



SENATE BILL 754: Prevent Squatting in Foreclosed Real Property.

2016-2017 General Assembly

Committee: Senate Judiciary I
Introduced by: Sen. Bingham
Analysis of: PCS to First Edition
S754-CSSA-98

Date: May 11, 2016
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Committee Counsel

SUMMARY: *The Proposed Committee Substitute (PCS) for Senate Bill 754 would enhance criminal penalties for persons who fraudulently record liens and for persons who commit a trespass to real property by reentering after removal pursuant to a valid order or by knowingly creating or presenting a false document of title or possession.*

BILL ANALYSIS:

Section 1 of the PCS would broaden the offense of filing or recording a false lien or encumbrance to include filing or recording a false lien or encumbrance against the real or personal property of any person. The current law only applies to filing a false lien against the property of a public officer, public employee, or an immediate family member of a public officer or employee. This section also adds a mandatory minimum fine of \$1,000 for each violation.

Section 2 of the PCS would amend the offense of first degree trespass to create a Class I felony with a mandatory minimum fine of \$1,000 for any offense where any of the following circumstances exist:

- The offense occurs on real property where the person has reentered after having previously been removed pursuant to the execution of a valid order or writ for possession.
- The offense occurs under color of title where the person has knowingly created or provided materially false evidence of an ownership or possessory interest.

Section 3 of the PCS would appropriate \$25,000 to the Governor's Crime Commission for a grant to the North Carolina Sheriffs' Association for the purpose of providing technical assistance and guidance on the enforcement of the criminal penalties contained in this act.

EFFECTIVE DATE: Section 1 and 2 of this act become effective December 1, 2016, and apply to offenses committed on or after that date. The remainder of this act becomes effective July 1, 2016.

Karen Cochrane-
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Director



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Legislative Analysis
Division
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