (a)(1) by an amount
21 equal to the value of a payment made by a title company or insurer
22 for a claim based on the conduct constituting the offense to the
23 person to whom the court orders the defendant to pay restitution.

24 SECTION 4. Section [51.901](#), Government Code, is amended by
25 adding Subsection (g) to read as follows:

26 (g) If an individual advises a county clerk that a document
27 or instrument that purports to convey an interest in real property

1 and that was filed for recording with the county clerk after January
2 1, 2026, is fraudulent, the county clerk shall provide to law
3 enforcement with jurisdiction in the area where the real property
4 is located notice of the allegation and the photo identification
5 information provided to the county clerk under Section 191.010(b),
6 Local Government Code, by the person who presented the document or
7 instrument to the county clerk for filing.

8 SECTION 5. The heading to Section 191.010, Local Government
9 Code, is amended to read as follows:

10 Sec. 191.010. AUTHORITY TO REQUIRE PHOTO IDENTIFICATION TO
11 FILE CERTAIN DOCUMENTS [~~IN CERTAIN COUNTIES~~].

12 SECTION 6. Section 191.010(b), Local Government Code, is
13 amended to read as follows:

14 (b) A county clerk shall [~~in a county that allows for~~
15 ~~electronic filing of documents in the real property records of the~~
16 ~~county may~~] require a person presenting a document in person for
17 filing in the real property records of the county to present a photo
18 identification to the clerk. The clerk shall [~~may~~] copy the photo
19 identification or record information from the photo
20 identification. The clerk may not charge a person a fee to copy or
21 record the information from a photo identification.

22 SECTION 7. Section 31.01(4), Penal Code, is amended to read
23 as follows:

24 (4) "Appropriate" means:

25 (A) to bring about a transfer or purported
26 transfer of title to or other nonpossessory interest in property
27 other than real property, whether to the actor or another; or

1 (B) to acquire or otherwise exercise control over
2 property other than real property.

3 SECTION 8. Chapter 31, Penal Code, is amended by adding
4 Section 31.23 to read as follows:

5 Sec. 31.23. REAL PROPERTY THEFT. (a) In this section:

6 (1) "Disabled individual" and "elderly individual"
7 have the meanings assigned by Section 22.04.

8 (2) "Nonpossessory interest" includes an interest
9 that may be conveyed by a quitclaim deed or conditional transfer.

10 (3) "Owner" includes an owner's estate and known
11 successors in interest if the owner is deceased.

12 (4) "Transfer" has the meaning assigned by Section
13 12.019, Property Code.

14 (b) A person commits an offense if the person:

15 (1) brings about or attempts to bring about a transfer
16 or purported transfer of real property or title to real property or
17 a nonpossessory interest in real property, to any transferee or
18 intended transferee:

19 (A) without the effective consent of the owner of
20 the real property or the nonpossessory interest in real property;
21 and

22 (B) with the intent to deprive the owner of the
23 real property or the nonpossessory interest in the real property;
24 or

25 (2) sells or otherwise transfers or encumbers, or
26 attempts to sell or otherwise transfer or encumber, real property
27 or title to real property or a nonpossessory interest in real

1 property to or with respect to a person in exchange for a benefit
2 from any person:

3 (A) without the effective consent of the owner of
4 the benefit; and

5 (B) with the intent to deprive the owner of the
6 benefit.

7 (c) Except as provided by Subsection (e), an offense under
8 Subsection (b)(1) is:

9 (1) a felony of the second degree if it is shown on the
10 trial of the offense that the market value of the real property is
11 less than \$300,000; or

12 (2) a felony of the first degree if it is shown on the
13 trial of the offense that the market value of the real property is
14 \$300,000 or more.

15 (d) Except as provided by Subsection (e), an offense under
16 Subsection (b)(2) is:

17 (1) a felony of the third degree if it is shown on the
18 trial of the offense that the value of the benefit received is less
19 than \$30,000;

20 (2) a felony of the second degree if it is shown on the
21 trial of the offense that the value of the benefit received is
22 \$30,000 or more but less than \$150,000; or

23 (3) a felony of the first degree if it is shown on the
24 trial of the offense that the value of the benefit received is
25 \$150,000 or more.

