

Date of Hearing: August 20, 2025

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

SB 59 (Wiener) – As Amended June 18, 2025

Policy Committee: Judiciary

Vote: 9 - 1

Urgency: Yes

State Mandated Local Program: No

Reimbursable: No

SUMMARY:

This bill extends to adult petitioners confidentiality measures that currently apply to the court records of minors who petition for a change of name, official gender, and sex identifier.

Specifically, among other provisions, this bill:

- 1) Requires the court to keep confidential the petition and any papers associated with a proceeding for a change of gender and sex identifier, for a single petition for change to the petitioner's name and to recognize the change to the petitioner's gender and sex identifier, or for a change of name to conform the petitioner's name to the petitioner's gender identity (collectively, "applicable proceedings").
- 2) Requires the court to limit access to court records in applicable proceedings, as specified.
- 3) Requires, upon the request of the petitioner and if petitioner meets certain criteria, the court to seal an entire petition associated with applicable proceedings and all court records and papers associated with the proceedings, without a public hearing.
- 4) Requires, by December 31, 2026, the Judicial Council and the superior courts to apply the confidentiality protections of this bill to all petitions and papers associated with applicable proceedings that were filed up to five years before the effective date of the bill.
- 5) Permits a person or entity who discovers the court is not keeping confidential a court record in an applicable proceeding to seek a court order to make the records confidential. Requires the court to make such an application and all associated records confidential.
- 6) Prohibits any person who is not the petitioner from publicly posting any records required to be kept confidential by this bill.
- 7) Authorizes, beginning six months after the operative date of the bill, a person or entity to file a petition seeking injunctive relief, declaratory relief, or a writ of mandate to enforce the bill's requirements.
- 8) Authorizes, beginning six months after the operative date of the bill, a petitioner who is harmed by a disclosure of records made confidential or sealed by the court to bring a civil action against the person or entity that caused the harm.

FISCAL EFFECT:

Ongoing cost pressures (Trial Court Trust Fund, General Fund) of an unknown but potentially significant amount to the courts to adjudicate civil cases to enforce violations of the bill's confidentiality requirements and petitions to enforce court compliance with sealing and confidentiality requirements. Actual costs will depend on the number of matters filed and the amount of court time needed to resolve each case. It generally costs approximately \$1,000 to operate a courtroom for one hour. Judicial Council estimates a moderate but possibly absorbable impact to the courts to adjudicate petitions for sealing of older records.

Additionally, Judicial Council anticipates significant court workload to identify petitions filed in the last five years that must be found and sealed under the bill. Judicial Council estimates costs of \$2.2 million to \$2.6 million one-time for trial court clerks to determine which name change petitions are affected by the bill and update the physical records and the courts' systems to reflect the sealing. Judicial Council notes that one year may not be enough time to find and change all applicable petitions.

Although courts are not funded on the basis of workload, increased pressure on the Trial Court Trust Fund may create a demand for increased funding for courts from the General Fund. The fiscal year 2025-26 state budget provides \$82 million ongoing General Fund to the Trial Court Trust Fund for court operations.

COMMENTS:

- 1) **Background.** Generally, unless they are deemed confidential by law or sealed by the court, court records are available to the public upon request. Existing law provides a number of confidentiality provisions to protect the court records of a transgender minor who petitions the court to change their name, official gender, and sex identifier. The Legislature enacted these protections in recent years to protect transgender youth from being outed or otherwise having their private and sensitive information disclosed to the public.
- 2) **Purpose.** This bill applies existing confidentiality protections for the above-described court records of transgender minors to similar court records of adults. According to the author, this is critical for the safety and well-being of transgender Californians because of increased harassment from the federal government and anti-trans activists:

The Trump Administration and Republicans in Congress have made clear that targeting and erasing trans people is among their highest policy priorities, and California must have our trans community members' backs. Making this personal identifying information public after someone transitions — including a person's dead name, as well as the basic fact that they're trans or non-binary — pointlessly exposes trans and non-binary Californians to harassment and potential violence. Unfortunately, right-wing groups and individuals have used publicly available personal information to harass trans people in California and across the nation. The Trump Administration will only embolden abusive right-wing extremists, and it is up to states like California to defend LGBTQ+ and other targeted communities amid a rising swell of hate.

The bill is co-sponsored by Equality California and Secure Justice.

- 3) **Related Legislation.** AB 1084 (Zbur) streamlines the process for legally changing a person's name, including a change of name to conform to a person's gender identity. AB 1084 is pending in the Senate Appropriations Committee.

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