

1 HB53
2 203502-3
3 By Representative Hall
4 RFD: Judiciary
5 First Read: 04-FEB-20
6 PFD: 01/23/2020

1 ENGROSSED

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4 A BILL
5 TO BE ENTITLED
6 AN ACT
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8 Relating to crimes and offenses; to establish the
9 crime of female genital mutilation; to provide criminal and
10 civil penalties; and in connection therewith would have as its
11 purpose or effect the requirement of a new or increased
12 expenditure of local funds within the meaning of Amendment 621
13 of the Constitution of Alabama of 1901, now appearing as
14 Section 111.05 of the Official Recompilation of the
15 Constitution of 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 partially or totally remove, cut,
19 circumcise, excise, or infibulate the genital organs of a
20 female who is under the age of 19 years or who is otherwise
21 unable to consent. The term includes a clitoridectomy and any
22 of the following procedures performed on the genital organs of
23 a female under the age of 19 years or who is otherwise unable
24 to consent: Scraping, nicking, cauterizing, burning, scarring,
25 piercing, incising, pricking, or otherwise mutilating.

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

1 (1) Commits female genital mutilation.

2 (2) Is a parent, legal guardian, or has immediate
3 custody or control of a female who is under the age of 19
4 years or who is otherwise unable to consent and knowingly
5 allows, authorizes, or directs another to commit female
6 genital mutilation on the female.

7 (3) Knowingly removes or causes or permits the
8 removal of a female who is under the age of 19 years or who is
9 otherwise unable to consent from this state for the purpose of
10 committing or allowing, authorizing, or directing another to
11 commit female genital mutilation on the female.

12 (c) Notwithstanding any other provision of law to
13 the contrary, a female who is under the age of 19 years is
14 incapable of consenting to female genital mutilation.

15 (d) It is not a defense under this section that
16 female genital mutilation is required as a matter of religion,
17 custom, ritual, or standard practice, or that the female on
18 whom female genital mutilation is performed, or the parent or
19 legal guardian of the female, consented to the procedure.

20 (e) This section does not apply to a medical
21 procedure performed by or under the direction of a licensed
22 physician, certified registered nurse practitioner, certified
23 nurse midwife, or licensed midwife only if informed consent
24 was obtained from the patient, or their legal representative
25 if the patient is legally incompetent or unable to provide
26 consent, prior to the procedure being performed, and if the
27 medical procedure is either of the following:

1 ~~(1) Necessary to the physical health of the female~~
2 ~~on whom the procedure is performed.~~

3 (1) Determined to be medically necessary by a
4 licensed physician.

5 (2) Performed on a female who is in labor or who has
6 just given birth for medical purposes connected with that
7 labor or birth.

8 (f) In addition to any criminal penalty provided by
9 law, an individual holding a professional license or
10 certification, including a licensed physician, certified
11 registered nurse practitioner, certified nurse midwife, or
12 licensed midwife, except as otherwise authorized under this
13 act, who performs, participates in, or facilitates female
14 genital mutilation shall have his or her professional license
15 or certification permanently revoked.

16 Section 2. Nothing in this act shall modify, amend,
17 repeal, or supersede any provision of Section 6-5-333, Code of
18 Alabama 1975, the Alabama Medical Liability Act of 1987,
19 commencing with Section 6-5-540, Code of Alabama 1975, or the
20 Alabama Medical Liability Act of 1996, commencing with Section
21 6-5-548, Code of Alabama 1975, or any amendment to any of
22 these laws or judicial interpretation of these laws.

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

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Judiciary 04-FEB-20

Read for the second time and placed
on the calendar 2 amendments 06-FEB-20

Read for the third time and passed
as amended..... 13-FEB-20

Yeas 103, Nays 0, Abstains 0

Jeff Woodard
Clerk