

ENROLLED ACT NO. 77, HOUSE OF REPRESENTATIVES

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2020 BUDGET SESSION

AN ACT relating to crimes and offenses; specifying that aggravated assault and battery includes female genital mutilation; modifying penalties; providing for a civil action to recover damages for female genital mutilation; providing a definition; requiring development of a training program; prohibiting professional licensure of health care professionals convicted of performing female genital mutilation; specifying female genital mutilation is cause for mandatory child abuse reporting; specifying conviction for female genital mutilation requires inclusion of convictions in the child abuse registry; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 1-1-139 and 35-25-401 are created to read:

1-1-139. Civil liability for female genital mutilation.

(a) A person who is the victim of female genital mutilation as defined by W.S. 6-1-104(a)(xvii) may maintain a civil action against an individual who engages in conduct that is prohibited under W.S. 6-2-502(a)(v) for damages incurred by the victim as a result of that conduct. The victim may also be awarded exemplary damages, reasonable attorney's fees, costs of the action and any other appropriate relief. A victim of female genital mutilation may bring a civil action under this section at any time within ten (10) years of:

- (i) The procedure being performed; or
- (ii) The victim's eighteenth birthday.

ENROLLED ACT NO. 77, HOUSE OF REPRESENTATIVES

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2020 BUDGET SESSION

(b) A civil action may be maintained under this section whether or not the individual who is alleged to have engaged in conduct prohibited under W.S. 6-2-502(a)(v) has been charged or convicted under W.S. 6-2-502(a)(v) for the alleged crime.

(c) Neither the pendency nor the termination of a civil action under this section shall prevent the criminal prosecution of a person who violates W.S. 6-2-502(a)(v).

ARTICLE 4
COMMUNITY EDUCATION PROGRAM

35-25-401. Female genital mutilation education program.

(a) The department of health, the attorney general's office division of victim services or the department of health and attorney general's office division of victim services together shall develop a community education program regarding female genital mutilation. The program shall include:

(i) Education, prevention and outreach materials regarding the health risks and emotional trauma inflicted by the practice of female genital mutilation;

(ii) Ways to develop and disseminate information regarding recognizing the risk factors associated with female genital mutilation;

(iii) Training materials for law enforcement, teachers and others who are mandated reporters under W.S. 14-3-205(a), encompassing:

ENROLLED ACT NO. 77, HOUSE OF REPRESENTATIVES

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2020 BUDGET SESSION

(A) Risk factors associated with female genital mutilation;

(B) Signs that an individual may be a victim of female genital mutilation;

(C) Best practices for responses to victims of female genital mutilation; and

(D) The criminal penalties associated with the facilitation or commission of female genital mutilation.

(b) Law enforcement, teachers and others who are mandated reporters under W.S. 14-3-205(a) shall incorporate the training under this section into their professional development programs and shall provide the training to employees and volunteers. To assist state and local entities in disseminating the education program under this section, the department of health, the attorney general's office division of victim services or the department of health and attorney general's office division of victim services together shall provide necessary training programs and technical assistance as requested.

Section 2. W.S. 6-1-104(a) by creating a new paragraph (xvii) and by renumbering (xvii) as (xviii), 6-2-502(a)(intro), (iii), by creating a new paragraph (v), (b) and by creating a new subsection (c), 14-3-205(a), 14-3-213 by creating a new subsection (g) and 33-1-304(b) are amended to read:

6-1-104. Definitions.

ENROLLED ACT NO. 77, HOUSE OF REPRESENTATIVES

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2020 BUDGET SESSION

(a) As used in this act, unless otherwise defined:

(xvii) "Female genital mutilation" includes the partial or total removal of the clitoris, prepuce, labia minora, with or without excision of the labia majora, the narrowing of the vaginal opening such as through the creation of a covering seal formed by cutting and repositioning the inner or outer labia, with or without removal of the clitoris, any harmful procedure to the genitalia, including pricking, piercing, incising, scraping or cauterizing or any other actions intended to alter the structure or function of the female genitalia for nonmedical reasons. "Female genital mutilation" does not include a procedure performed by a licensed health care provider that is medically necessary due to a medically recognized condition or medically advisable or necessary to preserve or protect the physical health of the person on whom it is performed;

~~(xvii)~~(xviii) "This act" means title 6 of the Wyoming statutes.

6-2-502. Aggravated assault and battery; female genital mutilation; penalty.

(a) A person is guilty of aggravated assault and battery if he engages in any of the following:

(iii) Threatens to use a drawn deadly weapon on another unless reasonably necessary in defense of his person, property or abode or to prevent serious bodily injury to another; ~~or~~

ENROLLED ACT NO. 77, HOUSE OF REPRESENTATIVES

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2020 BUDGET SESSION

(v) Intentionally, knowingly or recklessly causes female genital mutilation to be performed on a person who has not attained the age of eighteen (18) years.

(b) Aggravated assault and battery is a felony punishable by imprisonment:

(i) For not more than ten (10) years- for violations of paragraphs (a)(i) through (iv) of this section;

(ii) For not less than five (5) years and not more than twenty-five (25) years for violations of paragraph (a)(v) of this section.

(c) It is not a defense in a prosecution under paragraph (a)(v) of this section that a female under eighteen (18) years of age or the parent, guardian or custodian of the female under eighteen (18) years of age consented to the female genital mutilation. Religion, ritual, custom or standard practice shall not be a defense to the offense of female genital mutilation.

14-3-205. Child abuse or neglect; persons required to report.

(a) Any person who knows or has reasonable cause to believe or suspect that a child has been abused or neglected or who observes any child being subjected to conditions or circumstances that would reasonably result in abuse or neglect, shall immediately report it to the child protective agency or local law enforcement agency or cause a report to be made. The fact a child, who is at least sixteen (16) years of age, is homeless as defined in W.S. 14-1-102(d) shall not, in and of itself, constitute a

ENROLLED ACT NO. 77, HOUSE OF REPRESENTATIVES

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2020 BUDGET SESSION

sufficient basis for reporting neglect. Female genital mutilation under W.S. 6-2-502(a)(v) when the victim is a minor shall be considered child abuse for mandatory reporting under this section.

14-3-213. Central registry of child protection cases; establishment; operation; amendment, expungement or removal of records; classification and expungement of reports; statement of person accused.

(g) Conviction of a person under W.S. 6-2-502(a)(v) when the victim is a minor shall be included as a substantiated report of child abuse in the central registry under this section.

33-1-304. Considering criminal convictions.

(b) A board or commission licensing, certifying or registering a person to practice or perform a profession or occupation that heals or treats humans:

(i) May always determine that a crime of violence or sexual misconduct is relevant to the ability to practice the profession or occupation, but in making a licensing, certification or registration decision may consider the circumstances of the offense;

(ii) Shall refuse to issue or shall permanently revoke a license of any person convicted under W.S. 6-2-502(a)(v).

Section 3. The department of health, the attorney general's office division of victim services or the department of health and attorney general's office division of victim services together shall develop the training

ORIGINAL HOUSE
BILL NO. HB0127

ENGROSSED

ENROLLED ACT NO. 77, HOUSE OF REPRESENTATIVES

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2020 BUDGET SESSION

program required in section 1 of this act not later than
December 31, 2020.

Section 4. This act is effective July 1, 2020.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk