

An Act Against Criminal Conveyance of Land

An Act to Amend Chapter 15 Subchapter B, by repealing subsection 4 of section 15.21 of the Penal Law and instead, creating a new subsection 15.22, captioned **Criminal Conveyance of Land** and adding thereto a subsection 15.22, captioned **definitions**,

WHEREAS for decades criminal minded Liberians and non-Liberians have engaged in the multiple sale of parcels of land previously conveyed by the issuance of title deeds to first buyers;

WHEREAS under the law, once a parcel of land has been sold by the owner, title to it passes to the buyer and the seller immediately loses title and the right to exercise any lawful authority regarding such conveyed land;

WHEREAS under Liberian Law, title to land can only be conveyed by the lawful owner, such owner having acquired title in accordance with law, either by purchase from a person whose title can be traced to the Republic of Liberia or through gift or inheritance from an owner whose title can be traced to the Republic of Liberia or by any other lawful means;

WHEREAS despite the clarity of Liberian law that only a lawful owner of land can convey land and that the same parcel of land cannot be sold to more than one person, group of persons, institution, entity, or group of institutions, or group of entities, criminal-minded Liberians and non-Liberians have, for decades engaged in the multiple sale of land to Liberians and non-Liberians, thereby creating conflict between and among claimants competing for ownership;

WHEREAS land-based disputes, all over Liberia, but particularly in urban Liberia is reaching a crisis point, thereby making it difficult for institutions and courts established for dealing with civil issues to adequately resolve these disputes as civil matters;

WHEREAS the criminal conveyances of land bear the potential of undermining the peace, stability, harmony, unity, national reconciliation and the economic growth, development and prosperity of Liberia;

And

WHEREAS there is a need to raise the profile of criminal conveyances of land beyond its current status, merely as part of section 15.21 of Subchapter B of Chapter 15 of the Penal Law, captioned Criminal Trespass and make it a serious crime under Liberian Law;

Now therefore,

It is enacted by the Senate and House of Representatives in Legislature assembled:

Section 1. Repeals subsection 15.21(4) of Subchapter B.

Section 2. There is enacted a new section 15.22 of the Penal Law, captioned Criminal Conveyance of Land and a *section 15.22* thereof, Captioned Definitions.

15.22. Criminal Conveyance .

1. Offense.

(a) A person or group of persons or institution is guilty of criminal conveyance of land, a felony of the second degree, if he/she conveys to another person or persons or institution or organization through gift, sale, mortgage and or lease, a parcel of land that he/she does not own in any manner and or form, traceable to the Republic of Liberia, from the lawful owner (s) or by other lawful means.

(b) A person or group of persons or institution is guilty of third degree felony if he/she knowingly purchases a parcel of land which he/she knows or have reason to know does not belong to the seller or is being criminally conveyed.

(c) A surveyor or group of surveyors or anyone or institution acting in such capacity who encourages, persuades, surveys uses his/her influence or in any other way participates or conspires with anyone in the sale or purchase of a parcel of land, knowing or **being in the position to know** that the seller of such land does not have ownership is guilty of a first degree felony punishable by both a fine to be determined by a court of competent jurisdiction.

(d) A surveyor who surveys a land without a notice to all adjoining property owners, consistent with existing law, regulation or executive order or procedure, **is guilty of a felony of the third degree.**

(e) A district commissioner, land commissioner, city mayor, township commissioner, or any other local government official, or traditional chief, elder, or any person holding a position of authority, who abuses his/her authority to unduly influence or compel an individual or group of individuals to convey a parcel of land or any portion thereof, knowing or **being in position to know** that the land so conveyed belongs not to the person or persons conveying same or knowing or **being in the position to know** that without the use of such influence or compulsion a conveyance of said land is not possible is guilty of a felony of the second degree.

(f) An elected official or a person holding a county or national level position such as minister, deputy minister, director general, deputy director general, any law enforcement agency, or law enforcement officer, or any other public official who abuses his/her office by influencing or compelling the conveyance of a parcel of land, knowing or **having reason to know** that without the use of such influence or compulsion a conveyance of said land impossible is guilty of a second degree felony.

2. Affirmative Defense

- a) It shall be an affirmative defense that at the time of the conveyance the seller, surveyor, official and or other person **did not know that the transferor did not have ownership of the land so conveyed.**
- b) It shall be an affirmative defense that the purchaser or buyer did not know or **could not have known or had no reason to know**, that the seller of the land conveyed did not have ownership and that the land was purchased in good faith based on representation made by the seller. In that case the purchaser shall be considered a good faith purchaser and therefore, a victim and shall be entitled to restitution from the seller of the total amount paid for the land including investment in the land and attorney fees.

15.22. Definitions

As used in this subchapter:

conveyance- the voluntary transfer of a right or of property in land

convey- to convey means to transfer or deliver something, such as a right or property to another person, especially by deed or other manner.

criminal conveyance- to knowingly, willfully, or purposely transfer or deliver something such as a right or property to another person or persons, or group of persons or an institution or institutions, entity or entities, including all natural and juridical persons.

lease- a contract by which a rightful possessor of real property conveys the right to use and occupy the property in exchange for consideration, most often rent.

occupied structure-any structure, vessel, vehicle or place adapted for overnight accommodation of persons, or for carrying on business therein, whether or not a person is actually present.

night- the period between six o'clock in the evening and six o'clock in the morning.

mortgage- a conveyance of title to property that is given as security for the payment of a debt or the performance of a duty and that will become void upon the payment of the debt or performance according to the stipulated terms.

multiple sale- the transfer of the same right or property to more than one buyer.

urban area- a place located in a township or a city.

ANY LAW TO THE CONTRARY NOT WITHSTANDING