

UNFINISHED BUSINESS

Bill No: SB 1307
Author: Jones (R)
Amended: 6/17/26
Vote: 27

SENATE PUBLIC SAFETY COMMITTEE: 6-0, 4/14/26
AYES: Arreguín, Seyarto, Caballero, Cortese, Pérez, Wiener

SENATE FLOOR: 38-0, 5/18/26
AYES: 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
NO VOTE RECORDED: Niello, Padilla

ASSEMBLY FLOOR: 71-0, 8/17/26 - See last page for vote

SUBJECT: False or forged instruments

SOURCE: San Diego County District Attorney's Office

DIGEST: This bill authorizes a defendant who was convicted of knowingly filing, registering, or recording a false or forged instrument to stipulate to the voiding of the false or forged instrument in lieu of a hearing on a motion to void the false or forged instrument.

Assembly Amendments of 6/17/26 instead authorize a defendant who was charged with knowingly filing a false or forged instrument, and who is granted diversion, to stipulate to the voiding of the false or forged instrument in lieu of a hearing on a motion to void the false or forged instrument.

ANALYSIS:

Existing law:

- 1) Provides that every person who knowingly procures or offers any false or forged instrument to be filed, registered, or recorded in any public office within this state, which instrument, if genuine, might be filed, registered, or recorded under any law of this state or of the United States, is guilty of a felony. (Penal (Pen.) Code, § 115, subd. (a).)
- 2) Provides that each instrument which is procured or offered to be filed, registered, or recorded constitutes a separate violation. (Pen. Code, § 115, subd. (b).)
- 3) Prohibits, generally, probation from being granted probation or suspending the execution or imposition of sentence, for any of the following persons:
 - a) Any person with a prior conviction for knowingly filing a false or forged instrument who is again convicted of a violation in a separate proceeding.
 - b) Any person who is convicted of more than one violation of knowingly filing a false or forged instrument in a single proceeding, with intent to defraud another, and where the violations resulted in a cumulative financial loss exceeding \$100,000. (Pen. Code, § 115, subd. (c).)
- 4) Provides that each act of procurement or of offering a false or forged instrument to be filed, registered, or recorded is considered a separately punishable offense. (Pen. Code, § 115, subd. (d).)
- 5) Requires the court, after a person is convicted of a violation, or a plea is entered whereby a charge alleging a violation is dismissed and waiver is obtained pursuant to *People v. Harvey* (1979) 25 Cal.3d 754, upon written motion of the prosecuting agency, to issue a written order, after a hearing, that the false or forged instrument be adjudged void ab initio if the court determines that an order is appropriate under applicable law. Requires the order to state whether the instrument is false or forged, or both, and describe the nature of the falsity or forgery. (Pen. Code, § 115, subd. (e)(1).)
- 6) Provides that if the order pertains to a false or forged instrument that has been recorded with a county recorder, an order must be recorded in the county where the affected real property is located. Requires the order to also reference the

county recorder's document recording number of any notice of pendency of action recorded. (Pen. Code, § 115, subd. (e)(2)(A).)

- 7) Specifies the procedures a prosecuting agency must follow in filing a motion to void the false or forged instrument. (Pen. Code, § 115, subd. (f).)

This bill:

- 1) Provides that instead of holding the hearing to void the false or forged instrument, a defendant charged with knowingly filing a false or forged instrument, and who is granted diversion, may stipulate to the voiding of the false or forged instrument.
- 2) Requires the court, upon written motion by the prosecution and after a hearing, to issue a written order that the false or forged instrument be adjudged void ab initio if the court determines that an order is appropriate under applicable law. Requires the order to state whether the instrument is false or forged, or both false and forged, and describe the nature of the falsity or forgery. Requires a copy of the instrument to be attached to the order at the time it is issued by the court, and a certified copy of the order to be filed, registered, or recorded at the appropriate public office by the prosecuting agency.
- 3) Provides 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. Prohibits a defendant's failure to stipulate to the voiding of the false or forged instrument from being grounds for denial of diversion or a finding that the defendant has failed to comply with the terms of diversion.

