

**STATE OF TENNESSEE  
OFFICE OF THE ATTORNEY GENERAL**

July 16, 2014

Opinion No. 14-70

Changing Sex Designation on Certain Government Records

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**QUESTION**

May the designation of a person's sex on police booking sheets, warrants, and other court records be changed as a result of sex-change surgery?

**OPINION**

A court would likely conclude, based on Tenn. Code Ann. § 68-3-203(d), that where the designation of a person's sex has been made on police booking sheets, warrants, and other court records in accordance with the person's birth certificate, the police booking sheets, warrants, and other court records may not be altered as a result of sex-change surgery.

**ANALYSIS**

Under Tenn. Code Ann. § 68-3-203(d), “[t]he sex of an individual shall not be changed on the original certificate of birth as a result of sex change surgery.” This Office has previously opined that a court could conclude, on the basis of § 68-3-203(d), that “a person's sex under Tennessee law is determined at birth” and that “sex reassignment surgery would not alter the sex of a person for purposes of marriage.” Tenn. Att’y Gen. Op. 88-43 (Feb. 29, 1988). *See also* Tenn. Code Ann. § 4-21-102(20) (added by 2011 Tenn. Pub. Acts, ch. 278, § 2) (for purposes of Tennessee Human Rights Act, “sex’ means and refers only to the designation of an individual person as male or female as indicated on the individual's birth certificate”).

Changing the designation of a person's sex on existing police booking sheets, warrants, and other court records would require the alteration of such records. A court would likely conclude, based on § 68-3-203(d), that where the designation of a person's sex has been made on police booking sheets, warrants, and other court records in accordance with the person's birth certificate, the police booking sheets, warrants, and other court records may not be altered as a result of sex-change surgery.

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