

## **BILL ANALYSIS**

Senate Research Center

S.B. 1417  
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Jurisprudence  
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### **DIGEST AND PURPOSE**

Currently, Texas law allows individuals to petition to make changes to their birth certificate. However, Texas statutes do not specifically authorize alterations of birth certificates due to gender reassignment. As proposed, S.B. 1417 allows changes to certain documents upon a completion of gender reassignment; directs the sealing of the original birth certificate; and directs the Department of Public Safety to make the corresponding changes to the individual's driver's license and other identification documents.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 45.101, Family Code, as follows:

Sec. 45.101. WHO MAY FILE; VENUE. Authorizes an adult, regardless of nationality or place of origin or birth, to file a petition requesting a change of name in the county of the adult's place of residence.

SECTION 2. Amends Subsection (a), Section 45.106, Family Code, to authorize a person whose name is changed under Section 6.706, 45.105, or 45.107, to apply to the clerk of the court ordering the name change for a change of name certificate.

SECTION 3. Amends Subchapter B, Chapter 45, Family Code, by adding Section 45.107, as follows:

Sec. 45.107. CHANGE OF NAME AND VITAL STATISTICS INFORMATION BASED ON GENDER REASSIGNMENT. (a) Requires the court, notwithstanding Section 45.103(a), to order a name change under this subchapter for a person other than a person with a final felony conviction if the person's completed petition is accompanied by certain documents.

(b) Requires an order granted under this section to include certain items.

(c) Authorizes a person whose name is changed under this section to apply for a change of name certificate from the clerk of the court as provided by Section 45.106.

(d) Provides that a document issued by the state under an order granted under this section, including a birth certificate or driver's license, is valid in law and has the same force and effect for all purposes as the original document.

(e) Requires a court of this state to give full faith and credit to an order or other official document, including a birth certificate, marriage certificate, or driver's license, issued by another state that is consistent with this section.

SECTION 4. Amends Section 192.011, Health and Safety Code, by redesignating Subsection (c) as new Subsection (e) and adding Subsections (c) and (d), as follows:

(c) Requires the state registrar, local registrar, or other person who issues birth certificates, if an amending birth certificate filed under Section 191.028 is subject to a court order granted under Section 45.107, Family Code, to issue an amended birth certificate after receiving a certified copy of the order and an affidavit executed by a licensed physician attesting that the petitioner has completed gender reassignment surgery.

(d) Requires the state registrar, after issuing an amended birth certificate under Subsection (c), to prohibit access to the original birth certificate and all correspondence, affidavits, court orders, and other documents related to the application for the amended certificate except for access required under a court order or by the Texas Department of Health (TDH) for record keeping purposes. Requires the state registrar to send a copy of the amended birth certificate to local registrars who maintain on file the applicant's original birth certificate. Requires the local registrar, on receipt of the amended certificate, to destroy the original certificate and file the amended certificate.

(e) Requires TDH to prescribe the form for certificates issued under this section.

SECTION 5. Amends Section 521.054, Transportation Code, by amending the section heading and Subsection (a) and adding Subsection (g), as follows:

Sec. 521.054. New heading: NOTICE OF CHANGE OF ADDRESS, NAME, OR GENDER. (a) Provides that this section applies to certain persons.

(g) Requires a person changing the person's gender to present to the Department of Public Safety (DPS) certain information.

SECTION 6. Amends Section 521.1425, Transportation Code, by amending Subsection (a) and adding Subsection (c), as follows:

(a) Authorizes DPS, except as provided by Subsections (b) and (c), to require each applicant for an original, renewal, or duplicate driver's license to furnish to DPS the information required by Section 521.142.

(c) Requires DPS to require an applicant for an original, renewal, or duplicate driver's license whose name was changed under a court order granted under Section 45.107, Family Code, to furnish to DPS an affidavit executed within the previous 60 days by a licensed physician attesting that the applicant is undergoing hormonal replacement therapy for the purpose of gender adjustment. Provides that this subsection applies only to an applicant who has not filed with DPS a notice of change of gender under Section 521.054(g).

SECTION 7. Amends Section 521.146, Transportation Code, by adding Subsection (e) to require an applicant for a corrected driver's license or certificate who has undergone gender reassignment surgery and is requesting a correction in the applicant's gender status to submit to DPS an affidavit executed by a licensed physician attesting that the applicant has undergone gender reassignment surgery.

SECTION 8. Effective date: September 1, 2003.