
UNFINISHED BUSINESS

Bill No: SB 59
Author: Wiener (D), et al.
Amended: 9/2/25
Vote: 27 - Urgency

SENATE JUDICIARY COMMITTEE: 11-2, 4/22/25

AYES: Umberg, Allen, Arreguín, Ashby, Caballero, Durazo, Laird, Stern, Wahab,
Weber Pierson, Wiener

NOES: Niello, Valladares

SENATE APPROPRIATIONS COMMITTEE: 5-1, 5/23/25

AYES: Caballero, Cabaldon, Grayson, Richardson, Wahab

NOES: Seyarto

NO VOTE RECORDED: Dahle

SENATE FLOOR: 28-10, 6/2/25

AYES: 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

NOES: Alvarado-Gil, Choi, Dahle, Grove, Jones, Niello, Ochoa Bogh, Seyarto,
Strickland, Valladares

NO VOTE RECORDED: Hurtado, Reyes

ASSEMBLY FLOOR: 56-15 , 9/12/25 – Roll call vote not available.

SUBJECT: Change of name or gender and sex identifier

SOURCE: Equality California
Secure Justice

DIGEST: This bill extends the confidentiality provisions that already apply to specified petitions by minors, including for a change of gender and sex identifier,

to adults, as specified. This bill prohibits such records from being posted publicly. This bill authorizes an action to enforce any violations.

Assembly Amendments remove the retroactivity provisions, delay the operative date of provisions, and make other technical and clarifying changes.

ANALYSIS:

Existing law:

- 1) Provides that a person may file a petition with a superior court seeking a judgment recognizing the change of gender to female, male, or nonbinary. If requested, the judgment shall include an order that a new birth certificate be prepared reflecting the change of gender and any name change accomplished by an order of a court of this state, another state, the District of Columbia, or any territory of the United States. (Health & Safety (Saf.) Code § 103425.)
- 2) Provides the process for a petitioner seeking a court order to recognize a change in the petitioner's gender and sex identifier as female, male, or nonbinary and to direct the issuance of new administrative documents to reflect those changes. Such petitions must be accompanied by an affidavit from the petitioner and a certified copy of the court order changing the petitioner's name, if applicable. The petitioner's affidavit shall be accepted as conclusive proof of gender change if it contains substantially the following language: "I, (petitioner's full name), hereby attest under penalty of perjury that the request for a change in gender to (female, male, or nonbinary) is to conform my legal gender to my gender identity and is not for any fraudulent purpose." (Health & Saf. Code § 103430.)
- 3) Requires the court to grant the above petition without a hearing if no written objection is timely filed. The relevant court order can include an order for a new birth certificate reflecting the petitioner's change in gender and name, where applicable. The law provides additional processes for a petitioner under 18 years of age. (Health & Saf. Code § 103430.)
- 4) Authorizes a single petition to be filed to change the petitioner's name and recognize the change to the petitioner's gender, and, if requested, to order the issuance of a new birth certificate. (Health & Saf. Code §§ 103435, 103445, 103725.)

- 5) Provides that if the petitioner in the above proceedings is under 18 years of age, the petition and any papers associated with the proceeding shall be kept confidential by the court. The court shall limit access to the court records in the proceeding, including the register of actions, to the minor, any adult who signed the petition, the minor's parents or guardians or guardians ad litem, any individual who is subject to an order to show cause related to the petition, and any attorneys representing these individuals. (Health & Saf. Code § 103437.)
- 6) Provides that whenever a person born in this state has their name changed by order of a court of this state, another state, the District of Columbia, or any territory of the United States, an application including an affidavit of this fact may be filed with the office of the State Registrar upon a form provided for that purpose. (Health & Saf. Code § 103400.)
- 7) Provides the court procedures for effectuating the above changes. (Code Civil Procedure (Civ. Proc.) § 1275 et seq.)

This bill:

- 1) Extends the confidentiality provisions of Section 103437 to all petitioners, regardless of age.
- 2) Requires the court, upon granting judgment, to limit access to the court records in the proceeding, including the register of actions, to the petitioner, an adult who signed the petition, and an attorney representing those individuals.
- 3) Requires the court, upon the request of the petitioner and a finding that a petitioner has met specified criteria, to, without a public hearing, seal an entire petition and all court records and papers associated with the proceedings.
- 4) Provides that if a person or entity discovers that a court record in the proceeding, including the register of actions, is not being kept confidential by the court, a person or entity may apply ex parte and without a fee to the court for an order to make those records confidential. The court is required to make the application and all associated records confidential.
- 5) Prohibits a confidential record from being posted publicly, on the internet or otherwise, by a person other than the petitioner.

