

By: Carona

S.B. No. 1589

A BILL TO BE ENTITLED

AN ACT

relating to fraudulent documents offered to the county clerk or the secretary of state for filing.

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

SECTION 1. Section 51.901, Government Code, is amended by adding Subsection (d) to read as follows:

(d) If a county clerk believes in good faith that a document filed with the county clerk to create a lien is fraudulent, the clerk shall:

(1) request the assistance of the county or district attorney to determine whether the document is fraudulent before filing or recording the document;

(2) request that the prospective filer provide to the county clerk additional documentation supporting the existence of the lien, such as a contract or other document that contains the alleged debtor or obligor's signature; and

(3) forward any additional documentation received to the county or district attorney.

SECTION 2. Subchapter B, Chapter 405, Government Code, is amended by adding Section 405.021 to read as follows:

Sec. 405.021. FILING OR RECORDING OF FRAUDULENT DOCUMENT.  
If the secretary of state believes in good faith that a document filed with the secretary of state to create a lien is fraudulent, 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.