

ASSEMBLY BILL NO. 173—ASSEMBLYWOMEN
KRASNER; AND TOLLES

PREFILED FEBRUARY 13, 2017

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing the process for a change of name. (BDR 3-586)

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

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

AN ACT relating to civil actions; requiring an applicant for a name change to submit a statement signed under penalty of perjury; revising the requirement for publication of notice; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a person to change his or her name by filing a petition in the district court of the district in which the person resides. The petition from an applicant for a name change must be addressed to the court and must state the applicant's present name, the name which the applicant desires to bear in the future, the reason for desiring the change and whether the applicant has been convicted of a felony. (NRS 41.270) **Section 1** of this bill requires an applicant for a name change to submit with the petition a statement signed under penalty of perjury that the applicant is not changing his or her name for a fraudulent purpose.

Existing law also requires the applicant to publish a notice of the name change in a newspaper of general circulation in the county once a week for 3 successive weeks. (NRS 41.280) **Section 2** of this bill requires such publication to be made at least one time.

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

Section 1. NRS 41.270 is hereby amended to read as follows:
41.270 Any natural person desiring to have his or her name changed may file a verified petition with the clerk of the district court of the district in which the person resides. The petition shall be



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1 addressed to the court and shall state the applicant's present name,
2 the name which the applicant desires to bear in the future, the reason
3 for desiring the change , ~~and~~ whether the applicant has been
4 convicted of a felony ~~and~~ *and a statement signed under penalty of*
5 *perjury that the applicant is not changing his or her name for a*
6 *fraudulent purpose.*

7 **Sec. 2.** NRS 41.280 is hereby amended to read as follows:

8 41.280 1. Except as otherwise provided in subsection 2, upon
9 the filing of the petition, the applicant shall make out and procure a
10 notice that must:

11 (a) State the fact of the filing of the petition, its object, the
12 applicant's present name , ~~and~~ the name which the applicant
13 desires to bear in the future ~~and~~ *and the fact that the applicant*
14 *submitted a statement signed under penalty of perjury that the*
15 *applicant is not changing his or her name for a fraudulent*
16 *purpose;* and

17 (b) Be published in some newspaper of general circulation in the
18 county ~~once a week for 3 successive weeks.~~ *at least one time.*

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

27 **Sec. 3.** NRS 41.290 is hereby amended to read as follows:

28 41.290 1. If, within 10 days after the ~~last~~ publication of the
29 notice, no written objection is filed with the clerk, upon proof of the
30 filing of the petition and publication of notice as required in NRS
31 41.280, and upon being satisfied by the statements in the petition, or
32 by other evidence, that good reason exists therefor, the court shall
33 make an order changing the name of the applicant as prayed for in
34 the petition. If, within the period an objection is filed, the court shall
35 appoint a day for hearing the proofs, respectively, of the applicant
36 and the objection, upon reasonable notice. Upon that day, the court
37 shall hear the proofs, and grant or refuse the prayer of the petitioner,
38 according to whether the proofs show satisfactory reasons for
39 making the change. Before issuing its order, the court shall
40 specifically take into consideration the applicant's criminal record,
41 if any, which is stated in the petition.

42 2. Upon the making of an order either granting or denying the
43 prayer of the applicant, the order must be recorded as a judgment of
44 the court. If the petition is granted, the name of the applicant must



1 thereupon be as stated in the order and the clerk shall transmit a
2 certified copy of the order to the State Registrar of Vital Statistics.

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

7 4. Upon receiving uncontrovertible proof that an applicant in
8 the petition falsely denied having been convicted of a felony ~~H~~ *or*
9 *falsely stated under penalty of perjury that he or she is not*
10 *changing his or her name for a fraudulent purpose*, the court shall
11 rescind its order granting the change of name and the clerk shall
12 transmit a certified copy of the order rescinding the previous order
13 to:

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

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

18 **Sec. 4.** This act becomes effective on July 1, 2017.

