

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To prohibit female genital mutilation of any person, to require the Department of Health to educate the public on existing mandatory reporting requirements related to female genital mutilation, and to provide a civil action for female genital mutilation.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Female Genital Mutilation Prohibition Act of 2024”.

Sec. 2. Prohibition on female genital mutilation.

(a) For the purposes of this section, the term:

(1) “Female genital mutilation” means any procedure performed for non-medical reasons that involves partial or total removal of, or other injury to, the external female genitalia, including:

(A) A clitoridectomy or the partial or total removal of the clitoris, prepuce, or clitoral hood;

(B) Excision or the partial or total removal (with or without excision of the clitoris) of the labia minora;

(C) Infibulation or the narrowing of the vaginal opening (with or without excision of the clitoris); or

(D) Other procedures that are harmful to the external female genitalia, including pricking, piercing, incising, scraping, or cauterizing the genital area.

(2) “Guardian” shall have the same meaning as provided in D.C. Official Code § 21-2401.02(3).

(b) A person commits the offense of female genital mutilation if the person:

(1) Knowingly performs female genital mutilation on any person;

(2) Is a parent or guardian of, or has immediate custody or control of, a person under the age of 18 and knowingly consents to, aids, permits, or otherwise facilitates female genital mutilation of such person; or

(3) Knowingly removes or facilitates the removal of a person under the age of 18 from the District for the purpose of facilitating female genital mutilation of that person;

provided, that the conduct constituting female genital mutilation constitutes a criminal offense in the territory to which the person is removed.

(c) A person who violates subsection (b) of this section shall, upon conviction, be fined no more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01), or incarcerated for no more than 10 years, or both.

(d) It shall not be a defense under subsection (b) of this section that:

(1) The unlawful conduct is required as a matter of religion, custom, ritual, or other standard practice; or

(2) The person on whom female genital mutilation was performed, or that person's parent or guardian, consented to the procedure.

(e) It shall not be a violation of subsection (b) of this section if the acts or conduct that otherwise would be considered female genital mutilation:

(1) Occurred in the furtherance of a surgical or other lawful medical procedure, performed by a licensed medical professional, and:

(A) The acts or conduct were necessary to preserve or protect the physical health of the patient upon whom the medical procedure was performed; or

(B) The acts or conduct were part of a gender reassignment procedure requested by the person on whom the surgery is to be performed; or

(2) In the case of a piercing, was conducted on a consenting adult by a body artist, as that term is defined in D.C. Official Code § 47-2809.01(3).

(f)(1) A victim of female genital mutilation may bring a civil action against a person for a violation of subsection (b) of this section.

(2) If a court determines that an individual violated subsection (b) of this section, the court may award the payment of actual, compensatory, and punitive damages, and any other appropriate relief.

(3) A prevailing plaintiff shall be awarded attorney's fees and costs.

(g)(1) The Director of the Department of Health shall develop or obtain, and make available to the public, informational materials on:

(A) The health risks caused by female genital mutilation, including the emotional trauma inflicted;

(B) Recognizing the signs that an individual may be a victim of female genital mutilation, or at risk of female genital mutilation; and

(C) How to report that an individual has been subjected to, or is in imminent danger of being subjected to, female genital mutilation.

(2) The Director of the Department of Health, in coordination with other relevant District agencies, shall develop and make available to the public informational materials, or integrate information into existing publicly-available informational materials, on mandated reporters' obligation to report that a person under care or under the age of 18 known to him or

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her in his or her professional or official capacity has been subjected to, or is in imminent danger of being subjected to, female genital mutilation.

Sec. 3. Section 16-2301(9)(A) of the District of Columbia Official Code is amended as follows:

(a) Sub-subparagraph (ix) is amended by striking the phrase “; or” and inserting a semicolon in its place.

(b) Sub-subparagraph (x) is amended by striking the period and inserting the phrase “; or” in its place.

(c) A new sub-subparagraph (xi) is added to read as follows:

“(xi) who has been subjected to, or is in imminent danger of being subjected to, female genital mutilation pursuant to section 2(b) of the Female Genital Mutilation Prohibition Act of 2024, passed on 2nd reading on September 17, 2024 (Enrolled version of Bill 25-247).”.

Sec. 4. Section 23-113(d) of the District of Columbia Official Code is amended by adding a new paragraph (6) to read as follows:

“(6) The period of limitation for an offense under section 2(b) of the Female Genital Mutilation Prohibition Act of 2024, passed on 2nd reading on September 17, 2024 (Enrolled version of Bill 25-247), shall not begin to run until the victim reaches 18 years of age.”.

Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto) and a 60-day period of congressional review

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as provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia