

## **BILL ANALYSIS**

Senate Research Center  
89R4149 JTZ-D

S.B. 693  
By: West  
Criminal Justice  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Deed theft occurs when a person takes the title to a home without the homeowner's knowledge or consent. Usually, the signatures of the true owners are forged to either "sell" the property to unknowing buyers or borrow against the property from unknowing lenders. Often, the true owners do not discover that a fraudulent deed or lien has been filed until they go to sell or refinance their property.

To produce a document that appears to be valid, the bad actor either conspires with a notary, tricks a notary with a fake ID, or fraudulently reproduces the seal and signature of a notary.

S.B. 693 will deter deed theft from occurring by creating a criminal offense for the use of a valid or fraudulent notary signature on a fraudulent document. The bill would create a Class A misdemeanor for knowingly affixing a valid or fraudulent notary seal to a document that is presumed to be fraudulent under Section 51.901(c)(2) of the Government Code and filing or attempting to file that document. A document is presumed to be fraudulent when it purports to create a lien or assert a claim against real property and is a document that is not provided for by the Constitution or state or federal laws and is not created by consent of the obligor, debtor, or owner of the property or is not a lien imposed by a court.

As proposed, S.B. 693 amends current law relating to creating a criminal offense for the use of a notary seal or counterfeit seal on a fraudulent document or instrument.

### **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 Subchapter A, Chapter 406, Government Code, by adding Section 406.027, as follows:

Sec. 406.027. USE OF NOTARY SEAL OR COUNTERFEIT SEAL ON FRAUDULENT DOCUMENT OR INSTRUMENT; CRIMINAL OFFENSE. (a) Defines "counterfeit seal."

(b) Provides that a person commits an offense if the person knowingly affixes a notary seal or counterfeit seal to a document or instrument presumed to be fraudulent under Section 51.901(c)(2) (relating to the circumstance in which a document or instrument is presumed to be fraudulent) and files, records, or attempts to file or record the document or instrument with a clerk of the supreme court, clerk of the court of criminal appeals, clerk of a court of appeals, district clerk, county clerk, district and county clerk, or municipal clerk.

(c) Provides that an offense under this section is a Class A misdemeanor.

(d) Authorizes the actor, if conduct that constitutes an offense under this section also constitutes an offense under any other law, to be prosecuted under this section, the other law, or both.

SECTION 2. Effective date: September 1, 2025.