

SOVEREIGN CITIZENS: A CULT MOVEMENT THAT DEMANDS LEGISLATIVE RESISTANCE

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I. INTRODUCTION

This article will discuss the rising problem of sovereign citizens and some accompanying laws that were introduced in an attempt to counter their problematic ways. First, the article will present the lone ideological belief of sovereign citizens and how this belief affects their decisions to act out in particular ways. Second, the article will discuss the primary ways in which sovereign citizens assert their beliefs upon the public and the government.

The article will then transition and analyze two newly introduced laws: one from California and one from New Jersey. California Assembly Bill No. 1267 was passed in August of 2015, while New Jersey Assembly Bill No. 2481 was passed in May of 2015. Though both laws were introduced in 2015, they take a varied approach of attacking the problem of sovereign citizens. This article will discuss their differences in full.

Finally, the article will argue reasons why the California law is better equipped to counter and protect from the sovereign citizen movement. While the New Jersey law offers a variety of remedies, overall it should be expanded.

II. LEGAL BACKGROUND

A. The Sovereign Citizen Belief System

When first encountering the term “sovereign citizen,” it is not always apparent to whom that term actually refers. In short, a sovereign citizen believes he or she is above all law.¹ Sovereigns—also referred to as “freemen of the land” or “organic citizens”—share the common belief that an illegitimate, usurper federal government has taken over.² As such, sovereign citizens believe

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¹ J.J. MacNab, *What is a Sovereign Citizen?*, FORBES (Feb. 13, 2012, 12:53 PM), <http://www.forbes.com/sites/jjmacnab/2012/02/13/what-is-a-sovereign-citizen/>.

² Lorelei Laird, *‘Sovereign Citizens’ Plaster Courts with Bogus Legal Filings—and Some Turn to Violence*, ABA J. (May 1, 2014, 10:20 AM),

they do not have to pay taxes, pull over for police, or obey any law that they do not particularly agree with.³ Their ideology relates to any law, at any level of government.⁴

Sovereign citizens are commonly referred to as a cult.⁵ This is because they are convinced to a religious certainty that their beliefs are correct.⁶ Sovereign citizens umbrella a variety of loosely organized groups or individuals, but they all share one basic ideological principle: that they are beyond the jurisdiction of the law.⁷ So where exactly do these beliefs come from?

Sovereign citizens believe the United States government has been overthrown or replaced.⁸ This transition is believed to have occurred in one of two time periods: during the Civil War, or in 1933, when the gold standard for currency was abandoned.⁹ “Since 1933, the United States dollar has not been backed by gold, but by the ‘full faith and credit’ of the United States government.”¹⁰ Sovereign citizens believe the United States government pledged its citizenry as collateral by selling its citizens’ future earning capabilities to foreign investors, effectively enslaving all Americans.¹¹

Sovereign citizens believe these sales happen at birth.¹² They claim that the government sets up treasury accounts in the name of each baby born in the United States, permitting the government

http://www.abajournal.com/magazine/article/sovereign_citizens_plaster_courts_with_bogus_legal_filings/.

³ *Id.*

⁴ MacNab, *supra* note 1.

⁵ Walter Olson, *The “Sovereign Citizen” Cult*, OVERLAWYERED.COM (May 7, 2014), <http://overlawyered.com/2014/05/sovereign-citizen/>.

⁶ S. Poverty Law Ctr., *Violent And Dangerous: America’s Sovereign Citizens Movement*, OPPOSING VIEWS (May 15, 2011), <http://www.opposingviews.com/i/inside-america-s-sovereign-citizens-movement>.

⁷ Rob Finch & Kory Flowers, *Sovereign Citizens: A Clear and Present Danger*, POLICE MAG. (Sept. 21, 2012), <http://www.policemag.com/channel/patrol/articles/2012/09/sovereign-citizens-a-clear-and-present-danger.aspx>.

⁸ Laird, *supra* note 2.

