

## SB0138S02 compared with SB0138S01

~~{deleted text}~~ shows text that was in SB0138S01 but was deleted in SB0138S02.

Inserted text shows text that was not in SB0138S01 but was inserted into SB0138S02.

**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}~~SEX 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}~~sex.

##### Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ addresses a court process for a legal ~~{gender}~~sex change petition;
- ▶ establishes what a court considers;
- ▶ establishes effect of proceedings;
- ▶ addresses combined 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}~~sex 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}~~Sex, approved by an order of a Utah district court or a name or ~~{gender}~~sex 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)}~~~~{(2)}~~ (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.

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(c) ~~{A court shall seal a}~~ Upon a showing of good cause, a court may direct the state registrar to seal the certified copy of the court order, the application, and the 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}Sex

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

This part is known as "Change of Legal {Gender}Sex."

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 court -- Contents.

- (1) An individual, desiring to change the individual's legal {gender}sex, may file a petition:
  - (a) (i) in a court of competent jurisdiction in the county in which the petitioner resides;
  - or
  - (ii) if an individual born in Utah but not residing in Utah, in the district encompassing Salt Lake City; and
  - (b) if the individual is 18 years of age or older.
- (2) A petition for change of legal {gender}sex shall set forth:
  - (a) the cause for which the change of legal {gender}sex is sought;
  - (b) the proposed legal {gender}sex;
  - (c) that the {individual}petitioner is not involved in a court action or proceeding other than the proceeding to change the {individual's}petitioner's legal {gender}sex, or if so, a description of the court action or proceeding;
  - (d) that the {individual}petitioner is not on probation or parole, or that the {individual}petitioner has given written notice of the {individual's}petitioner's petition for legal {gender}sex change to the {individual's}petitioner's probation or parole officers;

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

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

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

(h) that the petitioner has ~~been a bona fide resident of the county for the year immediately before the day on which~~ a sincerely held belief that it is part of the core identity that the petitioner files the petition is of a sex different than the sex listed on the original birth certificate; and

(i) that the petitioner's medical history, care, or treatment is consistent with a uniform assertion of a sex, including any of the following:

(i) the petitioner has undergone surgical, hormonal, or other treatment appropriate for a legal sex; or

(ii) a chromosomal count that establishes the sex of the petitioner as different than the sex on the original birth certificate.

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

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

(1) A 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 ~~with a legal interest.~~

(2) (a) A court of competent jurisdiction shall order a change of legal ~~gender~~ sex 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~~ Notwithstanding any other section, a court may close to the public a hearing related to a petition for change of legal ~~gender~~ sex upon request of the petitioner and court approval.

(c) A petition for change of legal sex and any related documents filed in connection with the petition are private records.

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

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

A proceeding for a change of legal {gender}sex 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 petitions.**

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