1   AN ACT

2 relating to fraudulent documents offered to the county clerk or the

3 secretary of state for filing.

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

5   SECTION 1.   Section 51.901, Government Code, is amended by

6 adding Subsection (d) to read as follows:

7   (d)   If a county clerk believes in good faith that a document

8 filed with the county clerk to create a lien is fraudulent, the

9 clerk shall:

10   (1)   request the assistance of the county or district

11 attorney to determine whether the document is fraudulent before

12 filing or recording the document;

13   (2)   request that the prospective filer provide to the

14 county clerk additional documentation supporting the existence of

15 the lien, such as a contract or other document that contains the

16 alleged debtor or obligor's signature; and

17   (3)   forward any additional documentation received to

18 the county or district attorney.

19   SECTION 2.   Subchapter B, Chapter 405, Government Code, is

20 amended by adding Section 405.021 to read as follows:

21   Sec. 405.021.   FILING OR RECORDING OF FRAUDULENT DOCUMENT.

22 If the secretary of state believes in good faith that a document

23 filed with the secretary of state to create a lien is fraudulent,

24 the secretary of state shall:

1   (1) request the assistance of the attorney general to

2 determine whether the document is fraudulent before filing or

3 recording the document;

4   (2) request that the prospective filer provide to the

5 secretary of state additional documentation supporting the

6 existence of the lien, such as a contract or other document that

7 contains the alleged debtor or obligor's signature; and

8   (3) forward any additional documentation received to

9 the attorney general.

10   SECTION 3. This Act takes effect September 1, 2005.

_____   _____
      President of the Senate   Speaker of the House

    I hereby certify that S.B. No. 1589 passed the Senate on May 3, 2005, by the following vote: Yeas 31, Nays 0.

                                         _____
                                               Secretary of the Senate

    I hereby certify that S.B. No. 1589 passed the House on May 25, 2005, by a non-record vote.

                                         _____
                                               Chief Clerk of the House

Approved:

_____
            Date

_____
          Governor