⁹ *Id.* The gold standard, a monetary system in which currency is backed by gold, was forgone on June 5, 1933. The United States had been on the gold standard since 1879, but failures during the Great Depression of the 1930’s frightened the public into hoarding gold, which made the policy untenable. See CRAIG K. ELWELL, CONG. RESEARCH SERV., R41887, BRIEF HISTORY OF THE GOLD STANDARD IN THE UNITED STATES (2011).

¹⁰ S. Poverty Law Ctr., *supra* note 6. The current United States monetary system is based on the full faith and credit of the federal government. Our money today “is neither valued in, backed by, nor officially convertible into gold nor silver.” ELWELL, *supra* note 9, at 1.

¹¹ S. Poverty Law Ctr., *supra* note 6.

¹² *Id.*

to borrow against each person's future labor.¹³ These accounts are said to hold funds ranging from six hundred thousand to twenty million dollars.¹⁴ The cornerstone of this belief is that a "straw man" is created for the corporate shell identity of each baby upon birth, and this is evidenced by the fact that birth certificates spell out the baby's name in all capital letters.¹⁵ Sovereign citizens believe names written in regular font symbolize the baby's "real flesh and blood."¹⁶ Sovereign citizens believe that if one can separate himself from his "straw man" then he can use the money placed in his account, and put himself outside of the reach of the law.¹⁷ This "redemption," as it is known in the sovereign citizen community, is said to be accomplished by filling out documents full of legal jargon, usually based on lessons that sovereign citizens purchase online.¹⁸

B. Sovereign Citizen Courtroom Behavior

Sovereign citizens claim they are only subject to "God's law" or "common law," and that the United States laws that existed before the "conspiracy" are the only ones to which they need to adhere.¹⁹ Because sovereign citizens believe official government documents that spell out their names in all capital letters refer to their "straw man," they deny that they are the people named in court documents.²⁰

When brought into a courtroom, sovereign citizens create a real problem for the legal system.²¹ They are often disruptive, believing that their own legal system is the only legitimate one, rather than the system they are forced to appear in front of.²² Sovereign citizens also affect the court system by representing themselves *pro se*.²³ Despite being offered public defenders, a majority of sovereign citizens choose to represent themselves *pro se* because they believe the United States laws are illegitimate and that the

¹³ Laird, *supra* note 2.

¹⁴ S. Poverty Law Ctr., *supra* note 6.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ Laird, *supra* note 2.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ S. Poverty Law Ctr., *supra* note 6.

²¹ Laird, *supra* note 2.

²² *Id.*

²³ *Id.*

aid of a public defender would be of no assistance.²⁴ Accordingly, sovereign citizens prefer to use their own legal language when representing themselves in court, are generally averse to accepting any plea deals, and take up a much larger amount of the courts' time to finish cases.²⁵

C. Sovereign Citizens as "Paper Terrorists"

Sovereign citizens affect our law enforcement and legal system in two major ways: through paper filings and through physical violence.²⁶ When acting out through paper filings, sovereign citizens are commonly referred to as "paper terrorists."²⁷ Strategically, these individuals attempt to inundate the court system with frivolous lawsuits seeking fictitious reparations from government administrators and officials, unfounded property liens that can tie up sales and destroy credit, and unsubstantiated ethics complaints intended to taint the reputation of lawyers and judges.²⁸ Sovereign citizens have even been known to issue fraudulent documents, such as indictments and arrest warrants.²⁹ They file liens against anyone who questions or refutes their claims of sovereignty in an attempt to insulate themselves from local, state, and federal rules, regulations, and laws.³⁰ Essentially, sovereign citizens attempt to clog up the court system with as much paperwork as possible to obtain a favorable result due to the fact that no one wants to deal with their nuisances any longer.³¹

One former tax prosecutor, Joseph Rillotta, said that he has seen sovereign citizens "buy a new printer because there was so much paperwork."³² The volume of their filings not only clogs the courts, but also fatigues individuals into dropping their respective matters.³³ When this transpires, the sovereign citizen community views it as a victory and further evidence that their way of doing

²⁴ *Id.*

²⁵ *Id.*

²⁶ S. Poverty Law Ctr., *supra* note 6.

