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SENATE FILE

2008

BY HAMMOND and SZYMONIAK

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act prohibiting female genital mutilation, providing
2 education, prevention, and outreach activities, and providing
3 a penalty.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 2008 JUDICIARY

1 Section 1. NEW SECTION. 709D.1 FEMALE GENITAL MUTILATION
2 -- FEMALE MINOR -- EDUCATION -- PENALTY.

3 1. Except as provided in subsection 2, a person who
4 knowingly performs female genital mutilation on a female minor
5 is guilty of a class "C" felony.

6 2. This section does not apply to a surgical operation
7 performed by a licensed medical practitioner that is necessary
8 for the health of a female minor or that is necessary to
9 correct an anatomical abnormality of a female minor.

10 3. In any prosecution pursuant to this section, it is not
11 an affirmative defense, and consideration shall not be given
12 to a belief of the person on whom the procedure would be
13 performed or of any other person that the female genital
14 mutilation is required as a matter of custom, ritual, or
15 standard of practice.

16 4. In addition to any other sentence imposed or counseling
17 ordered, a person convicted of female genital mutilation shall
18 also be ordered to attend, at the person's own expense, a
19 batterers' treatment program pursuant to section 708.2B.

20 5. In addition to any other court costs or assessments
21 imposed, a person convicted of female genital mutilation shall
22 pay a twenty-five dollar assessment. The moneys collected
23 under this subsection shall be deposited in the general fund
24 of the state.

25 6. The director of public health shall carry out
26 appropriate education, prevention, and outreach activities to
27 inform the public about the health risks and emotional trauma
28 inflicted by the practice of female genital mutilation and to
29 inform the public and the medical community of the criminal
30 penalties contained in this section. The director shall work
31 to obtain private funds to help finance these prevention and
32 outreach activities.

33 7. For the purposes of this section, "female genital
34 mutilation" means the separation or surgical alteration of
35 normal, healthy, functioning female genital tissue.

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EXPLANATION

This bill prohibits female genital mutilation of a female minor which is the separation or surgical alteration of normal, healthy, functioning female genital tissue. A person who violates the provisions of the bill is guilty of a class "C" felony which carries a sentence of confinement of not more than 10 years and a fine of at least \$1,000 but not more than \$10,000. The bill provides that a licensed medical professional who performs a surgical operation necessary for the health of the female minor or that is necessary to correct an anatomical abnormality is not in violation of the bill. The bill also provides that a belief that the procedure is required as a matter of custom, ritual, or standard of practice is not to be considered in any prosecution pursuant to the bill and is not an affirmative defense. In addition, a person convicted of female genital mutilation is also required to attend a batterers' treatment program and is required to pay an assessment of \$25, with the moneys collected to be deposited in the general fund of the state. The bill also directs the director of public health to carry out appropriation education, prevention, and outreach activities to inform the public of the health risks, emotional trauma, and criminal penalties associated with female genital mutilation. The director is to work to obtain private funds to finance the activities.