

HB 2201 -- FILING FALSE DOCUMENTS

SPONSOR: Price

This bill adds a court to the list of places in which, if a person files a false document, the person may be guilty of the offense of filing false documents, and adds court filings to the list of documents included in that offense.

The bill also increases the various penalties for filing false documents, as specified in the bill.

This bill provides that any person who is named in or has a property interest affected by a potential false document may file a petition for a judicial review and the probable cause statement that delineates the basis for the belief that the filing or record is materially false, contains materially false information, is a forgery, is fraudulent, or is misleading. If the filing or record in question is a petition or other document filed in associate circuit court or circuit court or is a notice of lis pendens, lien notice, or another instrument related to such petition or document, then the petition and probable cause statement must be in the form of a motion in the pending case.

Additionally, if personal service cannot be obtained on the person responsible for the false document, then the court will have jurisdiction to hear and rule on the validity of the document upon an affidavit of the petitioner showing that a good faith effort to serve or provide actual notice to the person was made.

If the petition is filed by a person who is not a certain type of public official or employee, the court may consider the petition as a civil case without prejudice to the right of the prosecuting or circuit attorney to pursue criminal charges. Upon a ruling of invalid, the court must order restitution and if the record was not made in good faith, damages in an amount of not less than \$500 and not more than three times the amount of actual damages.