²⁷ John Petrick, *North Jersey Courts Brace for Flood of Cases by Sovereign Citizens Anti-Government Movement*, NORTHJERSEY.COM (Dec. 1, 2013, 9:27 AM), <http://www.northjersey.com/news/north-jersey-courts-brace-for-flood-of-cases-by-sovereign-citizens-anti-government-movement-1.653874>.

²⁸ *Id.*

²⁹ Finch & Flowers, *supra* note 7.

³⁰ *Id.*

³¹ *Id.*

³² Laird, *supra* note 2.

³³ *Id.*

things brings favorable results within the legal system.³⁴ Currently, the Uniform Commercial Code does not permit court clerks to reject filings that are clearly bogus; this opens the door for sovereign citizens to file as many liens as they wish.³⁵ These liens can become especially problematic because an individual might not know that a lien has been filed against him until he attempts to sell his property.³⁶ Some sovereigns even go so far as to file fake tax forms that are designed to ruin an individual's credit rating and potentially cause that individual to be audited by the Internal Revenue Service.³⁷

Aside from the negative effects laid out above, these documents are usually written in a nonsensical way.³⁸ These documents or filings are written in a code-like language that judges, lawyers, and other court staff usually cannot understand.³⁹ This is because sovereigns believe that if they find the right combination of words, punctuation, ink color, and timing, they can obtain anything they want.⁴⁰

All over the country, incidents arise from the terrorism of sovereign citizens.⁴¹ In New York, around April of 2010, Richard Ulloa—an alleged ringleader in the Sovereign Citizens—received several tickets during a traffic stop in the area of Rosendale.⁴² Ulloa and his followers allegedly filed a series of maritime and Uniform Commercial Code filings with amounts totaling nearly three billion dollars.⁴³ The town of Rosendale brought a civil racketeering suit in federal court against Ulloa for attempting to “harass, defraud, and extort.”⁴⁴ Ulloa was eventually convicted of federal mail fraud and sentenced to five years in federal prison.⁴⁵

³⁴ *Id.*

³⁵ *Id.*

³⁶ S. Poverty Law Ctr., *supra* note 6.

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ S. Poverty Law Ctr., *supra* note 6.

⁴¹ See generally Anti-Defamation League, *The Lawless Ones: The Resurgence of the Sovereign Citizen Movement*, ANTI-DEFAMATION LEAGUE, http://archive.adl.org/learn/sovereign_movement/list_recent_sovereign_incidents.pdf (last visited, Nov. 22, 2015).

⁴² *Id.* at 10.

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ *Sovereign Citizen Richard Ulloa Sentenced to 5 years in Federal Prison*, TIMES HERALD-RECORD (Dec. 12, 2011, 11:01 PM), <http://www.recordonline.com/article/20111212/News/111219948>.

Another New York incident occurred in May 2011, when a police officer went to kick two squatters out of a foreclosed home.⁴⁶ When the officer arrived the squatters presented him with a fake deed and homemade identification, and warned him that he just “doesn’t understand.”⁴⁷ One month later, the two men filed liens against the officer, his employer, and the town of Lloyd for one hundred and thirty-five billion dollars.⁴⁸ Despite being multi-billion dollar liens, the New York Department of State and other state governments accepted the liens, as the filing of the paperwork alone was enough, without verifying that the amount in question was legitimate.⁴⁹

D. Sovereign Citizens as a Physical Threat

Outside of “paper terrorism,” sovereign citizens present a major threat to law enforcement through physical violence.⁵⁰ In July 2014, the Study of Terrorism and Responses to Terrorism (“START”) project conducted in-depth surveys with more than 175 state, local, and tribal law enforcement agencies to determine the threat of terrorism, the nature of information-sharing, and whether agencies are prepared to deal with terrorist attacks.⁵¹ “The sovereign citizen threat was the most highly ranked threat, with 86 percent of respondents agreeing or strongly agreeing that it was a serious terrorist threat.”⁵²

In Tallahassee, Florida, around November 2014, one sovereign citizen lit his house on fire to draw police to his safety.⁵³ When the

⁴⁶ Marnie Eisenstadt, *Sovereign Citizen Group Terrorizes Small-Town Officials with Fake Liens*, SYRACUSE.COM (May 23, 2011, 8:25 AM), http://www.syracuse.com/news/index.ssf/2011/05/sovereign_citizens_group_terror.html.

