

2023 -- H 6030

LC002409

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO CRIMINAL OFFENSES -- FILING OF FALSE LIEN

Introduced By: Representative Evan P. Shanley

Date Introduced: March 01, 2023

Referred To: House Judiciary

(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 section:

3 **11-18-1.4. Filing of false lien.**

4 (a) Whoever files or records, attempts to file or record, conspires to file or record, or directs
5 another to file or record, in any public record or in any private record which is generally available
6 to the public, any false lien, instrument, or encumbrance against the real or personal property of a
7 federal, state, or municipal judge or magistrate or member of his or her immediate family, on
8 account of the performance or non-performance of official duties by the judge or magistrate,
9 knowing or having reason to know that such lien or encumbrance is false or contains any materially
10 false, fictitious, or fraudulent statement or representation, or with the intent to harass, hinder,
11 defraud, retaliate against, or in any way impede the performance of the judge or magistrate, shall
12 be guilty of a felony and shall be imprisoned for not more than five (5) years, or fined not more
13 than five thousand dollars (\$5,000), or both.

14 (1) "Immediate family" means a judicial officer's spouse, children, or step-children.

15 (b) Upon conviction, the court shall issue an order declaring the false lien, instrument, or
16 encumbrance forming the basis of the conviction null and void and ordering the lien, instrument,
17 or encumbrance sealed from the official record and removed from any applicable electronic
18 database. The court may also enjoin the defendant from filing any future lien, instrument, or
19 encumbrance against the targeted federal, state, or municipal judge or magistrate or member of his

1 or her immediate family without the approval of the court.

2 (d) In addition to any punishment imposed under this section, the court may order the
3 defendant to pay restitution to the federal, state, or municipal judge or magistrate or member of his
4 or her immediate family for any costs incurred as a result of the false lien, instrument, or
5 encumbrance.

6 SECTION 2. 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 criminalize the filing of a false lien, instrument, or encumbrance against a
- 2 federal, state, or municipal judge or magistrate or his or her immediate family, and permit the court
- 3 to take action to mitigate the negative consequences of such a filing.
- 4 This act would take effect upon passage.

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