

SENATE THIRD READING
SB 1307 (Jones)
As Amended June 17, 2026
2/3 vote

SUMMARY

Authorizes a defendant who was charged with knowingly filing, registering, or recording a false or forged instrument and receives diversion, as specified, to stipulate to the voiding of the false or forged instrument.

Major Provisions

- 1) Requires the court, upon written motion by the prosecution, after a hearing, as specified, to issue a written order that the false or forged instrument be adjudged void *ab initio*¹ if the court determines that an order is appropriate.
- 2) Mandates the order state whether the instrument is false or forged, or both false and forged, and describe the nature of the falsity or forgery.
- 3) States a copy of the instrument shall be attached to the order at the time it is issued by the court, and a certified copy of the order shall be filed, registered, or recorded at the appropriate public office by the prosecuting agency.
- 4) States if the defendant withdraws from diversion or fails to complete the terms of diversion and criminal proceedings are reinstated, the stipulation to void the false or forged instrument shall not be used in connection with any civil or criminal proceeding without the defendant's consent.
- 5) Prohibits a defendant's failure to stipulate to the voiding of the false or forged instrument from being used as grounds for denial of diversion or a finding that the defendant has failed to comply with the terms of diversion.
- 6) States that if the defendant withdraws from diversion or fails to complete the terms of diversion and criminal proceedings are reinstated, the stipulation to void the false or forged instrument shall not be used in connection with any civil or criminal proceeding without the defendant's consent.

COMMENTS

According to the Author

"Real estate fraud can leave victims with a cloud on their title for years while a criminal case works its way through the courts. Under current law, a judge generally cannot void a false deed until a defendant is convicted. Because these cases are often complex, courts face heavy caseloads, causing victims to wait years before their title is cleared. In some instances, such as

¹ *Ab initio* is a Latin term that means "from the beginning" or "from inception." *Ab initio* is used to indicate that some fact existed from the start of a relevant time period. It is often used as part of the phrase "void ab initio," meaning something (like a contract) was void from the beginning.

when a court grants a defendant's diversion motion, a conviction may never occur. During this time, victims may be unable to sell, refinance, or otherwise make use of their property. Without a conviction, the victim's only recourse is often to file a civil lawsuit to determine rightful ownership of the property. These proceedings can be costly, time-consuming, and require hiring a private attorney, which many victims simply cannot afford, leaving them without meaningful relief."

Arguments in Support

According to the *California District Attorneys Association*, "SB 1307 would provide an important tool for making victims whole without negative impact on the procedural rights of a defendant charged with a crime.

"Victims of real estate fraud have long faced a daunting challenge in quieting title in the wake of the filing of a forged or fraudulent instrument. Victims who cannot afford complex civil litigation are often sidelined while their property is wrongly encumbered. Moreover, the increase of diversion programs within the criminal law in recent years puts relief further out of reach for many, and in some cases could frustrate them indefinitely.

"SB 1307 would expand the ability for the criminal courts to clear title for victims of fraud by allowing the criminal court to issue an order that will clear title without requiring a cumbersome evidentiary hearing. By allowing the court to issue a written order that the false or forged instrument be adjudged void ab initio upon stipulation of the parties, SB 1307 would give prosecutors the much-needed ability to quickly address the wrong visited upon victim of criminal fraud."

Arguments in Opposition

Prior opposition no longer relevant.

FISCAL COMMENTS

Unknown. This bill is keyed non-fiscal by the legislative counsel.

VOTES

SENATE FLOOR: 38-0-2

YES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNERney, Menjivar, Ochoa Bogh, Pérez, Reyes, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

ABS, ABST OR NV: Niello, Padilla

ASM PUBLIC SAFETY: 9-0-0

YES: Schultz, Alanis, Mark González, Haney, Harabedian, Lackey, Nguyen, Ramos, Sharp-Collins

UPDATED

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