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ MacNab, *supra* note 1.

⁵¹ Jessica Rivinius, *Sovereign Citizen Movement Perceived as Top Terrorist Threat*, NAT’L CONSORTIUM FOR THE STUDY OF TERRORISM AND RESPONSES TO TERRORISM (July 30, 2014), <http://www.start.umd.edu/news/sovereign-citizen-movement-perceived-top-terrorist-threat>. See also David Carter et al., *Understanding Law Enforcement Intelligence Processes, Report to the Office of University Programs, Science and Technology Directorate, U.S. Department of Homeland Security*, NAT’L CONSORTIUM FOR THE STUDY OF TERRORISM AND RESPONSES TO TERRORISM (July 2014), http://www.start.umd.edu/pubs/START_UnderstandingLawEnforcementIntelligenceProcesses_July2014.pdf.

⁵² Rivinius, *supra* note 51.

⁵³ Caitlin Dickson, *Sovereign Citizens Are America’s Top Cop-Killers*, DAILY BEAST (Nov. 25, 2014, 4:15 PM),

officers arrived, the citizen initiated a shootout, killing one of the officers.⁵⁴ This is just one example of an incident of sovereign citizens killing police officers since the breakthrough story of Arkansas Police Officers Brandon Paudert and Bill Evans in 2010.⁵⁵

According to the START research, law enforcement officers currently perceive sovereign citizens as the biggest terrorist threat, even over the likes of Islamist extremists and patriot or militia groups.⁵⁶ Despite these findings, sovereign citizens were flying under the radar until May 20, 2010.⁵⁷ Arkansas Police Officers Brandon Paudert and Bill Evans were working on I-40 in West Memphis, Arkansas, when they pulled over a suspicious looking minivan with Ohio license plates.⁵⁸ Jerry Kane, age 45, exited the vehicle and began arguing with the officers about the stop, resulting in a tussle.⁵⁹ Jerry's son, Joseph Kane, age 16, exited the minivan equipped with an AK-47 assault rifle and shot Officer Evans several times.^{60, 61} Officer Paudert took cover behind the police vehicle, but Joseph Kane chased the officer around the SUV and shot him several times in the back of the head before returning to Officer Evans to shoot him once again.⁶² According to a preliminary investigation, Officer Paudert was shot 11 times and died at the scene while Officer Evans was shot 14 times and died at the hospital.⁶³

<http://www.thedailybeast.com/articles/2014/11/25/sovereign-citizens-are-america-s-top-cop-killers.html>.

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ Rivinius, *supra* note 51.

⁵⁷ Dickson, *supra* note 53.

⁵⁸ J.J. MacNab, 'Sovereign' Citizen Kane, S. POVERTY LAW CTR. (Aug. 1, 2010), <https://www.splcenter.org/fighting-hate/intelligence-report/2010/sovereign-citizen-kane>.

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ The initial stop and events leading up to Joseph Kane exiting the vehicle and opening fire on the officers can be seen at *West Memphis Shooting: Traffic Stop*, POLICE MAG. (June 17, 2011), <http://www.policemag.com/videos/channel/patrol/2011/06/west-memphis-shooting-traffic-stop.aspx>.

⁶² MacNab, *supra* note 58.

