

SENATE BILL No. 253

DIGEST OF INTRODUCED BILL

Citations Affected: IC 2-5-56.8; IC 32-21; IC 33-42; IC 34-24-6.5; IC 34-30-2.1.

Synopsis: Deed fraud. Establishes the deed fraud task force. Provides that a county recorder may: (1) refuse to record a suspicious instrument, unless a court of competent jurisdiction finds that the county recorder's finding that the instrument is a suspicious instrument is erroneous; (2) report a suspicious instrument to the appropriate law enforcement agency; or (3) notify a notarial officer or notary public who has purported to acknowledge or prove a suspicious instrument of the reason for the county recorder's finding that the instrument is a suspicious instrument. Requires each county recorder to establish a property alert notification system. Requires each county recorder to establish an instrument alert notification system. Provides that a notarial officer may refuse to perform a notarial act if the notarial officer is not satisfied that the individual executing the record has provided sufficient information to conduct identity proofing. Requires a notary public to present proof of the notary public's commission to a person that sells or otherwise provides a stamping device to the notary public. Requires an applicant seeking a commission as a notary public to complete a background check administered by the secretary of state. Requires the secretary of state to establish certain security procedures and access controls with respect to the electronic data base of active notaries public. Provides that a person that alleges damages arising from the recording of a forged deed or mortgage has a cause of action against certain persons.

Effective: July 1, 2026.

Goode

January 8, 2026, read first time and referred to Committee on Local Government.



Second Regular Session of the 124th General Assembly (2026)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2025 Regular Session of the General Assembly.

SENATE BILL No. 253

A BILL FOR AN ACT to amend the Indiana Code concerning property.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 2-5-56.8 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2026]:

4 **Chapter 56.8. Deed Fraud Task Force**

5 **Sec. 1.** As used in this chapter, "task force" refers to the deed
6 fraud task force established by section 2 of this chapter.

7 **Sec. 2.** The deed fraud task force is established.

8 **Sec. 3. (a)** The task force consists of the following thirteen (13)
9 members:

10 (1) A member of the house of representatives who is
11 appointed to the task force by the speaker of the house of
12 representatives.

13 (2) A member of the senate who is appointed to the task force
14 by the president pro tempore of the senate.

15 (3) A member of the house of representatives who is
16 appointed to the task force by the minority leader of the house
17 of representatives.



(4) A member of the senate who is appointed to the task force by the minority leader of the senate.

(5) The chief justice of the supreme court or a designee of the chief justice.

(6) The attorney general or the attorney general's designee.

(7) A representative from the state police department.

(8) The treasurer of state or the treasurer of state's designee.

(9) The following members who are appointed to the task force by the governor:

(A) A notary public (as defined in IC 33-42-0.5-20).

(B) A title insurance agent (as defined in IC 35-43-9-4).

(C) A county recorder.

(D) A real estate broker licensed under IC 25-34.1.

(E) A representative from a consumer advocacy group that represents the interests of consumers who are fifty (50) years of age or older.

(b) The members appointed under subsection (a)(1) and (a)(2) shall serve as co-chairs.

(c) A member appointed under subsection (a)(9) may not be a member of the general assembly.

(d) A member serves at the will of the member's appointing authority. If a vacancy occurs in the task force, the appointing authority who appointed the member whose position is vacant shall appoint an individual to fill the vacancy.

(e) An individual appointed to fill a vacancy must meet the qualifications of the vacancy.

(f) An individual appointed to fill a vacancy serves for the remainder of the term of the member the individual is appointed to succeed.

Sec. 4. (a) Seven (7) members of the task force constitute a quorum.

(b) The affirmative vote of at least a majority of the members at a meeting at which a quorum is present is necessary for the task force to take official action other than to meet and take testimony.

(c) The task force shall meet at the call of the co-chairs.

Sec. 5. All meetings of the task force are open to the public in accordance with and subject to IC 5-14-1.5. All records of the task force are subject to the requirements of IC 5-14-3.

Sec. 6. The task force shall:

(1) assess the extent of deed fraud in Indiana; and

(2) consider approaches to reduce deed fraud in Indiana.

Sec. 7. The task force shall:



- (1) develop recommendations for the legislative council concerning the topics set forth in section 6 of this chapter;
- (2) issue a report setting forth the recommendations developed under subdivision (1); and
- (3) not later than June 30, 2027, submit the report to the legislative council in an electronic format under IC 5-14-6.

Sec. 8. The legislative services agency shall provide staff support to the task force.

Sec. 9. (a) Each legislative member and each lay member of the task force is entitled to receive the same per diem, mileage, and travel allowances paid to individuals serving as legislative and lay members, respectively, on an interim study committee established by the legislative council.

