

1 HB109
2 185428-2
3 By Representative Scott
4 RFD: Judiciary
5 First Read: 09-JAN-18

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.

3
4 A BILL
5 TO BE ENTITLED
6 AN ACT

7
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 performed on a female is
10 not a violation of this section if the surgical procedure is
11 determined by the licensed physician performing the procedure
12 to be medically necessary for the health of the female on whom
13 the surgical procedure is performed and, except in emergency
14 situations when time does not permit, a second licensed
15 physician concurs in that determination, and the surgical
16 procedure is performed by a licensed physician in a hospital,
17 as that term is defined in Section 22-21-20, Code of Alabama
18 1975, or, if the surgical procedure is connected with a labor
19 or birth, the surgical procedure is performed by a licensed
20 physician and determined to be medically necessary.

21 Furthermore, nothing in this section shall be construed to
22 establish a standard of care for hospitals or physicians or
23 otherwise modify, amend, or supersede any provision of the
24 Alabama Medical Liability Act of 1987 or the Alabama Medical
25 Liability Act of 1996, or any amendment or judicial
26 interpretation of either act.

1 Section 2. Although this bill would have as its
2 purpose or effect the requirement of a new or increased
3 expenditure of local funds, the bill is excluded from further
4 requirements and application under Amendment 621 because the
5 bill defines a new crime or amends the definition of an
6 existing crime.

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