

## SB0138S01 compared with SB0138

~~{deleted text}~~ shows text that was in SB0138 but was deleted in SB0138S01.

Inserted text shows text that was not in SB0138 but was inserted into SB0138S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Senator Todd Weiler proposes the following substitute bill:

### GENDER CHANGE AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Todd Weiler**

House Sponsor: \_\_\_\_\_

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#### LONG TITLE

##### General Description:

This bill addresses legally changing an individual's gender.

##### Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ addresses a court process for a legal gender change petition;
- ▶ establishes what a court considers;
- ▶ establishes effect of proceedings;
- ▶ addresses combined ~~{proceedings}~~petitions; and
- ▶ makes technical changes.

##### Money Appropriated in this Bill:

None

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### Other Special Clauses:

None

### Utah Code Sections Affected:

#### AMENDS:

**26-2-11**, as last amended by Laws of Utah 1995, Chapter 202

#### ENACTS:

**78B-6-2200**, Utah Code Annotated 1953

**78B-6-2201**, Utah Code Annotated 1953

**78B-6-2202**, Utah Code Annotated 1953

**78B-6-2203**, Utah Code Annotated 1953

**78B-6-2204**, Utah Code Annotated 1953

**78B-6-2205**, Utah Code Annotated 1953

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **26-2-11** is amended to read:

**26-2-11. Name or gender change -- Registration of court order and amendment of birth certificate.**

(1) When a person born in this state has a name change under Title 42, Chapter 1, Change of Name, or [~~sex~~] gender change under Title 78B, Chapter 6, Part 22, Change of Legal Gender, approved by an order of a Utah district court or a name or gender change approved by a court of competent jurisdiction of another state or a province of Canada, a certified copy of the order [~~may~~] shall be filed with the state registrar with an application form provided by the registrar.

(2) For purposes of this section, sex and gender are presumed to be the same unless a petitioner or subject of the birth record obtains a court order changing the sex or gender.

~~[(2)]~~ (3) (a) Upon receipt of the application, a certified copy of the order, and payment of the required fee, the state registrar shall review the application, and if complete, register it and note the fact of the amendment on the otherwise unaltered original birth certificate.

(b) The amendment shall be registered with and become a part of the original birth certificate and a certified copy shall be issued to the applicant without additional cost.

(c) A court shall seal a certified copy of the court order, the application, and the

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original certificate. A certified copy of the birth certificate issued to the applicant may not indicate that it has been amended.

Section 2. Section 78B-6-2200 is enacted to read:

### Part 22. Change of Legal Gender

#### 78B-6-2200. Title.

This part is known as "Change of Legal Gender."

Section 3. Section 78B-6-2201 is enacted to read:

#### 78B-6-2201. Definitions.

As used in this part:

(1) "Individual" means a natural person.

(2) "Petitioner" means an individual who files a petition under Section 78B-6-2202.

Section 4. Section 78B-6-2202 is enacted to read:

#### 78B-6-2202. By petition to {district} court -- Contents.

(1) An individual, desiring to change the individual's legal gender, may file a petition in ~~the district~~a court of competent jurisdiction in the county in which the petitioner resides, ~~setting~~.

(2) A petition for change of legal gender shall set forth:

(~~1~~)a) the cause for which the change of legal gender is sought;

(~~2~~)b) the proposed legal gender;

(~~3~~)c) that the individual is not involved in a court action or proceeding other than the proceeding to change the individual's legal gender, or if so, a description of the court action or proceeding;

(~~4~~)d) that the individual is not on probation or parole, or that the individual has given written notice of the individual's petition for legal gender change to the individual's probation or parole officers;

(~~5~~)e) that the individual is not changing the individual's legal gender to avoid creditors or anyone else with a claim against the individual;

(~~6~~)f) that the change in legal gender will not affect any right, title, or interest of anyone else;

(~~7~~)g) that the change in legal gender is not being done for any illegal, fraudulent, or otherwise offensive purpose; and

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(~~8~~h) that the petitioner has been a bona fide resident of the county for the year immediately before the day on which the petitioner files the petition.

Section 5. Section **78B-6-2203** is enacted to read:

### **78B-6-2203. Notice of hearing -- Order of change.**

(1) A ~~district~~ court of competent jurisdiction that receives a petition under Section 78B-6-2202:

(a) shall schedule a hearing; and

(b) may order the petitioner to provide notice of the hearing to other parties.

(2) A ~~district~~ court ~~may~~ of competent jurisdiction shall order a change of legal gender as requested, upon proof in open court:

(a) of the assertions of the petition filed under Section 78B-6-2202; and

(b) that there exists proper cause for granting the change of legal gender.

Section 6. Section **78B-6-2204** is enacted to read:

### **78B-6-2204. Effect of proceedings.**

A proceeding for a change of legal gender under this part does not affect a pending legal action, pending proceeding, right, title, or interest.

Section 7. Section **78B-6-2205** is enacted to read:

### **78B-6-2205. Combined ~~proceedings~~ petitions.**

A ~~proceeding~~ petition for a change of legal gender under this part and a ~~proceeding~~ petition for a change of name under Title 42, Chapter 1, Change of Name, may be combined into a single ~~hearing~~.

Legislative Review Note

Office of Legislative Research and General Counsel; ~~petition~~.