

1 HB284  
2 188832-1  
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  
9 and Drummond  
10 RFD: Judiciary  
11 First Read: 23-JAN-18

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8 SYNOPSIS: This bill would create the crime of female  
9 genital mutilation and would provide criminal  
10 penalties.

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

24 The purpose or effect of this bill would be  
25 to require a new or increased expenditure of local  
26 funds within the meaning of the amendment. However,  
27 the bill does not require approval of a local

1 governmental entity or enactment by a 2/3 vote to  
2 become effective because it comes within one of the  
3 specified exceptions contained in the amendment.  
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5 A BILL  
6 TO BE ENTITLED  
7 AN ACT  
8

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

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

17 Section 1. (a) A person is guilty of female genital  
18 mutilation when any of the following occur:

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

22 (2) The parent, guardian, or other person legally  
23 responsible or charged with the care or custody of a female  
24 minor allows the circumcision, excision, or infibulation, in  
25 whole or in part, of the labia majora, the labia minora, or  
26 the clitoris of the female minor.

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

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

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

16           (1) The surgical procedure is necessary to the  
17 physical health of the minor on whom it is performed.

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

21           (d) The crime of female genital mutilation is a  
22 Class D felony.

23           Section 2. Although this bill would have as its  
24 purpose or effect the requirement of a new or increased  
25 expenditure of local funds, the bill is excluded from further  
26 requirements and application under Amendment 621 because the

1 bill defines a new crime or amends the definition of an  
2 existing crime.

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