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LC004273

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S T A T E O F R H O D E I S L A N D

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

A N A C T

RELATING TO CRIMINAL OFFENSES -- FRAUD AND FALSE DEALING

Introduced By: Representatives Kennedy, Solomon, Kazarian, Azzinaro, Edwards, Corvese, Ackerman, McEntee, Serpa, and Cotter

Date Introduced: February 06, 2026

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 11-18 of the General Laws entitled "Fraud and False Dealing" is
2 hereby amended by adding thereto the following sections:

3 **11-18-35. Real estate title fraud -- Suspicious documents and instruments.**

4 **(a) For the purpose of this section, the following definitions shall apply:**

5 **(1) "Document" means information inscribed on a tangible medium or stored in an**
6 **electronic or other medium and retrievable in perceivable form.**

7 **(2) "Instrument" means a deed, to secure debt, security deed, mortgage, security interest,**
8 **deed of trust, promissory note, or any other document representing a security interest or lien upon**
9 **any interest property including the renewal, modification, or refinancing of any such loan.**

10 **(3) "Pattern of real estate title fraud" means one or more violations of subsection (d) of this**
11 **section and that have the same or similar interests, results, accomplices or methods of commission**
12 **or otherwise results from comparable actions or omissions.**

13 **(4) "Person" means an individual, corporation, company, limited liability company,**
14 **partnership, trustee, association, or any other entity.**

15 **(5) "Sufficient documentation" means a driver's license, passport, military identification**
16 **card, an attorney registration or bar association identification card, or other government issued**
17 **identification that established positive identification.**

18 **(6) "Suspicious document" means a document submitted for recording for which the**
19 **recorder has found any one of the following:**

- 1 (4) Knowingly falsely encumbering the real estate of another; or
- 2 (5) Knowingly attempts or transfers an interest, encumbrance, lien or mortgage in the
- 3 property of a third party by means of a known forgery or false document or instrument.

4 (e) In an action authorized by this subsection, an injured person is entitled to appropriate
5 declaratory or injunctive relief against the document submitter, and not the recorder acting in good
6 faith. A recorder shall not be liable for damages or any other claim for monetary relief in an action
7 brought under this subsection.

8 (f) Any person violating the provisions of subsection (d) of this section shall for a first
9 offense be guilty of a felony and be subject to imprisonment for not more than ten (10) years, and
10 a fine of not more than fifty thousand dollars (\$50,000), or both. A person violating the provisions
11 of subsection (d) of this section by a pattern of real estate title fraud shall be guilty of a felony and
12 be subject to imprisonment for not more than twenty (20) years, and a fine of not more than one
13 hundred thousand dollars (\$100,000), or both, and/or an order of restitution to any victim.

14 (g) Any owner of real estate who is a victim of a person violating the provisions of
15 subsection (d) of this section, in addition to any other remedy that may be available at law or equity,
16 may bring an action against an individual who has knowingly filed, entered, or recorded, or caused
17 to be filed, entered, or recorded, in any public record a false or forged deed or other instrument
18 purporting to convey the owner's interest to such real property to such individual or a third party
19 or purporting to encumber the owner's interest in such real property to:

20 (1) Recover the owner's actual damages caused by the filing, entering, or recording of such
21 false or forged deed or other instrument or five thousand dollars (\$5,000), whichever is greater; and
22 (2) Recover the owner's costs incurred in bringing such action, including reasonable
23 attorneys' fees.

24 (h) Nothing in this section shall be construed as creating a cause of action against any
25 public official or employee, including without limitation, a municipal clerk or any employee or
26 agent of a clerk of a municipality for actions taken good faith on this section or on information
27 provided by a third-party system or vendor in the performance of the clerk's duties.

28 11-18-36. Property alert notifications – Property owners.

29 (a) Not later than January 1, 2028, each municipality shall establish a property alert
30 notification system that allows a person to enroll real property owned by the person in the system.

31 (b) A property alert notification system established under this section shall:

32 (1) Notify the enrolled owner within ten (10) business days of the recording of any
33 document describing, affecting, or purporting to affect the enrolled property; and

(2) In the notification required by subsection (a) of this section identify the nature of the

1 document recorded, identify the subject property by address or tax identification number, and
2 provide the recording information of the document.

3 (c) A property owner may elect to receive any notification provided under this section by
4 mail, text message, call, or email.

5 (d) There shall be no charge to a property owner for enrolling in the property alert
6 notification system required by this section.

7 (e) A municipality may by mail notification, website notification, newspaper
8 advertisement, or other media provide property owners with:

9 (1) Educational information on deed fraud; and

10 (2) Information about the property alert notification system established under this section.

11 (f)(1) A municipality may index or by other means create a searchable log that includes the
12 following information for each document recorded in the land records:

13 (i) Information identifying real property described in or purported to be affected by the
14 document;

15 (ii) The name and commission number, if applicable, of any notarial officer described in
16 or identified in the document, along with commissioning jurisdiction of such officer; or

17 (iii) The name of the person that submitted the document for recording;

18 (2) A recorder shall not be liable for any violation of subsections (e) and (f) of this section.

19 (g) An index or log created under subsection (f) of this section may be made available for
20 public search and examination in the same manner as any other index for the land records required
21 by other law of this state.

22 (h) A municipality shall not be liable for a violation of this section. No person shall have a
23 right or cause of action and a municipality shall not be liable with respect to the establishment,
24 maintenance, or operation of a property alert notification system required by this section.

25 SECTION 2. Section 42-30.1-7 of the General Laws in Chapter 42-30.1 entitled "Uniform
26 Law on Notarial Acts" is hereby amended to read as follows:

27 **42-30.1-7. Authority to refuse to perform notarial act.**

28 (a) A notarial officer may refuse to perform a notarial act if the notarial officer is not
29 satisfied that:

30 (1) The individual executing the record is competent or has the capacity to execute the
31 record; or

32 (2) The individual's signature is knowingly and voluntarily made.

33 (b) A notarial officer may refuse to perform a notarial act if an individual does not provide
34 the notarial officer information sufficient to conduct identity proofing under § 42-30.1-6 or if the

1 individual does not consent to pay for identity proofing.

2 ~~(b)(c)~~ A notarial officer may refuse to perform a notarial act unless refusal is prohibited by
3 law other than this chapter.

4 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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- 1 This act would establish the criminal offense of real estate title fraud. Additionally, this act
- 2 would allow municipalities to refuse to record “suspicious documents” from persons who are not
- 3 trusted submitters. The act would also create penalties for real estate title fraud.
- 4 This act would take effect upon passage.

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