⁶³ *Id.*

III. ANALYSIS

On August 13, 2015, California Governor, Jerry Brown, signed into law a new measure designed to increase state protection from sovereign citizens and their commonly employed tactic known as “paper terrorism.”⁶⁴ Currently, filing a bogus lien in California is a crime, however, once such harassing liens are filed, it takes a significant amount of time and money for the victims to get the liens removed.⁶⁵ In the 1990s, California enacted legislation to provide a fast-track removal process for such bogus filings.⁶⁶ This law only applied to public officials or employees, the most common victims of sovereign citizen tactics.⁶⁷

The new law, California Assembly Bill No. 1267, alters the old law by repealing it and recasting it to include provisions that prohibit a person from filing or recording, or directing another to file or record, a lawsuit, lien, or other encumbrance against any person or entity, knowing that it is false, with the intent to harass the person or entity or to influence or hinder the person in discharging his or her official duties if the person is a public officer or employee.⁶⁸ Any person who violates this prohibition is liable for a civil penalty not to exceed five thousand dollars.⁶⁹

During the Third Reading of the Bill for Senate Analysis, it was written that the legislative intent of the bill is to “further protect Californians from paper terrorism by strengthening already existing laws.”⁷⁰ The Senate discussed how the current California law allows public officers and employees to utilize a fast track removal process and how this new law will extend protection to all individuals and businesses.⁷¹ To defend against “paper terrorism,” as many as 25 states have implemented laws similar to the law California just passed.⁷²

⁶⁴ *California Strengthens Laws Against “Paper Terrorism,”* ANTI-DEFAMATION LEAGUE (Aug. 18, 2015), <http://sandiego.adl.org/2015/08/18/california-strengthens-laws-against-paper-terrorism/>.

⁶⁵ *Id.*

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ A.B. 1267, 2015 Gen. Assemb., Reg. Sess. (Cal. 2015).

⁶⁹ *Id.*

⁷⁰ *Third Reading: Hearing on A.B. 1267 Before the S. Jud. Comm.*, 2015 Leg., 6 (Cal. 2015).

⁷¹ *Id.*

⁷² *California Strengthens Laws Against “Paper Terrorism,”* *supra* note 64.

On May 11, 2015, New Jersey Governor Chris Christie signed into law Assembly Bill No. 2481, which amended the requirements for the sufficiency of a financing statement and provided remedies for the victims of fraudulent filings.⁷³ However, this law differs from its California counterpart in that it only protects the “real or personal property of a current or former public servant, the public servant’s immediate family or estate, a current or former federal officer or employee, or the officer’s or employee’s immediate family or estate.”⁷⁴ By making the filing of false liens a second-degree crime, this law provides additional remedies that the California law does not.⁷⁵ The New Jersey law adds an additional layer of protection by enjoining an individual convicted of this crime from “filing any future liens, encumbrances, or court actions against persons specified by the court,” absent court approval.⁷⁶ Furthermore, the New Jersey law allows a victim of a fraudulent filing to take civil action against the filer, to recover at least two thousand dollars, but up to the amount of actual damages caused by the filing, as well as attorney’s fees and court costs.⁷⁷

While the crux of the New Jersey law is aimed at curbing false Uniform Commercial Code filings, it only provides remedies for public officials.^{78, 79} In contrast, the California law is more

⁷³ Paul Hodnefield, *New Jersey Changes UCC Filing Requirements*, AM. BANKERS ASS’N (July 1, 2015), <http://www.aba.com/Tools/Function/Legal/Documents/JulyUCC2015a.pdf>.

⁷⁴ N.J. STAT. ANN. § 2C:21-42 (West 2015).

⁷⁵ *Id.*

⁷⁶ *Id.*

⁷⁷ N.J. STAT. ANN. § 2A:37B-1 (West 2015).

