

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 2012 is amended by changing  
5 Section 32-13 as follows:

6 (720 ILCS 5/32-13)

7 Sec. 32-13. Unlawful clouding of title.

8 (a) Any person who intentionally records or files or causes  
9 to be recorded or filed any document in the office of the  
10 recorder or registrar of titles of any county of this State  
11 that is a cloud on the title of land in this State, knowing  
12 that the theory upon which the purported cloud on title is  
13 based is not recognized as a legitimate legal theory by the  
14 courts of this State or of the United States, commits the  
15 offense of unlawful clouding of title.

16 (b) Unlawful clouding of title is a Class 4 felony ~~A~~  
17 ~~misdemeanor~~.

18 (c) In addition to any other sentence that may be imposed,  
19 the court shall order any person convicted of a violation of  
20 this Section, or placed on supervision for a violation of this  
21 Section, to execute a release of the purported cloud on title  
22 as may be requested by or on behalf of any person whose  
23 property is encumbered or potentially encumbered by the

1 document filed. Irrespective of whether or not a person charged  
2 under this Section is convicted of the offense of unlawful  
3 clouding of title, when the evidence demonstrates that, as a  
4 matter of law, the cloud on title is not a type of cloud  
5 recognized or authorized by the courts of this State or the  
6 United States, the court shall forthwith direct the recorder or  
7 registrar of titles to expunge the cloud.

8 (c-5) This Section does not apply to an attorney licensed  
9 to practice law in this State who in good faith files a lien on  
10 behalf of his or her client and who in good faith believes that  
11 the validity of the lien is supported by statutory law, by a  
12 decision of a court of law, or by a good faith argument for an  
13 extension, modification, or reversal of existing court  
14 decisions relating to the validity of the lien.

15 (d) For purposes of this Section, "cloud on title" or  
16 "cloud on the title" means an outstanding claim or encumbrance  
17 that, if valid, would affect or impair the title of the owner  
18 of an estate in land and on its face has that effect, but can be  
19 shown by extrinsic proof to be invalid or inapplicable to that  
20 estate.

21 (Source: P.A. 89-682, eff. 1-1-97.)