- 6) Requires, on or before July 1, 2026, the Judicial Council to, as necessary, develop forms and rules to implement these provisions.
- 7) Provides that a violation hereof constitutes an injury. Commencing six months after the operative date of this act, a person or entity may institute proceedings for injunctive relief, declaratory relief, or a writ of mandate in a court of competent jurisdiction to enforce this section. A court shall award reasonable attorney's fees and costs to a plaintiff who prevails on a cause of action against a private party pursuant to this provision.
- 8) Provides, that in addition to any other sanctions, penalties, or remedies provided by law, commencing six months after the operative date of this law, a petitioner who has been harmed by a disclosure or continuing disclosure of records by a private person or entity with actual knowledge that those records were made confidential or sealed by the court may bring a civil action in a court of competent jurisdiction against a private person or entity that caused the harm. Such an action may be brought by a petitioner or on behalf of a petitioner by the petitioner's parent, guardian, or guardian ad litem, if the petitioner is a minor.
- 9) Provides that if a private person or entity is found liable in such actions, the private person or entity shall be liable to the petitioner for all of the following:
 - a) Actual damages, but not less than liquidated damages in the amount of \$5,000.
 - b) Punitive damages upon proof of willful or reckless disregard of the law.
 - c) Reasonable attorney's fees and costs.
- 10) Includes urgency and severability clauses.

Background

In 2017, SB 179 (Atkins, Chapter 853, Statutes of 2017) restructured the processes for individuals to change their names and genders to conform with their gender identity and to have these changes reflected on their birth certificates. In addition, a streamlined process was established for changing one's name and gender and having an updated birth certificate issued as part of a single petition. Specific guidelines and required procedures were laid out for petitioners. Special procedural rules apply when the petitioner is a minor. In response to concerns about the privacy and wellbeing of these minor petitioners, AB 223 (Ward, Chapter 221, Statutes of 2023) required specified petitions and associated papers to be kept

confidential by the courts when a minor petitions. The court is required to limit access to the records to only the minor and specified representatives of the minor, including the minor's parents or guardians and any legal representatives.

This bill takes the next step to protect the privacy of petitioners, by extending these provisions to adult petitioners, as provided. This bill also prohibits posting such records publicly and authorizes a cause of action for violations of this bill's terms.

This bill is sponsored by Equality California and Secure Justice. It is supported by a variety of groups, including Oakland Privacy and the County of Santa Clara. It is opposed by several groups, including the California Catholic Conference.

Comment

According to the author:

The Trump Administration and Republican Congressional leadership 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 incoming 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.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

According to the Senate Appropriations Committee:

Unknown, potentially significant costs to the state funded trial court system (Trial Court Trust Fund, General Fund) to adjudicate additional civil filings.

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.

- 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.

SUPPORT: (Verified 9/11/25)

Equality California (source)

Secure Justice (source)

ACLU California Action

Alianza Translatinx

Alliance for Transyouth Liberation

Asian Americans Advancing Justice-southern California

Bet Tzedek Legal Services

California Academy of Child and Adolescent Psychiatry

California Coalition for Youth

California Faculty Association

California Latinas for Reproductive Justice

California Legislative LGBTQ Caucus

California Pan-Ethnic Health Network

CalPride

CalPride Sierras

CFT- a Union of Educators & Classified Professionals, AFT, AFL-CIO

County of Santa Clara

Courage California

El/La Para TransLatinas

Essential Access Health

GUSD Parents for Pubic Schools

LGBTQ+ Inclusivity, Visibility, and Empowerment

Oakland Privacy
Oasis Legal Services
Parivar Bay Area
Peace and Freedom Party, California
PFLAG Fresno
PFLAG Los Angeles
PFLAG Oakland-East Bay
Public Counsel
Rainbow Families Action Bay Area
Redwood City
Sacramento LGBT Community Center
San Francisco Aids Foundation
San Francisco Women's Political Committee
Santa Clara County Office of Education
The LGBT Asylum Project
The San Diego LGBT Community Center
Trans Family Services
Transfamily Support Services
Transgender Law Center

OPPOSITION: (Verified 9/11/25)

California Catholic Conference
Californians for Good Governance
Our Duty
Real Impact.
Women are Real

ARGUMENTS IN SUPPORT: Equality California, a sponsor of this bill, writes:

SB 59 will protect the privacy and safety of transgender and nonbinary Californians by extending, and making retroactive, the protections of AB 223 to persons over the age of 18. 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.

ARGUMENTS IN OPPOSITION: The California Catholic Conference writes:

[W]e have serious concerns about erasing the history of a person's existence in the world prior to their name change. The official record of one's legal existence, including their name and biological sex, carries significance for their health, their family and heredity as well as for public health, public safety, and accurate records of vital statistics.

Removing the public record of a person's prior identity creates potential for fraud and abuse of this new system. In particular, sealing the record of a person's birth name and birth sex could prevent law enforcement or background checks from recognizing the same individual under other aliases.

Prepared by: Christian Kurpiewski / JUD. / (916) 651-4113
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**** **END** ****