

1 HB284  
2 188832-2  
3 By Representatives Rowe, Fridy, South, Weaver, Harper,  
4 Treadaway, Todd, Greer, Boothe, Pringle, Lee, Brown, Carns,  
5 Drake, Boyd, Holmes (M), Fincher, Alexander, Ellis, England,  
6 Clarke, Hollis, Beech, Hill, Lawrence, Chestnut, Beckman,  
7 Baker, Buskey, Chesteen, Moore (M), Davis, Shedd, Faust,  
8 Collins, Nordgren, Johnson (K), Sessions, Hall, Harbison and  
9 Drummond  
10 RFD: Judiciary  
11 First Read: 23-JAN-18

1 ENGROSSED

2  
3  
4 A BILL  
5 TO BE ENTITLED  
6 AN ACT  
7

8 To establish the Rowe-Scott Act; to create the crime  
9 of female genital mutilation; to provide criminal penalties;  
10 and in connection therewith to have as its purpose or effect  
11 the requirement of a new or increased expenditure of local  
12 funds within the meaning of Amendment 621 of the Constitution  
13 of Alabama of 1901, now appearing as Section 111.05 of the  
14 Official Recompilation of the Constitution of Alabama of 1901,  
15 as amended.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

17 Section 1. This act shall be known and may be cited  
18 as the Rowe-Scott Act.

19 Section 2. (a) A person is guilty of female genital  
20 mutilation when any of the following occur:

21 (1) The person knowingly circumcises, excises, or  
22 infibulates the whole or any part of the labia majora, the  
23 labia minora, or the clitoris of a female minor.

24 (2) The parent, guardian, or other person legally  
25 responsible or charged with the care or custody of a female  
26 minor allows the circumcision, excision, or infibulation, in

1 whole or in part, of the labia majora, the labia minora, or  
2 the clitoris of the female minor.

3 (3) The person knowingly removes or causes or  
4 permits the removal of a female minor from this state for the  
5 purpose of circumcising, excising, or infibulating, in whole  
6 or in part, the labia majora, the labia minora, or the  
7 clitoris of the female minor.

8 (b) It is not a defense to prosecution for a  
9 violation of this section that the conduct described in  
10 subsection (a) is required as a matter of custom, ritual, or  
11 religious practice, or that the female minor on whom the  
12 conduct is performed, or the parent or legal guardian of the  
13 female minor, consented to the procedure.

14 (c) If the conduct described in subsection (a) is  
15 performed by a licensed physician during a surgical procedure,  
16 it is not a violation of this section if either of the  
17 following apply:

18 ~~(1) The surgical procedure is necessary to the~~  
19 ~~physical health of the minor on whom it is performed.~~

20 ~~(2) The surgical procedure is performed on a minor~~  
21 ~~who is in labor or who has just given birth and is performed~~  
22 ~~for medical purposes connected with that labor or birth.~~

23 (1) The surgical procedure, in the reasonable  
24 medical judgment of the licensed physician performing the  
25 procedure, is necessary for the health of the female on whom  
26 the surgical procedure is performed, and except in emergency  
27 situations when time does not permit, a second licensed

1 physician concurs in that judgment, and the surgical procedure  
2 is performed by a licensed physician in a hospital, as that  
3 term is defined in Section 22-21-20, Code of Alabama 1975, or  
4 if the surgical procedure is connected with a labor or birth,  
5 is performed by a licensed physician who judges the surgical  
6 procedure to be medically necessary.

7 (2) Nothing in this act shall be construed to  
8 establish a standard of care for hospitals or physicians or  
9 otherwise modify, amend, or supersede the Alabama Medical  
10 Liability Act of 1987 or the Alabama Medical Liability Act of  
11 1996, or any amendments thereto, or any judicial  
12 interpretation thereof.

13 (d) The crime of female genital mutilation is a  
14 Class D B felony.

15 Section 3. Although this bill would have as its  
16 purpose or effect the requirement of a new or increased  
17 expenditure of local funds, the bill is excluded from further  
18 requirements and application under Amendment 621 because the  
19 bill defines a new crime or amends the definition of an  
20 existing crime.

21 Section 4. This act shall become effective  
22 immediately following its passage and approval by the  
23 Governor, or its otherwise becoming law.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17

House of Representatives

Read for the first time and re-  
ferred to the House of Representa-  
tives committee on Judiciary ..... 23-JAN-18

Read for the second time and placed  
on the calendar 3 amendments ..... 01-FEB-18

Read for the third time and passed  
as amended..... 15-MAR-18

Yeas 55, Nays 0, Abstains 0

Jeff Woodard  
Clerk