

SB0138S03 compared with SB0138S02

~~text~~ shows text that was in SB0138S02 but was deleted in SB0138S03.

Inserted text shows text that was not in SB0138S02 but was inserted into SB0138S03.

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:

SEX CHANGE AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd Weiler

House Sponsor: _____

LONG TITLE

General Description:

This bill addresses legally changing an individual's sex.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ addresses duties of state registrar;
- ▶ addresses a court process for a legal sex change petition;
- ▶ establishes what a court considers;
- ▶ establishes effect of proceedings;
- ▶ addresses combined petitions; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

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None

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

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 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 change under Title 78B, Chapter 6, Part 22, Change of Legal Sex, approved by an order of a Utah district court or a name or 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) (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)3~~ (a) Upon ~~a showing~~ receipt of ~~good cause, a court may direct~~ the ~~state registrar to seal the~~ application, a certified copy of the ~~court~~ order, and payment of the required fee, the state registrar shall review the application, and ~~the original certificate. A~~ if

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complete, register the application.

(b) The state registrar shall make a notation of a name change amendment on a copy of a certified birth certificate.

(c) The state registrar may not make a notation of a legal sex change amendment, or combined legal sex and name change amendment, on a certified copy of ~~the~~ a 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 Sex

78B-6-2200. Title.

This part is known as "Change of Legal 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 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 sex shall set forth:

(a) the cause for which the change of legal sex is sought;

(b) the proposed legal sex;

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

(d) that the petitioner is not on probation or parole, or that the petitioner has given written notice of the petitioner's petition for legal sex change to the petitioner's probation or

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parole officers;

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

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

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

(h) that the petitioner has a sincerely held belief that it is part of the petitioner's core identity that the petitioner 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.~~

~~change, as verified by a qualified, licensed physician or psychologist.~~

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 sex as requested, upon proof of the assertions of the petition filed under Section 78B-6-2202.

~~(b) If the court orders a legal sex change, the court shall order that the legal sex is female, male, or other.~~

~~(b)(3)~~ (a) Notwithstanding any other section, a court may close to the public a hearing related to a petition for change of legal sex upon request of the petitioner and court approval.

~~(c)~~ (b) A petition for change of legal sex and any related documents filed in connection with the petition are ~~private~~ protected records under Title 63G, Chapter 2, Government

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Records Access and Management Act.

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

78B-6-2204. Effect of proceedings.

A proceeding for a change of legal 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 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.