

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001

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SENATE BILL 912

Short Title: Penalty for Filing False Statutory Lien.

(Public)

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Sponsors: Senators Rand; and Cunningham.

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Referred to: Judiciary I.

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April 5, 2001

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE FOR PENALTIES FOR FILING OR PERFECTING FALSE  
2 STATUTORY LIENS.  
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4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Part 3 of Chapter 44A of the General Statutes reads as  
6 rewritten:

7 "Part 3. Criminal Sanctions for Furnishing a False Statement in Connection with  
8 Improvement to Real ~~Property~~ Property or For Filing or Perfecting a False Statutory  
9 Lien.

10 "**§ 44A-24. False ~~statement~~ statement, filing, or perfecting a misdemeanor.**

11 (a) If any contractor or other person receiving payment from an obligor for an  
12 improvement to real property or from a purchaser for a conveyance of real property with  
13 improvements shall knowingly furnish to such obligor, purchaser, or to a lender who  
14 obtains a security interest in said real property, or to a title insurance company insuring  
15 title to such real property, a false written statement of the sums due or claimed to be due  
16 for labor or material furnished at the site of improvements to such real property, then  
17 such contractor, subcontractor or other person shall be guilty of a Class 1 misdemeanor.  
18 Upon conviction and in the event the court shall grant any defendant a suspended  
19 sentence, the court may in its discretion include as a condition of such suspension a  
20 provision that the defendant shall reimburse the party who suffered loss on such  
21 conditions as the court shall determine are proper.

22 The elements of the offense herein stated are the furnishing of the false written  
23 statement with knowledge that it is false and the subsequent or simultaneous receipt of  
24 payment from an obligor or purchaser, and in any prosecution hereunder it shall not be  
25 necessary for the State to prove that the obligor, purchaser, lender or title insurance  
26 company relied upon the false statement or that any person was injured thereby.

27 (b) If anyone files claim of a mechanics' lien, a laborers' lien, or a materialmen's  
28 lien with an owner pursuant to G.S. 44A-12 or perfects a mechanics' lien, a laborers'

1 lien, or a materialmen's lien pursuant to G.S. 44A-18(6) with knowledge that the filing  
2 or notice are not related to a valid improvement to real property or with the intent that  
3 the filing or notice is made for an improper purpose such as to hinder, harass, or  
4 otherwise wrongfully interfere with any person shall be guilty of a Class 1  
5 misdemeanor."

6           **SECTION 2.** This act becomes effective December 1, 2001, and applies to  
7 offenses committed on or after that date.