

SENATE THIRD READING
SB 59 (Wiener)
As Amended September 02, 2025
2/3 vote. Urgency

SUMMARY

Extends the existing confidentiality provisions regarding court documents related to a minor's change of name, gender, and sex identifier to all Californians.

Major Provisions

- 1) Defines "change of name or gender and sex identifier, or both" as a court proceeding for a combined change of the petitioner's name and recognition of the change to the petitioner's gender and sex identifier, or for a change of name to conform to the petitioner's gender identity.
- 2) Requires that court records, including the index, register of actions, and any other case information available through court systems used to provide the public with electronic access to court records associated with a proceeding for a change of name or gender and sex identifier, or both, be kept confidential.
- 3) Requires, until the court orders a change of name or gender and sex identifier, or both, the court to limit access to the court records in the proceeding.
- 4) Requires, prior to the issuance of an order for a change of name or gender and sex identifier, or both, the court to limit access to the records to the petitioner, an individual who is subject to service of an order to show cause, and any agents of those individuals, including their attorneys, as specified.
- 5) Requires, upon the issuance of an order for a change of name or gender and sex identifier, or both, the court to limit access to the records of the proceeding to the petitioner, an adult who signed the petition for a minor, and their agents and attorneys, as specified.
- 6) Provides that the provisions of 2) through 5) apply if any of the following conditions are met:
 - a) The petition is filed on or after July 1, 2026;
 - b) The court orders the records in the proceeding to be kept confidential, as specified;
 - c) The records in the proceeding were previously made confidential by statute or otherwise.
- 7) Provides that if the petitioner discovers that court records related to a change of name or gender and sex identifier, or both, are not being kept confidential, the petitioner may apply for an order, without paying a filing fee, to have the records kept confidential and the court must grant the order.
- 8) Prohibits any person, other than the petitioner, from making the records of a change of name or gender and sex identifier, or both, public.
- 9) Authorizes a petitioner to seek injunctive or declaratory relief to enforce the confidentiality provisions of the bill.

- 10) Authorizes a petitioner who is harmed by the disclosure of records of a change of name or gender and sex identifier, or both, to being a civil action and that a person found liable for releasing the records is subject to the following:
 - a) Actual damages but not less than statutory damages of \$5,000;
 - b) Punitive damages upon proof of willful or reckless disregard of the law; and
 - c) Reasonable attorney's fees and costs.
- 11) Requires the Judicial Council to adopt any rules and forms necessary to implement the bill by July 1, 2026.
- 12) Adopts a severability clause and an urgency clause.
- 13) Makes numerous findings and declarations.

COMMENTS

In recent years, California courts and the Legislature have worked together to revise and streamline the procedures for Californians wishing to change their legal name, official gender, and sex identifier. Additional procedures and safeguards were added for minors wishing to change their name and identifiers to ensure that transgender youth could not be involuntarily outed and bullied. Given the ongoing and ceaseless efforts to demonize the transgender community, this bill expands these privacy protections for transgender youth seeking a name change in the courts to all Californians who seek to change their name, official gender, and sex identifier.

Although the 2024 election pushed attacks against the basic rights of transgender individuals to unforeseen levels (*Americans have grown more supportive of restrictions for trans people in recent years*, Pew Research Center (Feb. 26, 2025) available at: <https://www.pewresearch.org/short-reads/2025/02/26/americans-have-grown-more-supportive-of-restrictions-for-trans-people-in-recent-years/>), those seeking to utilize transgender individuals to create a electorally-motivated moral panic have been attacking transgender individuals for years. According to a 2021 report by the UCLA School of Law's Williams Institute, transgender people were over four times more likely to experience violent victimization, including rape, assault, and aggravated or simple assault than their cisgender peers. (Flores et. al, *Gender Identity Disparities in Criminal Victimization*, The Williams Institute (Mar. 2021) available at: <https://williamsinstitute.law.ucla.edu/publications/ncvs-trans-victimization/>.) Additionally, as the moral panic surrounding transgender rights grew, in 2023, more than 500 pieces of legislation were introduced across the country seeking to dehumanize and limit the rights of transgender individuals. (Mallory & Redfield, *The Impact of 2023 Legislation on Transgender Youth*, The Williams Institute (Oct. 2023) available at: <https://williamsinstitute.law.ucla.edu/publications/2023-trans-legislative-summary/>.)

Unfortunately, those seeking to erase transgender persons are now targeting transgender youth and those who seek to protect this vulnerable population. Twenty-seven states now prohibit transgender youth from participating in recreational opportunities that match their gender identity. (https://www.lgbtmap.org/equality-maps/youth/sports_participation_bans.) Furthermore, anti-transgender activists are now utilizing the courts to try to strip transgender

individuals of their rights and freedoms, and punish those who refuse to comply with this campaign of hate. (See, *Gaines v. National Collegiate Athletic Association*, 1:24-cv-01109, (N.D. Ga.)) Underlying many of these questionable lawsuits is a need to gain access to the personal records of transgender individuals. Recognizing this incoming threat, prudently, California moved to proactively adopt privacy protections for transgender minors, however, transgender adults currently lack several key legal protections.