⁷⁸ N.J. STAT. ANN. § 2C:21-42:

A person commits a crime of the second degree if he files or records, or directs another to file or record, in any public record or in any private record which is generally available to the public, any document, lien, encumbrance, or court action *against the real or personal property of a current or former public servant, the public servant’s immediate family or estate, a current or former federal officer or employee, or the officer’s or employee’s immediate family or estate, on account of the performance or non-performance of that public servant’s, officer’s or employee’s official duties*, knowing or having reason to know that such document, lien, encumbrance, or court action is false or contains any materially false, fictitious, or fraudulent statement or representations, or with the intent to harass, hinder, defraud, retaliate against, or in any way impede the performance of that public servant’s, officer’s or employee’s duties.

expansive and provides remedies for all of its citizens alike.⁸⁰ Many states are introducing laws that will counter the acts of the sovereign citizens, but unfortunately, most are only protecting public officials and employees.⁸¹

Id. (emphasis added).

⁷⁹ N.J. STAT. ANN. § 2A:37B-1:

Any current or former officer or employee of any federal, state, county, or other local governmental unit, including members of the Legislative Branch, Executive Branch, Judicial Branch, and all law enforcement entities, or the current or former officer's or employee's immediate family or estate injured by a filing or recording that relates to the performance or non-performance of the officer's or employee's public duties, and for which the filer does not hold a properly executed security agreement or judgment from a court of competent jurisdiction or for which the initial filer was not entitled to file the initial financing statement under N.J.S.12A:9-509 may bring a civil action against the person or entity who filed or recorded the documents. Upon a showing that a filing is false or contains any materially false, fictitious, or fraudulent statement or representations, or with the intent to harass, hinder, defraud, retaliate against, or in any way impede the performance of that officer's or employee's duties, the court may do any one or more of the following:

a. order the defendant to pay a sum of not less than \$2000 for each fraudulent filing, or the actual damages caused by the filing or recording, whichever is greater;

b. enjoin the defendant from making any future liens, encumbrances, court actions, or claims against persons specified by the court without approval of the court;

c. award the plaintiff court costs and reasonable attorney's fees; or

d. order any other relief as is required to clear title to the real or personal property.

Id. (emphasis added).

⁸⁰ A.B. 1267, 2015 Gen. Assemb., Reg. Sess. (Cal. 2015):

A person shall not file or record, or direct another to file or record, a lawsuit, lien, or other encumbrance, including a notice of lis pendens, *against another person or entity* knowing it is false, with the intent to harass the person or entity or to influence or hinder the person in discharging his or her official duties if the person is a public officer or employee.

Id. (emphasis added).

⁸¹ Laura Cooley, *States Expand Protections Against False Liens For Public Officials*, GAVEL TO GAVEL (July 15, 2015), <http://gaveltogavel.us/2015/07/15/states-expand-protections-against-false-liens-for-public-officials/>.

Current estimates put the sovereign citizen threat at around 300,000 individuals nationally.⁸² In New Jersey, sovereign citizen cases are arising at an alarming rate.⁸³ In the year 2014 alone, there was an estimated 1,200 sovereign citizen cases in New Jersey.⁸⁴ In that same year, it is estimated that there were 2,500 individuals living in New Jersey who identified as sovereign citizens.⁸⁵

New Jersey's current offering of narrow remedies should be expanded to include government officials and private citizens alike. New Jersey has an enhanced need for such laws, as evidenced by the fact that there are so many court cases arising in New Jersey and so many individuals openly announcing their sovereign citizen status. Accordingly, all New Jersey citizens should be offered the appropriate protection. If the New Jersey law is expanded in a way that encompasses all citizens, like the California law, then it will have a further deterrent effect on the burdensome liens being filed. Currently, the New Jersey law provides public officials, public employees, public officers, and their families the opportunity to bring second-degree charges against persons who file such troublesome liens and to pursue a civil action for a minimum of two thousand dollars.⁸⁶

The New Jersey law should increase the civil penalties available from the current minimum of two thousand dollars⁸⁷ to the increased ceiling found in California of five thousand dollars.⁸⁸

⁸² Carmel Cafiero & Daniel Cohen, *Domestic Threat: Sovereign Citizens*, WSVN-TV (last updated Mar. 9, 2015, 11:09 AM), <http://www.wsvn.com/story/28294249/sovereign-citizens>.

