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:

Section 1. Subdivisions 2 and 3 of section 64 of the civil rights law, subdivision 2 as amended and subdivision 3 as added by 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, are amended to read as follows:

2. (a) If the petition states that the petitioner stands convicted of a violent felony offense as defined in section 70.02 of the penal law or a felony defined in article one hundred twenty-five of such law or any of the following provisions of such law sections 130.25, 130.30, 130.40, 130.45, 255.25, 255.26, 255.27, article two hundred sixty-three, 135.10, 135.25, 230.05, 230.06, subdivision two of section 230.30 or 230.32, the clerk of the court in which the order has been entered shall deliver, by first class mail, a copy of such certified order to the division of criminal justice services at its office in the county of Albany and (b) if the petition states that the petitioner is responsible for spousal support or child support obligations pursuant to court order, upon review of the petitioner's application for name change and subsequent inquiry, the court [~~may, in its discretion,~~] **shall** order the petitioner to deliver**,** by first class mail, the petitioner's new name with such certified order to the court of competent jurisdiction which imposed the orders of support. **If a party to the order is receiving child support services pursuant to title six-A of article three of the social services 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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cable social services district providing such services to a party. Such certification shall appear on the original order and on any certified copy thereof and shall be entered in the court's minutes of the proceeding.

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

§ 2. The section heading of section 67 of the civil rights law, as added by 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, is amended to read as follows:

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

§ 3. Section 67-a of the civil rights law, as added by 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, is amended to read as follows:

§ 67-a. Order. If the court to which the petition is presented is satisfied thereby, or by the affidavit and certificate presented therewith, that the petition is true, and that there is no reasonable objection to the change of sex designation proposed, and if the petition [~~be~~] **is** to change the sex designation of an infant, that the interests of the infant will be substantially promoted by the change, the court shall make an order authorizing the petitioner to assume the sex designation proposed.

§ 4. Section 12 of 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, is amended to read as follows:

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

§ 5. This act shall take effect on the same date and in the same manner as 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, takes effect.