(b) A member of the task force who is a state employee is not entitled to a per diem. However, the member is entitled to receive the same travel allowances paid to members of the task force described in subsection (a).

Sec. 10. The task force's expenses, including the payment of per diem and reimbursements under section 9 of this chapter, are payable from amounts appropriated to the legislative council.

Sec. 11. This chapter expires July 1, 2027.

SECTION 2. IC 32-21-2-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 17. (a)** As used in this section:

(1) "Suspicious instrument" means an instrument (as defined in section 1.5 of this chapter) for which the county recorder has found any of the following:

(A) The name of a notarial officer or notary public who has purported to acknowledge or verify the instrument does not match official records.

(B) The instrument purports not to be subject to the laws of the United States or Indiana.

(C) The instrument does not conform to the recording standards enacted by the general assembly.

(D) The instrument has not been submitted for recording by a trusted submitter or an authorized representative of a trusted submitter and the instrument is materially false, fictitious, or fraudulent.

(2) "Title insurance agent" means a person who holds a limited lines producer's license issued under IC 27-1-15.6-18(3) and disburses funds from a title insurance escrow account to a party in connection with a real property



transaction.

(3) "Trusted submitter" means:

- (A) a title insurance agent;
- (B) a title company;
- (C) an escrow company;
- (D) an attorney licensed to practice law in Indiana; and
- (E) a financial institution (as defined in IC 28-1-1-3(1)).

(b) A county recorder may:

- (1) refuse to record a suspicious instrument, unless a court of competent jurisdiction finds that the county recorder's finding that the instrument is a suspicious instrument is erroneous;
- (2) report a suspicious instrument to the appropriate law enforcement agency; or
- (3) notify a notarial officer or notary public who has purported to acknowledge or prove a suspicious instrument of the reason for the county recorder's finding that the instrument is a suspicious instrument.

(c) A person may bring an action seeking a declaratory judgment or injunctive relief against a county recorder for the county recorder's refusal to record an instrument under this section if the person believes that the county recorder erroneously determined that the instrument is a suspicious instrument. A county recorder is not liable for damages in an action brought under this subsection.

SECTION 3. IC 32-21-2.2 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]:

Chapter 2.2. Property Alert Notification System

Sec. 1. Not later than January 1, 2027, each county recorder in Indiana shall establish a property alert notification system that allows a person to enroll the person's real property in the system.

Sec. 2. A property alert notification system required to be established under this chapter shall do the following:

- (1) Notify a person that enrolls the person's real property in a property alert notification system required to be established under this chapter of the recording of any instrument (as defined in IC 32-21-2-1.5) that affects or may affect the person's real property.
- (2) In the notification described in subdivision (1), identify the nature of the instrument (as defined in IC 32-21-2-1.5), identify the real property by address or tax identification



number, and provide the recording information of the instrument (as defined in IC 32-21-2-1.5).

(3) Allow a person that enrolls the person's real property in a property alert notification system required to be established under this chapter to elect to receive the notification described in subdivision (1) by mail, electronic mail, text message, or telephone call.

Sec. 3. A charge may not be assessed to a person for enrolling the person's real property in a property alert notification system required to be established under this chapter.

Sec. 4. A county recorder may, through any medium, provide property owners with:

- (1) educational information on deed fraud; and
- (2) information about the property alert notification system that the county recorder is required to establish under this chapter.

Sec. 5. (a) A county recorder is not liable for a violation of this chapter.

(b) This section does not create a cause of action against a county recorder regarding the establishment, maintenance, or operation of a property alert notification system required to be established under this chapter.

SECTION 4. IC 32-21-2.3 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]:

Chapter 2.3. Instrument Alert Notification System

Sec. 1. As used in this chapter, "instrument" has the meaning set forth in IC 32-21-2-1.5.

Sec. 2. As used in this chapter, "notary public" has the meaning set forth in IC 33-42-0.5-20.

Sec. 3. Not later than January 1, 2027, each county recorder shall establish an instrument alert notification system that does the following:

- (1) Notifies a notary public who enrolls in an instrument alert notification system required to be established under this chapter of the recording of any instrument containing the name or commission number of the notary public.
- (2) In the notification described in subdivision (1), identifies the nature of the instrument, identifies the real property by address or tax identification number, and provides the recording information of the instrument.
- (3) Allows a notary public who enrolls in an instrument alert



notification system required to be established under this chapter to elect to receive the notification described in subdivision (1) by mail, electronic mail, text message, or telephone call.

Sec. 4. There shall be no charge assessed to a notary public for enrolling in an instrument alert notification system required to be established under this chapter.

