

Senate Study Bill 3104

Bill Text

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

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

1 6 2. This section does not apply to a surgical operation
1 7 performed by a licensed medical practitioner that is necessary
1 8 for the health of a female minor or that is necessary to
1 9 correct an anatomical abnormality of a female minor.

1 10 3. In any prosecution pursuant to this section, it is not
1 11 an affirmative defense, and consideration shall not be given
1 12 to a belief of the person on whom the procedure would be
1 13 performed or of any other person that the female genital
1 14 mutilation is required as a matter of custom, ritual, or
1 15 standard of practice.

1 16 4. In addition to any other sentence imposed or counseling
1 17 ordered, a person convicted of female genital mutilation shall
1 18 also be ordered to attend, at the person's own expense, a
1 19 batterers' treatment program pursuant to section 708.2B.

1 20 5. In addition to any other court costs or assessments
1 21 imposed, a person convicted of female genital mutilation shall
1 22 pay a twenty-five dollar assessment. The moneys collected
1 23 under this subsection shall be deposited in the general fund
1 24 of the state.

1 25 6. The director of public health shall carry out
1 26 appropriate education, prevention, and outreach activities to
1 27 inform the public about the health risks and emotional trauma
1 28 inflicted by the practice of female genital mutilation and to
1 29 inform the public and the medical community of the criminal
1 30 penalties contained in this section. The director shall work
1 31 to obtain private funds to help finance these prevention and
1 32 outreach activities.

1 33 7. For the purposes of this section, "female genital
1 34 mutilation" means the separation or surgical alteration of
1 35 normal, healthy, functioning female genital tissue.

2 1 EXPLANATION

2 2 This bill prohibits female genital mutilation of a female
2 3 minor which is the separation or surgical alteration of
2 4 normal, healthy, functioning female genital tissue. A person
2 5 who violates the provisions of the bill is guilty of a class
2 6 "C" felony, which is punishable by confinement of not more
2 7 than 10 years and a fine of at least \$1,000 but not more than
2 8 \$10,000. The bill provides that a licensed medical
2 9 professional who performs a surgical operation necessary for
2 10 the health of the female minor or that is necessary to correct
2 11 an anatomical abnormality is not in violation of the bill.
2 12 The bill also provides that a belief that the procedure is
2 13 required as a matter of custom, ritual, or standard of
2 14 practice is not to be considered in any prosecution pursuant
2 15 to the bill and is not an affirmative defense. In addition, a
2 16 person convicted of female genital mutilation is also required
2 17 to attend a batterers' treatment program and is required to
2 18 pay an assessment of \$25, with the moneys collected to be
2 19 deposited in the general fund of the state. The bill also
2 20 directs the director of public health to carry out
2 21 appropriation education, prevention, and outreach activities

2 22 to inform the public of the health risks, emotional trauma,
2 23 and criminal penalties associated with female genital
2 24 mutilation. The director is to work to obtain private funds
2 25 to finance the activities.
2 26 LSB 6582XC 79
2 27 pf/sh/8