Background

Penal Code section 115 makes it a felony to knowingly procure or offer any false or forged instrument to be filed, registered, or recorded in any public office within this state. The purpose of Section 115 is to preserve the integrity of public documents. (*People v. Denman* (2013) 218 Cal.App.4th 800, 808.) The statute differentiates between false and forged documents but clearly proscribes either kind of instrument. (*Generes v. Justice Court* (1980) 106 Cal.App.3d 678, 682.)

A forgery is a “writing which falsely purports to be the writing of another, . . .” made with the “intent to defraud.” (*Wutzke v. Bill Reid Painting Service, Inc.* (1984) 151 Cal.App.3d 36, 41-42.) A false instrument is one that has “the effect of defrauding one who acts on the instrument as genuine.” (*Generes, supra*, at p. 682.) In the context of a deed, the court explained the notion of a false deed:

Here the lack of an ownership interest in the land goes to the deception itself. If Generes did not own the interest she purported to convey, the instrument she filed was clearly false. Having no right to grant or convey an easement, her recording of a deed transferring an easement would establish a cloud on the title of those persons who lawfully owned interests in the land. A title searcher encountering the spurious document who acted upon it as genuine would of course be materially deceived. (*Ibid.*)

Penal Code section 115 outlines a process for a false or forged instrument to be declared void after a person is convicted of knowingly filing, registering, or recording a false or forged instrument. Section 115 requires the prosecutor to file a motion within 10 calendar days of filing a criminal complaint or indictment for a violation of Section 115, alleging an instrument is false, forged, or both. The prosecutor must send written notice by certified mail to all those who may have an interest in the property. If the instrument sought to be declared void is real property, interested parties include, but are not limited to, all parties who have recorded with the county recorder in the county where the affected property is located: a deed, lien, mortgage, deed of trust, security interest, lease, or other instrument declaring an interest in the property affected by the false or forged instrument.

The notice must inform the parties of their right to be heard when the motion is brought and give a description of the property. The prosecutor is also required to file a notice in the county where the real property is located. If the case is adjudicated or dismissed without obtaining an order to void the false or forged instrument, the prosecution must withdraw the notice to the county within 10 calendar days. Failure to provide notice does not prevent the prosecution from seeking the motion but is grounds for the court to grant additional time to interested parties.

The court must set a hearing for the motion no earlier than 90 calendar days from the date the motion is made. At the hearing, the prosecutor, defendant, and interested parties have a right to be heard and present information to the court. If the court determines that in the interest of justice, the matter should be more

appropriately settled in a civil proceeding, the court may decline to make a determination on the motion. The court may also consider any quiet title action filed prior to the hearing as an additional but not dispositive factor in making its determination. However, a final judgment previously entered in that quiet title action must be followed to the extent required by law.

This bill authorizes a defendant who was charged with knowingly filing a false or forged instrument, and who is granted diversion, to stipulate to the voiding of the false or forged instrument in lieu of a hearing on a motion to void the false or forged instrument.

FISCAL EFFECT: Appropriation: No Fiscal Com.:No Local:No

SUPPORT: (Verified 8/17/26)

San Diego County District Attorney's Office (source)

California District Attorneys Association

Fidelity National Title Company

Orange County District Attorney's Office

Riverside County District Attorney's Office

San Bernardino County District Attorney's Office

OPPOSITION: (Verified 8/17/26)

California Attorneys for Criminal Justice

ASSEMBLY FLOOR: 71-0, 8/17/26

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hoover, Irwin, Johnson, Kalra, Krell, Lackey, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wilson, Zbur, Rivas

NO VOTE RECORDED: Alvarez, Bonta, Bryan, Hart, Jackson, Lee, Quirk-Silva,
Wicks

Prepared by: Stephanie Jordan / PUB. S. /
8/17/26 16:18:35

**** **END** ****