Sec. 5. A county recorder may, through any medium, provide notaries public with:

- (1) educational information on deed fraud; and
- (2) information about the instrument alert notification system that the county recorder is required to establish under this chapter.

Sec. 6. (a) A county recorder is not liable for a violation of this chapter.

(b) This section does not create a cause of action against a county recorder regarding the establishment, maintenance, or operation of an instrument alert notification system required to be established under this chapter.

SECTION 5. IC 33-42-9-4, AS AMENDED BY P.L.59-2018, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) A notarial officer has personal knowledge of an individual's identity if the:

- (1) individual is personally known to the notarial officer; or
- (2) notarial officer has transacted sufficient, prior business with the individual to know the individual's identity.

(b) If a notarial officer does not have personal knowledge of an individual's identity, the notarial officer may authenticate the identity of the individual through one (1) of the following means:

(1) An inspection of any of the following that, if expired, has not been expired for more than three (3) years:

- (A) The individual's passport.
- (B) The individual's driver's license.
- (C) The individual's government issued identification card.
- (D) A credential that:
 - (i) is not described in clauses (A) through (C);
 - (ii) is government issued; and
 - (iii) contains a photograph of the individual.

(2) A verification on an oath or affirmation by a credible witness who:

- (A) personally:
 - (i) appears before the notarial officer; and



(ii) is personally known by the notarial officer; or
 (B) is identified to the notarial officer by a credential described in subdivision (1).

(c) A notarial officer may require an individual to provide additional identification or information before performing a notarial act, **including providing sufficient information to conduct identity proofing.**

SECTION 6. IC 33-42-9-5, AS ADDED BY P.L.128-2017, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) A notarial officer may refuse to perform a notarial act if the notarial officer is not satisfied that:

- (1) the individual executing the record is competent; ~~or~~
- (2) the individual's execution of the record is being done knowingly or voluntarily; **or**
- (3) the individual executing the record has provided sufficient information to conduct identity proofing under section 4(c) of this chapter.**

(b) A notarial officer may refuse to perform a notarial act unless the refusal is prohibited by law.

SECTION 7. IC 33-42-10-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 3.5. (a) A notary public shall present proof of the notary public's commission to a person that sells or otherwise provides a stamping device to the notary public.**

(b) A notary public shall retain the proof described in subsection (a) for eight (8) years after providing the proof to a person that sells or otherwise provides a stamping device to the notary public.

(c) A person that sells or otherwise provides a stamping device to a notary public shall retain the proof described in subsection (a) for eight (8) years after receiving the proof from the notary public.

SECTION 8. IC 33-42-12-2.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 2.2. An applicant seeking a commission as a notary public must complete a background check administered by the secretary of state.**

SECTION 9. IC 33-42-13-2, AS ADDED BY P.L.128-2017, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. **(a)** The secretary of state shall maintain an electronic data base of active notaries public.

(b) The secretary of state shall require the use of a username and password authentication for any person attempting to access



the electronic data base established under this section.

(c) In maintaining the data base established under this section, the secretary of state shall establish and maintain a system of security procedures and access controls. In establishing and maintaining a system of security procedures and access controls, the secretary of state shall consider the most recent standards promulgated by national standard setting bodies, such as the National Institute of Standards and Technology.

SECTION 10. IC 34-24-6.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]:

Chapter 6.5. Deed Fraud

Sec. 1. As used in this chapter, "mortgage" means a mortgage or mortgage lien on an interest in real property in Indiana given to secure a loan.

Sec. 2. A person that alleges damages arising from the recording of a forged deed or mortgage has a cause of action against any of the following persons:

(1) The person who forged the signature of the person alleging damages arising from the recording of a forged deed or mortgage on a deed or mortgage.

(2) A person who, with actual knowledge that the deed or mortgage included a forged signature, submitted the deed or mortgage to a county recorder for recording under IC 32-21-2.

(3) A person with actual knowledge that the title to the real property is based on a forged deed, and who purports to sell or encumber the property to someone who is unaware of the forged deed.

Sec. 3. A plaintiff who prevails in an action under this chapter is entitled to reasonable attorney's fees and compensatory and punitive damages.

SECTION 11. IC 34-30-2.1-521.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 521.3. IC 32-21-2-17 (Concerning the recording of an instrument).**

SECTION 12. IC 34-30-2.1-521.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 521.5. IC 32-21-2.2-5 (Concerning a property alert notification system).**

SECTION 13. IC 34-30-2.1-521.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2026]: **Sec. 521.7. IC 32-21-2.3-6 (Concerning**
2 **an instrument alert notification system).**

