

By: West, et al.

S.B. No. 16

A BILL TO BE ENTITLED

AN ACT

relating to real property theft and real property fraud;
establishing recording requirements for certain documents
concerning real property; creating the criminal offenses of real
property theft and real property fraud and establishing a statute
of limitations, restitution, and certain procedures with respect to
those offenses.

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

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

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

(1) no limitation:

(A) murder and manslaughter;

(B) sexual assault under Section [22.011](#)(a)(2),
Penal Code, or aggravated sexual assault under Section
[22.021](#)(a)(1)(B), Penal Code;

(C) sexual assault, if:

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

(a) has not yet been subjected to

1 forensic DNA testing; or

2 (b) has been subjected to forensic DNA
3 testing and the testing results show that the matter does not match
4 the victim or any other person whose identity is readily
5 ascertained; or

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

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

11 (E) indecency with a child under Section 21.11,
12 Penal Code;

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

16 (G) trafficking of persons under Section
17 20A.02(a)(7) or (8), Penal Code;

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

20 (I) compelling prostitution under Section
21 43.05(a)(2) or (3), Penal Code;

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

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

26 (ii) the investigation of the offense shows
27 that a reasonable person in the position of the defendant at the

1 time of the commission of the offense would have cause to believe
2 that the evidence tampered with is related to a criminal homicide
3 under Chapter 19, Penal Code;

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

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

7 (i) 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 under Section
10 22.011 or 22.021, Penal Code; and

11 (ii) during the investigation of the
12 offense biological matter is collected and the matter:

13 (a) has not yet been subjected to
14 forensic DNA testing; or

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

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

22 (N) continuous promotion of prostitution under
23 Section 43.032, Penal Code;

24 (2) ten years from the date of the commission of the
25 offense:

26 (A) theft of any estate, real, personal or mixed,
27 by an executor, administrator, guardian or trustee, with intent to

defraud any creditor, heir, legatee, ward, distributee,
beneficiary or settlor of a trust interested in such estate;

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

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

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

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

(F) arson;

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

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

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

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

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

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

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

1 (C) money laundering;
2 (D) health care fraud under Section 35A.02, Penal
3 Code;
4 (E) bigamy under Section 25.01, Penal Code,
5 except as provided by Subdivision (7); or
6 (F) possession or promotion of child pornography
7 under Section 43.26, Penal Code;
8 (4) five years from the date of the commission of the
9 offense:
10 (A) theft or robbery;
11 (B) except as provided by Subdivision (5),
12 kidnapping;
13 (C) except as provided by Subdivision (1) or (5),
14 burglary;
15 (D) injury to an elderly or disabled individual
16 that is not punishable as a felony of the first degree under Section
17 22.04, Penal Code;
18 (E) abandoning or endangering an elderly or
19 disabled individual;
20 (F) insurance fraud;
21 (G) assault under Section 22.01, Penal Code, if
22 the assault was committed against a person whose relationship to or
23 association with the defendant is described by Section 71.0021(b),
24 71.003, or 71.005, Family Code;
25 (H) continuous violence against the family under
26 Section 25.11, Penal Code; or
27 (I) aggravated assault under Section 22.02,

1 Penal Code;

2 (5) if the investigation of the offense shows that the
3 victim is younger than 17 years of age at the time the offense is
4 committed, 20 years from the 18th birthday of the victim of one of
5 the following offenses:

6 (A) kidnapping under Section 20.03, Penal Code,
7 or aggravated kidnapping under Section 20.04, Penal Code; or

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

14 (6) 20 years from the 18th birthday of the victim of
15 one of the following offenses:

16 (A) trafficking of a child under Section
17 20A.02(a)(5) or (6), Penal Code; or

18 (B) sexual performance by a child under Section
19 43.25, Penal Code;

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

22 (A) injury to a child under Section 22.04, Penal
23 Code;

24 (B) bigamy under Section 25.01, Penal Code, if
25 the investigation of the offense shows that the person, other than
26 the legal spouse of the defendant, whom the defendant marries or
27 purports to marry or with whom the defendant lives under the

1 appearance of being married is younger than 18 years of age at the
2 time the offense is committed; or

3 (C) abandoning or endangering a child;

4 (8) ten years from the date the offense was
5 discovered: trafficking of a disabled individual under Section
6 20A.02(a)(5) or (6), Penal Code;

7 (9) four years from the date the offense was
8 discovered: failure to report child abuse or neglect if the offense
9 is punishable as a state jail felony under Section 261.109(c),
10 Family Code;

11 (10) two years from the date the offense was
12 discovered: sexual assault punishable as a state jail felony under
13 Section 22.011(f)(2), Penal Code; or

14 (11) three years from the date of the commission of the
15 offense: all other felonies.

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

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

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

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

26 (2) the identifying reference number assigned by the
27 county clerk to each document:

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

3 (B) that is recorded in the real property records
4 of the county.

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

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

14 (2) a statement explaining the filing; and

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

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

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

23 Art. 42.0376. RESTITUTION FOR REAL PROPERTY THEFT. (a)
24 Except as provided by Subsection (b) and subject to Subsection (c),
25 the court shall order a defendant convicted of or placed on deferred
26 adjudication community supervision for an offense under Section
27 31.23, Penal Code, to pay restitution, as applicable:

1 (1) for an offense under Section 31.23(b)(1), to the
2 owner of the real property or nonpossessory interest in real
3 property that is the subject of the offense in an amount equal to
4 the value of the real property or nonpossessory interest;

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

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

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

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

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

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

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

1 (B) reasonable attorney's fees and court costs
2 related to an action brought to quiet title to or dispute the
3 conveyance or possession of the real property that is the subject of
4 the offense.

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (4) "Appropriate" means:

27 (A) to bring about a transfer or purported

transfer of title to or other nonpossessory interest in property
other than real property, whether to the actor or another; or

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

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

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

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

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

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

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

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

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

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

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

(2) sells or otherwise transfers or encumbers, or

attempts to sell or otherwise transfer or encumber, real property or title to real property or a nonpossessory interest in real property to or with respect to a person in exchange for a benefit from any person:

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

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

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

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

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

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

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

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

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

1 (e) An offense described for purposes of punishment by
2 Subsections (c) and (d) is increased to the next higher category of
3 offense if it is shown on the trial of the offense that at the time
4 of the offense:

5 (1) the owner of the real property or nonpossessory
6 interest in real property or the owner of the benefit was:

7 (A) an elderly individual;

8 (B) a disabled individual; or

9 (C) a nonprofit organization; or

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

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

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

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

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

24 (1) "Deception" has the meaning assigned by Section
25 31.01.

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

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

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

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

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

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

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

13 (i) title to real property or any person's
14 interest in real property; or

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

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

19 (1) a felony of the second degree if it is shown on the
20 trial of the offense that the market value of the real property or
21 the value of the interest in the real property is less than
22 \$300,000; or

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

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

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

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

4 (A) an elderly individual;

5 (B) a disabled individual; or

6 (C) a nonprofit organization; or

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

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

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

17 (b) An instrument conveying real property may not be
18 recorded unless:

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

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

27 SECTION 11. The changes in law made by this Act apply only

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

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

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

16 (b) Section [51.901](#)(g), Government Code, as added by this
17 Act, takes effect January 1, 2026.