

SENATE BILL NO. 129

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY SENATOR HUGGINS

Introduced: 3/3/05
Referred: Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the wrongful recording of a notice of pendency of an action relating**
2 **to title to or right to possession of real property."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1.** AS 11.46.560(a) is amended to read:

5 (a) A person commits the crime of offering a false instrument for recording in
6 the second degree if [,]

7 (1) under AS 40.17, the person presents a lien to the recorder for
8 registration, filing, or recording with reckless disregard that the lien is not

9 (A) provided for by a specific state or federal statute; or

10 (B) a lien imposed or authorized by a court recognized under
11 state or federal law; [OR]

12 (2) under a law authorizing the receipt and filing of a document, the
13 person presents a lien to a department or person having responsibility to accept a lien
14 for filing with reckless disregard that the lien is not

1 (A) provided for by a specific state or federal statute; or

2 (B) a lien imposed or authorized by a court recognized under
3 state or federal law; **or**

4 **(3) the person presents to the recorder a notice of the pendency of**
5 **an action affecting title to real property or the right to possession of real property**
6 **with reckless disregard of the fact that the action specified does not concern the**
7 **title to or right to possession of the real property referred to in the notice, or with**
8 **reckless disregard of the fact that there is no pending action concerning the title**
9 **to or right to possession of the real property referred to in the notice.**

10 * **Sec. 2.** AS 11.46.560(b) is amended to read:

11 (b) In a prosecution under (a) of this section, it is an affirmative defense that
12 the owner of the property affected has consented to the lien **or the filing of the notice.**