26 (e) An offense described for purposes of punishment by
27 Subsections (c) and (d) is increased to the next higher category of

1 offense if it is shown on the trial of the offense that at the time
2 of the offense:

3 (1) the owner of the real property or nonpossessory
4 interest in real property or the owner of the benefit was:

5 (A) an elderly individual;

6 (B) a disabled individual; or

7 (C) a nonprofit organization; or

8 (2) the real property was subject to a property tax
9 exemption under Subchapter B, Chapter 11, Tax Code, as an
10 individual's residence homestead as defined by Section 11.13(j),
11 Tax Code.

12 (f) For purposes of Subsection (c), the market value of real
13 property is the market value of that property for the tax year in
14 which the offense was committed, as indicated on the appraisal roll
15 for the appraisal district in which the property is located.

16 (g) If conduct that constitutes an offense under this
17 section also constitutes an offense under another law, the actor
18 may be prosecuted under this section, the other law, or both.

19 SECTION 9. Subchapter D, Chapter 32, Penal Code, is amended
20 by adding Section 32.60 to read as follows:

21 Sec. 32.60. REAL PROPERTY FRAUD. (a) In this section:

22 (1) "Deception" has the meaning assigned by Section
23 31.01.

24 (2) "Disabled individual" and "elderly individual"
25 have the meanings assigned by Section 22.04.

26 (3) "Document" and "effective consent" have the
27 meanings assigned by Section 32.46.

1 (b) A person commits an offense if the person:

2 (1) intentionally or knowingly makes a materially
3 false or misleading written statement to obtain real property; or

4 (2) with the intent to defraud or harm any person:

5 (A) causes another person, without that person's
6 effective consent, to sign or execute any document affecting real
7 property or any person's interest in real property; or

8 (B) causes a public servant, without the public
9 servant's effective consent, to file or record any purported
10 judgment or other document purporting to memorialize or evidence:

11 (i) title to real property or any person's
12 interest in real property; or

13 (ii) a lien or claim against real property
14 or against any person's interest in real property.

15 (c) Except as provided by Subsection (d), an offense under
16 this section is:

17 (1) a felony of the second degree if it is shown on the
18 trial of the offense that the market value of the real property or
19 the value of the interest in the real property is less than
20 \$300,000; or

21 (2) a felony of the first degree if it is shown on the
22 trial of the offense that the market value of the real property or
23 the value of the interest in the real property is \$300,000 or more.

24 (d) An offense described for purposes of punishment by
25 Subsection (c) is increased to the next higher category of offense
26 if it is shown on the trial of the offense that at the time of the
27 offense:

1 (1) the owner of the real property was:

2 (A) an elderly individual;

3 (B) a disabled individual; or

4 (C) a nonprofit organization; or

5 (2) the real property was subject to a property tax
6 exemption under Subchapter B, Chapter 11, Tax Code, as an
7 individual's residence homestead as defined by Section 11.13(j),
8 Tax Code.

9 (e) For purposes of Subsection (c), the market value of real
10 property is the market value of that property for the tax year in
11 which the offense was committed, as indicated on the appraisal roll
12 for the appraisal district in which the property is located.

13 SECTION 10. Section 12.001(b), Property Code, is amended to
14 read as follows:

15 (b) An instrument conveying real property may not be
16 recorded unless:

17 (1) it is signed and acknowledged or sworn to by the
18 grantor in the presence of two or more credible subscribing
19 witnesses or acknowledged or sworn to before and certified by an
20 officer authorized to take acknowledgements or oaths, as
21 applicable; and

22 (2) any individual presenting the instrument in person
23 for recording presents a photo identification to the county clerk
24 as required by Section 191.010, Local Government Code.

25 SECTION 11. The changes in law made by this Act apply only
26 to an offense committed on or after the effective date of this Act.
27 An offense committed before the effective date of this Act is

1 governed by the law in effect on the date the offense was committed,
2 and the former law is continued in effect for that purpose. For
3 purposes of this section, an offense was committed before the
4 effective date of this Act if any element of the offense was
5 committed before that date.

6 SECTION 12. The changes in law made by this Act in amending
7 Article 12.01, Code of Criminal Procedure, do not apply to an
8 offense if the prosecution of that offense becomes barred by
9 limitation before the effective date of this Act. The prosecution
10 of that offense remains barred as if this Act had not taken effect.

11 SECTION 13. (a) Except as provided by Subsection (b) of
12 this section, this Act takes effect on the 91st day after the last
13 day of the legislative session.

14 (b) Section 51.901(g), Government Code, as added by this
15 Act, takes effect January 1, 2026.