

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

8 SYNOPSIS: This bill would establish the crime of
9 female genital mutilation and would provide
10 criminal and civil penalties for the commission of
11 the crime.

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

25 The purpose or effect of this bill would be
26 to require a new or increased expenditure of local
27 funds within the meaning of the amendment. However,

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

5
6 A BILL
7 TO BE ENTITLED
8 AN ACT

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

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. (a) As used in this section, female
20 genital mutilation means to partially or totally remove, cut,
21 circumcise, excise, or infibulate the genital organs of a
22 female who is under the age of 19 years or who is otherwise
23 unable to consent. The term includes a clitoridectomy and any
24 of the following procedures performed on the genital organs of
25 a female under the age of 19 years or who is otherwise unable
26 to consent: Scraping, nicking, cauterizing, burning, scarring,
27 piercing, incising, pricking, or otherwise mutilating.

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

3 (1) Commits female genital mutilation.

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

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

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

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

22 (e) This section does not apply to a medical
23 procedure performed by or under the direction of a licensed
24 physician, certified registered nurse practitioner, certified
25 nurse midwife, or licensed midwife if the medical procedure is
26 either of the following:

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

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

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

13 Section 2. Although this bill would have as its
14 purpose or effect the requirement of a new or increased
15 expenditure of local funds, the bill is excluded from further
16 requirements and application under Amendment 621 because the
17 bill defines a new crime or amends the definition of an
18 existing crime.

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