

# STATE OF NEW YORK

7808

## IN SENATE

January 11, 2022

Introduced by Sen. HOYLMAN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the civil rights law, in relation to a change of name and a change of sex designation; and to amend a chapter of the laws of 2021 amending the civil rights law, the vehicle and traffic law and the public health law, relating to enacting the "Gender Recognition Act", as proposed in legislative bills numbers S. 4402-B and A. 5465-D, in relation to the effectiveness thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivisions 2 and 3 of section 64 of the civil rights law,  
2 subdivision 2 as amended and subdivision 3 as added by a chapter of the  
3 laws of 2021 amending the civil rights law, the vehicle and traffic law  
4 and the public health law, relating to enacting the "Gender Recognition  
5 Act", as proposed in legislative bills numbers S. 4402-B and A. 5465-D,  
6 are amended to read as follows:

7 2. (a) If the petition states that the petitioner stands convicted of  
8 a violent felony offense as defined in section 70.02 of the penal law or  
9 a felony defined in article one hundred twenty-five of such law or any  
10 of the following provisions of such law sections 130.25, 130.30, 130.40,  
11 130.45, 255.25, 255.26, 255.27, article two hundred sixty-three, 135.10,  
12 135.25, 230.05, 230.06, subdivision two of section 230.30 or 230.32, the  
13 clerk of the court in which the order has been entered shall deliver, by  
14 first class mail, a copy of such certified order to the division of  
15 criminal justice services at its office in the county of Albany and (b)  
16 if the petition states that the petitioner is responsible for spousal  
17 support or child support obligations pursuant to court order, upon  
18 review of the petitioner's application for name change and subsequent  
19 inquiry, the court [~~may, in its discretion,~~ shall order the petitioner  
20 to deliver, by first class mail, the petitioner's new name with such  
21 certified order to the court of competent jurisdiction which imposed the  
22 orders of support. If a party to the order is receiving child support  
23 services pursuant to title six-A of article three of the social services  
24 law, a copy shall be mailed to the support collection unit of the appli-

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 cable social services district providing such services to a party. Such  
2 certification shall appear on the original order and on any certified  
3 copy thereof and shall be entered in the court's minutes of the proceed-  
4 ing.

5 3. A name change order or other government issued document or court  
6 issued documentation of a name change shall be sufficient to change the  
7 petitioner's name on any document or record issued or maintained by the  
8 state of New York or any subdivision thereof, or any private entity,  
9 including but not limited to, all school records for current and past  
10 students, archival records and marriage certificates. This section  
11 shall not apply when archival records cannot be accessed or when modify-  
12 ing archival records is otherwise prohibited by law. Failure of a public  
13 or private entity to comply with such a request may constitute a  
14 violation of section two hundred ninety-six of the executive law,  
15 section forty-c of this chapter and any applicable local non-discrimina-  
16 tion law and may be the basis for a complaint to the New York state  
17 division of human rights and any other applicable enforcement entity.

18 § 2. The section heading of section 67 of the civil rights law, as  
19 added by a chapter of the laws of 2021 amending the civil rights law,  
20 the vehicle and traffic law and the public health law, relating to  
21 enacting the "Gender Recognition Act", as proposed in legislative bills  
22 numbers S. 4402-B and A. 5465-D, is amended to read as follows:

23 Petition [~~to~~] for change of sex designation.

24 § 3. Section 67-a of the civil rights law, as added by a chapter of  
25 the laws of 2021 amending the civil rights law, the vehicle and traffic  
26 law and the public health law, relating to enacting the "Gender Recogni-  
27 tion Act", as proposed in legislative bills numbers S. 4402-B and A.  
28 5465-D, is amended to read as follows:

29 § 67-a. Order. If the court to which the petition is presented is  
30 satisfied thereby, or by the affidavit and certificate presented there-  
31 with, that the petition is true, and that there is no reasonable  
32 objection to the change of sex designation proposed, and if the petition  
33 [~~be~~] is to change the sex designation of an infant, that the interests  
34 of the infant will be substantially promoted by the change, the court  
35 shall make an order authorizing the petitioner to assume the sex desig-  
36 nation proposed.

37 § 4. Section 12 of a chapter of the laws of 2021 amending the civil  
38 rights law, the vehicle and traffic law and the public health law,  
39 relating to enacting the "Gender Recognition Act", as proposed in legis-  
40 lative bills numbers S. 4402-B and A. 5465-D, is amended to read as  
41 follows:

42 § 12. This act shall take effect on the one hundred eightieth day  
43 after it shall have become a law, provided, however, that sections  
44 seven, eight and nine of this act shall take effect on the three hundred  
45 sixty-fifth day after it shall have become a law. Effective immediate-  
46 ly, the addition, amendment and/or repeal of any rule or regulation  
47 necessary for the implementation of this act on its effective date are  
48 authorized to be made and completed on or before such effective date.

49 § 5. This act shall take effect on the same date and in the same  
50 manner as a chapter of the laws of 2021 amending the civil rights law,  
51 the vehicle and traffic law and the public health law, relating to  
52 enacting the "Gender Recognition Act", as proposed in legislative bills  
53 numbers S. 4402-B and A. 5465-D, takes effect.