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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

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A N A C T

RELATING TO CRIMINAL OFFENSES -- FRAUD AND FALSE DEALING

Introduced By: Representatives Shanley, Donovan, Voas, and Dawson

Date Introduced: February 28, 2024

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 justice, judge, or magistrate of the unified judicial system, as defined in § 8-15-1, knowing or  
8 having reason to know that such lien or encumbrance is false or contains any materially false,  
9 fictional, or fraudulent statement or representation, or with the intent to harass, hinder, defraud,  
10 retaliate against, or in any way impede the performance of the justice, judge, or magistrate, shall  
11 be guilty of a felony and shall be imprisoned for not more than five (5) years, or fined not more  
12 than five thousand dollars (\$5,000), or both.

13 (b) Upon conviction, the court shall issue an order declaring the false lien, instrument, or  
14 encumbrance forming the basis of the conviction null and void and ordering the lien, instrument,  
15 or encumbrance sealed from the official record and removed from any applicable electronic  
16 database. The court may also enjoin the defendant from filing any future lien, instrument, or  
17 encumbrance against the justice, judge or magistrate of the unified judicial system as defined in §  
18 8-15-1.

19 (c) In addition to the provision of subsections (a) and (b) of this section, the court may

1 order the defendant to pay restitution to the justice, judge, or magistrate of the unified judicial  
2 system as defined in § 8-15-1, for any costs incurred as a result of the false lien, instrument, or  
3 encumbrance.

4 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  
2 justices, judges, or magistrates of the unified judicial system, and permit the court to impose a term  
3 of confinement, fine or both, and order restitution to enjoin further filings of a false lien, instrument  
4 or encumbrance.

5           This act would take effect upon passage.

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