

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

FILED SENATE
Apr 26, 2016
S.B 754
PRINCIPAL CLERK

S

D

SENATE BILL DRS35330-MQa-89 (02/29)

Short Title: Prevent Squatting in Foreclosed Real Property. (Public)

Sponsors: Senator Bingham (Primary Sponsor).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO ENHANCE CRIMINAL PENALTIES (1) FOR PERSONS WHO FRAUDULENTLY RECORD LIENS AND (2) 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.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-118.6(a) reads as rewritten:

"§ 14-118.6. Filing false lien or encumbrance.

(a) It shall be unlawful for any person to present for filing or recording in a public record or a private record generally available to the public a false lien or encumbrance against the real or personal property of ~~a public officer, a public employee, or an immediate family member of the public officer or public employee on account of the performance of the public officer or public employee's official duties,~~ any person, knowing or having reason to know that the lien or encumbrance is false or contains a materially false, fictitious, or fraudulent statement or representation. ~~For purposes of this subsection, the term "immediate family member" means a spouse or a child.~~ Any person who violates this subsection shall be guilty of a Class I felony and shall also pay a fine of not less than one thousand dollars (\$1,000) for each violation."

SECTION 2. G.S. 14-159.12 reads as rewritten:

"§ 14-159.12. First degree trespass.

(a) Offense. – A person commits the offense of first degree trespass if, without authorization, he enters or remains:

- (1) On premises of another so enclosed or secured as to demonstrate clearly an intent to keep out intruders; or
- (2) In a building of another.

...

(f) A violation of subsection (a) of this section is a Class I felony, and shall include a fine of not less than one thousand dollars (\$1,000) for each violation, if any of the following circumstances exist:

- (1) The offense occurs on real property where the person has reentered after having previously been removed pursuant to a valid order for possession.
- (2) 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. There is appropriated from the General Fund to the Governor's Crime Commission of the Department of Public Safety the sum of twenty-five thousand dollars (\$25,000) for the 2016-2017 fiscal year for a grant to the North Carolina Sheriff's Association,



* D R S 3 5 3 3 0 - M Q A - 8 9 *

1 Inc., a nonprofit corporation, for the purpose of providing technical assistance and guidance on the
2 enforcement of the criminal penalties contained in this act.
3 **SECTION 4.** Section 1 and Section 2 of this act become effective December 1, 2016,
4 and apply to offenses committed on or after that date. The remainder of this act becomes effective
5 July 1, 2016.