

# House Bill 2309

Sponsored by Representatives MANNIX, SCHARF (Presession filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act makes a person who wants to change their name and who has done some crimes prove the need to change the name. The Act gets rid of laws letting a person change the name on a birth certificate for affirming gender identity without going to court. (Flesch Readability Score: 74.9).

Requires an applicant for change of name who has been convicted of some crimes to prove necessity of name change by clear and convincing evidence.

Removes provisions allowing a person to request an amendment of a record of live birth to change a name for the purpose of affirming gender identity without court approval.

## A BILL FOR AN ACT

1  
2 Relating to change of name; creating new provisions; and amending ORS 33.410 and 432.235.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 33.410 is amended to read:

5 33.410. (1) Application for change of name of a person may be heard and determined by the  
6 probate court or, if the circuit court is not the probate court, the circuit court if its jurisdiction has  
7 been extended to include this section pursuant to ORS 3.275 of the county in which the person re-  
8 sides. The **court shall grant the** change of name [*shall be granted by the court*] unless the court  
9 finds that the change is not consistent with the public interest.

10 **(2) If an applicant for change of name has been convicted of a felony or a Class A**  
11 **misdemeanor or the highest level misdemeanor in another jurisdiction, the court shall de-**  
12 **termine whether the change of name is consistent with the public interest according to the**  
13 **standards and procedures set forth in section 2 of this 2025 Act.**

14 **SECTION 2.** (1) **An applicant for change of name under ORS 33.410 who has been con-**  
15 **victed of a felony or a Class A misdemeanor or the highest level misdemeanor in another**  
16 **jurisdiction shall serve the application on the prosecuting attorney for the jurisdiction of the**  
17 **conviction. The prosecuting attorney shall make a reasonable attempt to notify any victims**  
18 **related to the conviction. The court may not hear the application for change of name sooner**  
19 **than 30 days after the date of service on the prosecuting attorney under this section.**

20 **(2) A court may not grant a change of name under ORS 33.410 to an applicant who has**  
21 **been convicted of a felony or a Class A misdemeanor or the highest level misdemeanor in**  
22 **another jurisdiction unless:**

23 **(a) The court has reviewed the criminal background of the applicant; and**

24 **(b) The applicant proves by clear and convincing evidence that the change of name is**  
25 **necessary.**

26 **SECTION 3.** ORS 432.235 is amended to read:

27 432.235. (1) A vital record registered under this chapter must be amended or corrected in ac-

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 cordance with this section or rules adopted by the State Registrar of the Center for Health Statistics  
2 for the purpose of protecting the integrity and accuracy of vital records.

3 (2)(a) A vital record that is amended or corrected under this section shall indicate that it has  
4 been amended or corrected, except as otherwise provided in this section or by rule of the state  
5 registrar.

6 (b) The state registrar shall keep and maintain:

7 (A) Documentation that identifies the evidence upon which an amendment or correction is based;

8 (B) The date of the amendment or correction; and

9 (C) The identity of the individual authorized by the Center for Health Statistics that made the  
10 amendment or correction.

11 (3)(a) Upon the request of an applicant who is 18 years of age or older or an emancipated minor,  
12 or if the applicant is not 18 years of age or older or an emancipated minor, upon the request of an  
13 applicant's parent, legal guardian or legal representative, the state registrar shall amend a record  
14 of live birth that occurred in this state to change the name of the applicant if[.:]

15 [(A)] the state registrar receives a certified copy of an order from a court of competent juris-  
16 diction changing the name of the applicant[; or]

17 [(B) *The state registrar receives a request, on a form prescribed by the state registrar, from the*  
18 *applicant to change the name that includes:*]

19 [(i) *Documentation sufficient, as prescribed by the state registrar by rule, to allow the state*  
20 *registrar to confirm the identity of the applicant and identify the correct record of live birth to be*  
21 *amended; and]*

22 [(ii) *A statement signed by the applicant in which the applicant attests, as prescribed by the state*  
23 *registrar by rule, to making the request for the purpose of affirming the applicant's gender identity].*

24 (b) Upon request, the state registrar shall amend a record of live birth that occurred in this  
25 state to change the sex of an applicant if the applicant is 18 years of age or older or an emancipated  
26 minor, or if the applicant is not 18 years of age or older or an emancipated minor, the applicant's  
27 parent, legal guardian or legal representative makes the request, and if:

28 (A) The state registrar receives a certified copy of an order from a court of competent juris-  
29 diction changing the sex of the applicant; or

30 (B) The state registrar receives a request, on a form prescribed by the state registrar, from the  
31 applicant to change the sex that includes:

32 (i) Documentation sufficient, as prescribed by the state registrar by rule, to allow the state  
33 registrar to confirm the identity of the applicant and identify the correct record of live birth to be  
34 amended;

35 (ii) A statement signed by the applicant in which the applicant attests, as prescribed by the state  
36 registrar by rule, to making the request for the purpose of affirming the applicant's gender identity;  
37 and

38 (iii) Any other documentation as required by the state registrar by rule.

39 (4)(a) When an applicant to amend a vital record does not submit the minimum documentation  
40 required to make an amendment, or when the state registrar has cause to question the validity or  
41 adequacy of an application to amend a vital record, the state registrar, in the state registrar's dis-  
42 cretion, may refuse to amend the vital record. If the state registrar refuses to amend a vital record  
43 under this subsection, the state registrar shall:

44 (A) Enter an order denying the amendment and stating the reasons for the denial; and

45 (B) Advise the applicant of the applicant's right to appeal the order under ORS 183.484.

1 (b) The state registrar may not amend a record of live birth to change [*the name of an applicant*  
2 *under subsection (3)(a)(B) or*] the sex of an applicant under subsection (3)(b)(B) of this section more  
3 than once.

4 (5) When an amendment is made to a record of marriage or a record of domestic partnership  
5 by the county clerk or other county official who issues marriage licenses and registers domestic  
6 partnerships, or when an amendment changes the name, date of birth or birthplace of a party to a  
7 judgment or final order of a dissolution of marriage or dissolution of domestic partnership by a court  
8 of competent jurisdiction, copies of the amendment must be forwarded to the state registrar and the  
9 state registrar shall amend the related record.

10 (6) If a judgment or final order of dissolution of marriage or dissolution of domestic partnership  
11 is set aside by a court of competent jurisdiction, a copy of the notice setting aside the judgment or  
12 order must be forwarded to the state registrar and the state registrar shall void the related record.

13 **SECTION 4. Section 2 of this 2025 Act and the amendments to ORS 33.410 by section 1**  
14 **of this 2025 Act apply to applications for change of name filed on or after the effective date**  
15 **of this 2025 Act.**

16 **SECTION 5. The amendments to ORS 432.235 by section 3 of this 2025 Act apply to re-**  
17 **quests to amend a record of live birth made on or after the effective date of this 2025 Act.**  
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