

BILL ANALYSIS

Senate Research Center
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S.B. 15
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Deed fraud and title theft, sometimes called real property theft or property fraud, are growing crimes across Texas and across the United States. Among the most prominent instances of real property theft occurred with Graceland, the former home of entertainer Elvis Presley, in 2024.

Because bad actors seeking to commit deed fraud and title theft are so sophisticated the conveyance documents that can be produced to commit these acts are often quite well-prepared and can fool even the most well-trained clerks in a county clerk's office. In such cases where fake conveyance documents make it through the filing process and a property owner later determines the conveyance documents were fraudulent, even if they return to the county clerk's office, it can be very difficult to determine who filed faked conveyance documents if those documents used the names of the actual property owners.

S.B. 15 seeks to remedy this by modifying Section 191.010(b) of the Local Government Code and Section 12.001(b) of the Property Code to require that all persons filing property conveyance documents present a photo identification, and that the county clerk copy the information from, or record the information from, the identification presented.

These statutory changes will allow for easier determination of who the bad actors are in real property theft and deed fraud cases.

As proposed, S.B. 15 amends current law relating to recording requirements for certain documents concerning real property.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 191.010(b), Local Government Code, as follows:

(b) Requires a county clerk, rather than authorizes a county clerk in a county that allows for electronic filing of documents in the real property records of the county, to require a person presenting a document, rather than presenting a document in person, for filing in the real property records of the county to present a photo identification to the clerk. Requires, rather than authorizes, the clerk to copy the photo identification or record information from the photo identification.

SECTION 2. Amends Section 12.001(b), Property Code, as follows:

(b) Prohibits an instrument conveying real property from being recorded unless certain conditions are met, including if any individual presenting the instrument for recording presents a photo identification to the county clerk as required by Section 191.010 (Authority to Require Photo Identification to File Certain Documents in Certain Counties), Local Government Code. Makes nonsubstantive changes.

SECTION 3. Effective date: upon passage or the 91st day after the last day of the legislative session.