



"AN ACT AGAINST CRIMINAL CONVEYANCE OF LAND"

APPROVED AUGUST 26, 2014

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MINISTRY OF FOREIGN AFFAIRS
MONROVIA, LIBERIA**

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An Act Against Criminal Conveyance of Land

An Act to Amend Chapter 15 Subchapter B, Section 15.21 (4) of the Penal Law and creating subchapter AB, section 15.23 captioned Criminal Conveyance of Land.

WHEREAS, for decades criminal minded Liberians have engaged in sale of land to non-Liberians;

WHEREAS, criminal minded Liberians and non Liberians have engaged in the multiple sale of parcels of land previously conveyed by issuance of deed to the first buyers;

WHEREAS, under Liberian 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, allover 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;

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 THE HOUSE OF REPRESENTATIVES IN LEGISLATURE ASSEMBLED AS FOLLOWS:

Section 1. Section 1 Subsection 15.21(4) of Subchapter B is hereby amended to remove the aspect relating to conveyance of land, and shall henceforth read as follows:
"Unauthorized occupation or possession of property: A person commits an offence if he or she is not licensed or privileged to do so enters upon, occupies and improves real property not having fee simple title thereto, or permission of the owner. An offence under this paragraph constitutes a felony of the third degree. In case where the said property thus illegally entered upon, occupied and improved is part of a public domain, no damage shall be assessable; but in case of private property the rightful owner shall be entitled to redress in damages for trespass for him or her. In each such case, evidence of ownership must be shown by proof of a deed or other property instrument of conveyance." The last paragraph in the amended Subsection shall remain unchanged.

Section 2. There is enacted a new section AB of the Penal Law as Subsection 15.23 thereof captioned Criminal Conveyance of Land.

15.23. Criminal Conveyance.

1. 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 writing.

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.

2. Offense.

(a) A person is guilty of criminal conveyance of land, a felony of the second degree, if he/she conveys to another through sale, gift or mortgage or lease, a parcel of land that he/she has no title to by purchase, gift or inheritance evidenced by a deed, traceable to the Republic of Liberia, from the lawful owner or by any other lawful means.

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

(c) A surveyor who encourages, persuades, surveys, uses his 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 has no lawful title is guilty of a first degree felony punishable by both a fine to be determined by a court of competent jurisdiction, and a prison term of not less than ten years.

- (d) A surveyor who surveys a parcel of 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 a person charged with the responsibility to archive land deeds and records, or traditional chief, elder, or any person holding a powerful traditional position, 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) A legislator or a person holding a national level position such as minister, deputy minister, director general, deputy director general, any ranking officer of a law enforcement agency, or any other public official or law enforcement officer, 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 is not possible is guilty of a second degree felony.

Affirmative Defense

It is not an affirmative defense that at the time of the conveyance the seller did not know that he/she did not have lawful title. It shall be an affirmative defense, however, that the purchaser did not know or could not have known or had no reason to know, that the seller of the land conveyed did not have title 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 amount paid for the land and the total amounts spend to develop the criminally conveyed land.

3. Penalty.

A person guilty of Criminal Conveyance of land may be sentenced in the following manner:

- (a) A person guilty of a second degree felony shall be given a prison term of not more than five years and made to restitute an amount equal to double the gain received from the criminal conveyance of land, for the first offense.
- (b) A person guilty of criminal conveyance for the second time shall be given a mandatory five year prison term, the maximum prison term for a second degree felony and required to restitute the amount equal to double the gain received from the criminal conveyance of land. Any other repeated offense shall be punished similarly, with no right of parole or probation.
- (c) A person guilty of a third degree felony under this law shall be punished by both a fine to be determined by court, the maximum which shall not be more than double the gain and a prison term of not more than three years.
- (d) A surveyor guilty of a first degree felony under this law shall be punished both by a fine and a prison term of not less than ten years and a permanent revocation of his license to practice as a surveyor.
- (e) The minimum length of time a person guilty under this subchapter shall be imprisoned for is one year for a third degree felony, three years for a second degree felony and five years for a first degree felony.

ANY LAW TO THE CONTRARY NOT WITHSTANDING

2012


FIRST SESSION OF THE FIFTY-THIRD
LEGISLATURE OF THE REPUBLIC OF LIBERIA

SENATE'S ENGROSSED BILL NO. 18, ENTITLED:

"AN ACT AGAINST CRIMINAL CONVEYANCE OF
LAND"

On motion, Bill read. On motion, the Bill was adopted on its
first reading and sent to Committee Room on Thursday, August
2, 2012 @ 11:38 G.M.T

On motion, Bill taken from the Committee Room for its second
reading. On motion, under the suspension of the rule, the
second reading of the Bill constituted its third and final reading
and the Bill was adopted, passed into the full force of the law
and ordered engrossed today, Monday, September 3, 2012 @
15: 10 G.M.T.


SECRETARY, LIBERIAN SENATE, R.L.

-2014-

THIRD SESSION OF THE FIFTY-THIRD LEGISLATURE OF THE
REPUBLIC OF LIBERIA

HOUSE'S ENDORSEMENT TO SENATE'S ENGROSSED BILL NO. 8
ENTITLED:

"AN ACT AGAINST CRIMINAL CONVEYANCE OF
LAND"

On motion, Bill read. On motion, the Bill was adopted on its
first reading and sent to Committee on Thursday, September 9,
2012, @ 12:55 G.M.T.

On motion, the Bill was taken from Committee Room for its
second reading. On motion, under the suspension of the rule, the
second reading of the Bill constituted its third and final reading,
and the Bill was adopted, passed into the full force of the law,
and ordered engrossed today, Tuesday, July 22, 2014 @ 12:54
G.M.T.


CHIEF CLERK, HOUSE OF REPRESENTATIVES, R.L.

2014

ATTESTATION

"AN ACT AGAINST CRIMINAL CONVEYANCE OF LAND"

**VICE PRESIDENT OF THE REPUBLIC OF LIBERIA/PRESIDENT OF
THE SENATE**

THE SECRETARY, LIBERIAN SENATE

THE SPEAKER, HOUSE OF REPRESENTATIVES

THE CHIEF CLERK, HOUSE OF REPRESENTATIVES, R. L.



SECRETARY OF THE SENATE



The Liberian Senate

CAPITOL BUILDING, CAPITOL HILL, MONROVIA, LIBERIA
WEST AFRICA

2014

THIRD SESSION OF THE FIFTY-THIRD LEGISLATURE OF THE
REPUBLIC OF LIBERIA.

SCHEDULE OF SENATE'S ENROLLED BILL NO. 9 ENTITLED:

"AN ACT AGAINST CRIMINAL CONVEYANCE OF LAND"

PRESENTED TO THE PRESIDENT OF THE REPUBLIC OF LIBERIA FOR
EXECUTIVE APPROVAL.

APPROVED THIS 26th DAY OF August A.D. 2014
AT THE HOUR OF 12:30 P.M.

THE PRESIDENT OF THE REPUBLIC OF LIBERIA