

An Act

ENROLLED SENATE
BILL NO. 925

By: Hamilton, Bullard, Guthrie,
and Burns of the Senate

and

Osburn of the House

An Act relating to title theft; authorizing filing of certain notice; establishing requirements for filing of certain notice; specifying required contents of certain notice; authorizing charging of fees for recording certain notice; requiring county clerk to provide copy of certain notice to district attorney; authorizing refusal to file notice under certain circumstances; authorizing certain petition; establishing felony offenses for title theft; establishing elements of certain offenses; establishing punishments for certain offenses; requiring order of restitution for certain offenses; requiring county clerk to post certain signage; providing for codification; and providing an effective date.

SUBJECT: Title theft

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 311 of Title 16, unless there is created a duplication in numbering, reads as follows:

A. A person who is the victim of title theft as defined in Section 2 of this act may file of record a notice of fraudulent conveyance, duly verified by oath, setting forth the nature of the fraudulent conveyance. Such notice may be filed of record by the victim or by any other person acting on behalf of the victim who is under a disability or otherwise unable to assert the claim on his or

her own behalf. Such notice shall serve as constructive notice that the conveyance is alleged to be fraudulent.

B. To be effective and entitled to be recorded, notice of a fraudulent conveyance shall contain an accurate and full description of the real property affected by the recorded fraudulent conveyance. Such notice of fraudulent conveyance shall be filed for record in the county clerk's office of the county or counties where the real property is situated. Except as provided in subsection D of this section, the county clerk shall accept any notice presented that describes real property located in the county and shall enter, record, and index such notice in the same manner that a deed is recorded. A county clerk may charge fees for the recording of the notice in accordance with the county clerk fee schedule set forth in Section 32 of Title 28 of the Oklahoma Statutes. The name or names of any victim appearing in such notice shall be entered as a grantee or grantees in such indexes.

C. Upon the filing of a notice of fraudulent conveyance, the county clerk shall deliver a copy of the notice to the district attorney for investigation and potential prosecution.

D. The county clerk may refuse to file a notice of fraudulent conveyance provided for in subsection B of this section if the clerk has a reasonable belief that the notice constitutes sham legal process as defined in subsection H of Section 1533 of Title 21 of the Oklahoma Statutes, or if the clerk has a reasonable belief that the notice is being presented as a slander of title to the real property. If the county clerk refuses to file a notice of fraudulent conveyance, the aggrieved party may petition the district court for a writ of mandamus to compel the county clerk to record the notice pursuant to the provisions of Section 75 of Title 16 of the Oklahoma Statutes.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1534 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. A person commits title theft when he or she:

1. Intentionally alters, falsifies, forges, or misrepresents a document pertaining to real property, with the intent to deceive,

defraud, or unlawfully transfer or encumber the ownership rights of the owner of the real property;

2. With intent to defraud, misrepresents himself or herself as the owner or authorized representative of the owner of real property to induce another person to rely on such false information to obtain ownership or possession of such real property; or

3. With intent to defraud, takes, obtains, steals, encumbers, or transfers title or an interest in real property by fraud, forgery, larceny, or any other fraudulent or deceptive practice.

B. A person who procures, files, or causes to be filed of public record any document pertaining to an interest in real property with intent to deceive another person as to the veracity of the document recorded shall be, upon conviction, guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term not to exceed three (3) years, a fine not to exceed Five Thousand Dollars (\$5,000.00), or by both such imprisonment and fine. Additionally, the court shall order restitution to be paid to the aggrieved party as authorized by Section 991f of Title 22 of the Oklahoma Statutes.

C. A person who knowingly and willfully procures, files, or causes to be filed of public record a document pertaining to real property in this state with intent to defraud the owner of the real property or the owner of an interest in the real property shall be, upon conviction, guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term not to exceed ten (10) years, a fine not to exceed Five Thousand Dollars (\$5,000.00), or by both such imprisonment and fine. Additionally, the court shall order restitution to be paid to the aggrieved party as authorized by Section 991f of Title 22 of the Oklahoma Statutes.

D. A county clerk shall post a sign, in letters at least one (1) inch in height, that is clearly visible to the general public in or near the county clerk's office stating that it is a crime to knowingly file a fraudulent document pertaining to real property with the county clerk.

SECTION 3. This act shall become effective November 1, 2025.

Passed the Senate the 27th day of March, 2025.

Presiding Officer of the Senate

Passed the House of Representatives the 30th day of April, 2025.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____