

1 HB537  
2 185428-1  
3 By Representative Scott  
4 RFD: Judiciary  
5 First Read: 18-APR-17

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8 SYNOPSIS: This bill would make genital mutilation of a  
9 female under the age of 19 years a Class B felony.

10 Amendment 621 of the Constitution of Alabama  
11 of 1901, now appearing as Section 111.05 of the  
12 Official Recompilation of the Constitution of  
13 Alabama of 1901, as amended, prohibits a general  
14 law whose purpose or effect would be to require a  
15 new or increased expenditure of local funds from  
16 becoming effective with regard to a local  
17 governmental entity without enactment by a 2/3 vote  
18 unless: it comes within one of a number of  
19 specified exceptions; it is approved by the  
20 affected entity; or the Legislature appropriates  
21 funds, or provides a local source of revenue, to  
22 the entity for the purpose.

23 The purpose or effect of this bill would be  
24 to require a new or increased expenditure of local  
25 funds within the meaning of the amendment. However,  
26 the bill does not require approval of a local  
27 governmental entity or enactment by a 2/3 vote to

1           become effective because it comes within one of the  
2           specified exceptions contained in the amendment.

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4                           A BILL  
5                           TO BE ENTITLED  
6                           AN ACT

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8           Relating to genital mutilation; to make genital  
9           mutilation of a female under the age of 19 years a Class B  
10          felony; and in connection therewith would have as its purpose  
11          or effect the requirement of a new or increased expenditure of  
12          local funds within the meaning of Amendment 621 of the  
13          Constitution of Alabama of 1901, now appearing as Section  
14          111.05 of the Official Recompilation of the Constitution of  
15          Alabama of 1901, as amended.

16          BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

17                        Section 1. (a) As used in this section, female  
18          genital mutilation means to circumcise, excise, mutilate, or  
19          infibulate, in whole or in part, the labia majora, labia  
20          minora, or clitoris of a female under the age of 19 years.

21                        (b) It is a Class B felony for any individual:

22                        (1) To knowingly commit female genital mutilation.

23                        (2) Who is a parent or legal guardian or who has  
24          immediate custody or control of a female under the age of 19  
25          years to knowingly consent to or permit another to commit  
26          female genital mutilation of the female.

1           (3) To knowingly remove, cause, or permit the  
2 removal of a female under the age of 19 years from this state  
3 for the purpose of committing female genital mutilation.

4           (c) It is not a defense to subsection (b) that the  
5 conduct is required as a matter of religion, custom, ritual,  
6 or standard practice, or that the female on whom the conduct  
7 is performed, or the parent or legal guardian of the female,  
8 consented to the act.

9           (d) A surgical procedure is not a violation of this  
10 section if the procedure is medically necessary to the health  
11 of the female on whom the procedure is performed and the  
12 procedure is performed by a licensed medical practitioner in a  
13 licensed health care facility, or if the procedure is  
14 performed on a female in labor or who has just given birth and  
15 the procedure is performed for medical purposes connected with  
16 the labor or birth by a licensed medical practitioner.

17           Section 2. Although this bill would have as its  
18 purpose or effect the requirement of a new or increased  
19 expenditure of local funds, the bill is excluded from further  
20 requirements and application under Amendment 621 because the  
21 bill defines a new crime or amends the definition of an  
22 existing crime.

23           Section 3. This act shall become effective  
24 immediately following its passage and approval by the  
25 Governor, or its otherwise becoming law.