

1 HB170
2 199141-1
3 By Representative Scott
4 RFD: Judiciary
5 First Read: 06-FEB-20

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8 SYNOPSIS: This bill would establish the crime of
9 female genital mutilation, would provide criminal
10 penalties, and would provide an exception only
11 under limited circumstances when medically
12 necessary.

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

26 The purpose or effect of this bill would be
27 to require a new or increased expenditure of local

1 funds within the meaning of the amendment. However,
2 the bill does not require approval of a local
3 governmental entity or enactment by a 2/3 vote to
4 become effective because it comes within one of the
5 specified exceptions contained in the amendment.

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. (a) As used in this section, female
21 genital mutilation means to remove, cut, circumcise, excise,
22 mutilate, infibulate, or reinfibulate, in whole or in part,
23 the labia majora, labia minora, or clitoris of a female under
24 the age of 19 years. The term includes a clitoridectomy. The
25 term also includes any other harmful procedure to the female
26 genitalia for non-medical purposes, including incising,

1 piercing, scraping, nicking, cauterizing, burning, and
2 scarring.

3 (b) An individual who does any of the following is
4 guilty of a Class B felony:

5 (1) He or she commits female genital mutilation on a
6 female under the age of 19 years.

7 (2) He or she is a parent, legal guardian, or has
8 immediate custody or control of a female under the age of 19
9 years and knowingly allows, authorizes, or directs another to
10 commit female genital mutilation on the female.

11 (3) He or she knowingly removes or causes or permits
12 the removal of a female under the age of 19 years from this
13 state for the purpose of committing or allowing, authorizing,
14 or directing another to commit female genital mutilation.

15 (c) A person under the age of 19 years is incapable
16 of consenting to female genital mutilation.

17 (d) It is not a defense to subsection (b) that the
18 conduct is required as a matter of religion, custom, ritual,
19 or standard practice, or that the female on whom the conduct
20 is performed, or the parent or legal guardian of the female,
21 consented to the act.

22 (e) This section does not apply to procedures
23 performed by or under the direction of a licensed physician,
24 certified registered nurse practitioner, certified nurse
25 midwife, or licensed midwife when determined to be medically
26 necessary to preserve the physical health of the female.

1 (f) Nothing in this section shall be construed to
2 establish a standard of care for hospitals or physicians or
3 otherwise modify, amend, or supersede any provision of the
4 Alabama Medical Liability Act of 1987 or the Alabama Medical
5 Liability Act of 1996, or any amendment or judicial
6 interpretation of either act.

7 Section 2. Although this bill would have as its
8 purpose or effect the requirement of a new or increased
9 expenditure of local funds, the bill is excluded from further
10 requirements and application under Amendment 621 because the
11 bill defines a new crime or amends the definition of an
12 existing crime.

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