

SB0770/968674/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 770
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Young” and substitute “Young, Forehand, Gladden, Jacobs, Muse, Shank, and Stone”.

AMENDMENT NO. 2

On page 1, in line 5, after “Act;” insert “authorizing a certain person to file a certain action and obtain certain relief in certain circumstances; authorizing a court to award certain damages and attorney’s fees in a certain action;”.

AMENDMENT NO. 3

On page 2, in line 2, strike “OR”.

On page 2, in line 21, after “(B)” insert “(1)”; and in line 24, strike “(1) (I)” and substitute “(I) 1.”.

On page 3, in line 1, strike “(II)” and substitute “2.”; in line 4, strike “(2)” and substitute “(II)”; in lines 6 and 7, strike “(I)” and “(II)”, respectively, and substitute “1.” and “2.”, respectively; in line 4, strike “OR HAS REASON TO KNOW”; after line 8, insert:

“(2) A PERSON MAY NOT FILE A LIEN OR ENCUMBRANCE IN A PUBLIC OR PRIVATE RECORD AGAINST THE REAL OR PERSONAL PROPERTY OF ANOTHER PERSON IF THE PERSON KNOWS THAT THE LIEN OR ENCUMBRANCE IS:

(I) FALSE; OR

(Over)

(II) CONTAINS OR IS BASED ON A MATERIALLY FALSE, FICTITIOUS, OR FRAUDULENT STATEMENT OR REPRESENTATION.”;

in line 9, strike “FELONY” and substitute “MISDEMEANOR”; in line 10, after “TO” insert “:

(1) FOR A FIRST VIOLATION,”;

strike beginning with “NOT” in line 10 down through “BUT” in line 11; in line 11, strike “10 YEARS” and substitute “1 YEAR”; in the same line, after “BOTH” insert “; AND

(2) FOR EACH SUBSEQUENT VIOLATION, IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING 10,000 OR BOTH”;

and after line 11, insert:

“(D) (1) A PERSON AGAINST WHOM A LIEN IS FILED IN VIOLATION OF SUBSECTION (B)(2) OF THIS SECTION MAY SEEK INJUNCTIVE AND OTHER EQUITABLE RELIEF IN THE CIRCUIT COURT TO REMOVE THE LIEN.

(2) THE COURT MAY AWARD THE PREVAILING PARTY IN AN ACTION BROUGHT IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION WITH COMPENSATORY DAMAGES AND REASONABLE ATTORNEY’S FEES.”.

AMENDMENT NO. 4

On page 3, in line 13, strike “October” and substitute “June”.