

SENATE BILL NO. 358—SENATORS SMITH, PARKS, ATKINSON,
KIHUEN, WOODHOUSE; DENIS, FORD, MANENDO AND SPEARMAN

MARCH 16, 2015

JOINT SPONSORS: ASSEMBLYMEN SPRINKLE,
CARRILLO; ARAUJO AND JOINER

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing the process for a
change of name. (BDR 3-146)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to civil actions; providing an exemption to the
publication requirement for a court-ordered change of
name if the reason for the change is to conform the
person's name to his or her gender identity; and providing
other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a natural person who files a petition for a court-ordered
change of name to publish certain information concerning the petition in a
newspaper of general circulation once a week for 3 weeks. Existing law waives this
requirement if the person demonstrates that such publication would place his or her
personal safety at risk. (NRS 41.280) This bill additionally waives the publication
requirement if the reason for the change of name is to conform the person's name to
his or her gender identity.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 41.280 is hereby amended to read as follows:
41.280 1. Except as otherwise provided in ~~subsection 2,~~
subsections 2 and 3, upon the filing of the petition, the applicant
shall make out and procure a notice that must:



* S B 3 5 8 *

(a) State the fact of the filing of the petition, its object, the applicant's present name and the name which the applicant desires to bear in the future; and

(b) Be published in some newspaper of general circulation in the county once a week for 3 successive weeks.

2. If the applicant submits proof satisfactory to the court that publication of the change of name would place the applicant's personal safety at risk, the court shall not require the applicant to comply with the provisions of subsection 1 and shall order the records concerning the petition and any proceedings concerning the petition to be sealed and to be opened for inspection only upon an order of the court for good cause shown or upon the request of the applicant.

3. If the petition filed by the applicant states that the reason for desiring the change is to conform the applicant's name to his or her gender identity, the court shall not require the applicant to comply with the provisions of subsection 1.

Sec. 2. NRS 41.290 is hereby amended to read as follows:

41.290 1. If, within 10 days after the last publication of the notice *or if, pursuant to subsection 2 or 3 of NRS 41.280, such publication is not required, within 10 days after the filing of the petition*, no written objection is filed with the clerk, upon proof of the filing of the petition and publication of notice ~~as~~, *if* required in NRS 41.280, and upon being satisfied by the statements in the petition, or by other evidence, that good reason exists therefor, the court shall make an order changing the name of the applicant as prayed for in the petition. If, within the period an objection is filed, the court shall appoint a day for hearing the proofs, respectively, of the applicant and the objection, upon reasonable notice. Upon that day the court shall hear the proofs, and grant or refuse the prayer of the petitioner, according to whether the proofs show satisfactory reasons for making the change. Before issuing its order, the court shall specifically take into consideration the applicant's criminal record, if any, which is stated in the petition.

2. Upon the making of an order either granting or denying the prayer of the applicant, the order must be recorded as a judgment of the court. If the petition is granted, the name of the applicant must thereupon be as stated in the order and the clerk shall transmit a certified copy of the order to the State Registrar of Vital Statistics.

3. If an order grants a change of name to a person who has a criminal record, the clerk shall transmit a certified copy of the order to the Central Repository for Nevada Records of Criminal History for inclusion in that person's record of criminal history.

4. Upon receiving uncontrovertible proof that an applicant in the petition falsely denied having been convicted of a felony, the



1 court shall rescind its order granting the change of name and the
2 clerk shall transmit a certified copy of the order rescinding the
3 previous order to:

4 (a) The State Registrar of Vital Statistics for inclusion in the
5 State Registrar's records.

6 (b) The Central Repository for Nevada Records of Criminal
7 History for inclusion in the applicant's record of criminal history.

8 **Sec. 3.** This act becomes effective upon passage and approval.