This bill requires the original petition and associated papers to be kept confidential except for the parties to the matter, guardians for minors, attorneys for the parties and any party required to show cause to contest the change. Secondly, upon final judgment, the court is to seal the records. The bill also authorizes any petitioner who discovers that their records are still accessible to petition the courts to have the records removed from public access. The bill authorizes a private right of action against any private party (not the courts) for any harms caused by a disclosure or continuing disclosure of records by the private party. The bill authorizes statutory damages and attorney's fees in such a suit. Finally, the bill adopts an urgency clause and makes numerous findings about the troubling rise of anti-transgender hate across California and the nation.

According to the Author

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.

Arguments in Support

This bill is co-sponsored by Equality California and Secure Justice, and receives support from a broad coalition of civil rights organizations. In support of this bill, Equality California writes:

Transgender and nonbinary individuals face heightened risks of discrimination and harassment when records related to their name and gender marker changes are publicly accessible. In California, such petitions and paperwork are typically public and searchable online. Many individuals only discover their information is publicly available after being "outed" by a third party, such as a coworker.

In 2023, the Legislature passed the Transgender Youth Privacy Act [AB 223 (Ward)] to protect transgender and nonbinary minors by ensuring that courts keep their petitions and related records confidential. However, AB 223 applied only to minors. Adults must still navigate a burdensome, expensive, and time-consuming process to seal these records – and the law is not retroactive, leaving minors who obtained changes before its enactment unprotected unless they pursue sealing petitions. SB 59 builds on this progress by extending these vital protections to adults and applying them retroactively for a five-year period. These critical changes will allow all transgender and nonbinary people in California, regardless of age, to retain control over when and where they share their personally identifying

information. The bill will also prohibit these records from being posted publicly by anyone other than the petitioner.

Finally, in 2024, the California Fifth District Court of Appeal affirmed in *In re M.T.* that transgender and nonbinary individuals have a constitutional right to seal all court records related to their name and gender marker change under California's Constitutional right to privacy. While the court established a strong precedent, it left sealing decisions to judicial discretion under existing criteria. SB 59 will codify this right in statute, ensuring consistency and clarity across the state.

At this dangerous moment when LGBTQ+ civil rights are under threat, we must do everything in our power to protect transgender and nonbinary people from those who would use public records to discriminate or do harm.

Arguments in Opposition

A coalition of anti-transgender advocates oppose this measure. As a vocal leader in the anti-transgender movement, Our Duty writes:

This bill will penalize anyone, including a parent who opposes the "sex marker" change of his or her own child, any individual who exposes the truth about another's sex and the press from revealing the actual sex of the person, violates freedom of the press, freedom of speech and the establishment clause. Fining a person for describing a person by their immutable sex is also viewpoint discrimination. One must lie, or be fined up to \$5,000, and could be assessed punitive damages, and be liable for attorney's fees and costs for stating undeniable facts – that a person is male or female – a fact that can never be changed. This bill is beyond Orwellian.

[The Legislature] must examine all of the unintended consequences of this bill, including the effect that sealing a person's birth name and sex will have on law enforcement and on combating sex trafficking. The law could have the unintended consequences of allowing juveniles to expunge their records making identifying vulnerable children and locating their aggrieved parents and guardians impossible.

Should this bill pass, California will place females in vulnerable situations with no capacity for safeguarding. This bill will be an impediment to females who do not want the male gaze on their bodies in changing rooms and bathroom/shower facilities. They will lose the evidence for their Title IX claims if they cannot show evidence of the sex of the perpetrator.

This bill is about subterfuge and deception and forcing silence about the most basic human trait – sex. California continues to pass laws to erase sex as distinguishing factor that has existed since time immemorial.

FISCAL COMMENTS

According to the Assembly Appropriations Committee, 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.

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.

VOTES

SENATE FLOOR: 28-10-2

YES: Allen, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Cortese, Durazo, Gonzalez, Grayson, Laird, Limón, McGuire, McNerney, Menjivar, Padilla, Pérez, Richardson, Rubio, Smallwood-Cuevas, Stern, Umberg, Wahab, Weber Pierson, Wiener

NO: Alvarado-Gil, Choi, Dahle, Grove, Jones, Niello, Ochoa Bogh, Seyarto, Strickland, Valladares

ABS, ABST OR NV: Hurtado, Reyes

ASM JUDICIARY: 9-1-2

YES: Kalra, Bauer-Kahan, Bryan, Connolly, Harabedian, Pacheco, Papan, Stefani, Zbur

NO: Sanchez

ABS, ABST OR NV: Dixon, Macedo

ASM APPROPRIATIONS: 11-4-0

YES: Wicks, Arambula, Calderon, Caloza, Elhawary, Fong, Mark González, Ahrens, Pacheco, Pellerin, Solache

NO: Sanchez, Dixon, Ta, Tangipa

UPDATED

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