⁸³ The Auditor, *N.J. Officials to Discuss 'Sovereign Citizens,'* NJ.COM (last updated Nov. 18, 2014, 4:55 PM), http://www.nj.com/politics/index.ssf/2014/11/local_officials_to_discuss_how_to_grapple_with_sovereign_citizens.html.

⁸⁴ Jason Laday, *Sovereign Citizen Court Cases Number 1,200 in Past Year, Says State Judiciary*, NJ.COM (last updated Sept. 16, 2014, 6:05 AM), http://www.nj.com/south/index.ssf/2014/09/sovereign_citizen_court_cases_number_1200_in_past_year_says_state_judiciary.html.

⁸⁵ Dustin Racioppi, *'Sovereign Citizens' are More Than Just Pests, Officials Say at N.J. Conference*, NORTHJERSEY.COM (last updated Nov. 19, 2014, 1:21 AM), <http://www.northjersey.com/news/the-folks-who-make-up-their-own-laws-1.1136432?page=all>.

⁸⁶ "The court may do . . . the following: . . . order the defendant to pay a sum of not less than \$2000 for each fraudulent filing, or the actual damages caused by the filing or recording, whichever is greater" N.J. STAT. ANN. § 2A:37B-1(a) (West 2015).

⁸⁷ *Id.*

⁸⁸ A.B. 1267, 2015 Gen. Assemb., Reg. Sess. (Cal. 2015):

This seemingly small transition to the everyday person would have an increased deterrent effect on sovereign citizen tactics. As laid out above, sovereign citizens believe they are above the law, but forcing them to pay for knowingly filing false liens can be expensive and will catch up to any individual who partakes in such action. Increased costs would add up more quickly than the costs under the current standard and would prevent more sovereign citizens from filing false liens, if for no other reason than that they can no longer afford to do so. This would inevitably save New Jersey citizens from dealing with these burdensome liens and would also clear the court dockets.

While it is too soon to analyze the degree of effectiveness, it is likely that the California law will better protect state citizens. Having higher penalties will benefit the State in two major ways: (1) it will have a heightened deterrent effect; and (2) it will make it less monetarily feasible for sovereign citizens to continue acting in the negative manner subscribed within the Bill. Furthermore, by protecting all of the citizens of California, sovereign citizens will not be granted any safe haven when filing false liens.

New Jersey Assembly Bill No. 2481 is a great start for New Jersey. The New Jersey Legislature should be applauded for criminalizing the actions taken by sovereign citizens. Their burdensome and harassing actions should carry with them criminal penalties as severe as a second-degree crime, as this provides another highly persuasive avenue to deter future behavior. The New Jersey Legislature should also be commended for attaching a future bar for individuals found guilty under this new law. New Jersey did a great job by permitting a parallel civil action to be brought alongside a criminal sanction. This new law should adequately protect all government employees and their families from the threat of paper terrorism brought on by sovereign citizens.

Any lien or encumbrance claimant who records or files, or directs another to record or file, a lawsuit, lien, or other encumbrance in violation of Section 765.010 shall be liable to the person subject to the lawsuit or the owner of the property bound by the lien or other encumbrance for a civil penalty of up to five thousand dollars (\$5,000).

Id.

IV. CONCLUSION

Overall, both bills introduced by California and New Jersey, respectively, will help protect citizens against the rising threat of sovereign citizens. California's bill will better protect their private citizens and allow a higher monetary penalty against the "paper terrorism" employed by sovereign citizens. New Jersey's bill makes the inappropriate behavior displayed by sovereign citizens a criminal act. Both of these bills are a step in the right direction to help curb this movement. In conclusion, New Jersey's legislature should expand the protection currently offered to their private citizens, should increase their minimum civil penalty, and should continue to criminalize these heinous acts. These expansions in the law will further deter sovereign citizens from attempting to circumvent the court system and from destroying individuals' lives through their counterproductive ways.