

Senate File 346 - Introduced

SENATE FILE 346
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 212)

A BILL FOR

1 An Act creating the criminal offense of female genital
2 mutilation and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 708.16 Female genital mutilation.

2 1. Except as otherwise provided in subsection 2, a person
3 who knowingly circumcises, excises, or infibulates, in whole or
4 in part, the labia majora, labia minora, or clitoris of a minor
5 commits a class "D" felony.

6 2. A surgical procedure is not a violation of subsection
7 1 if the procedure is performed by a medical professional who
8 holds a current license in this state necessary to perform the
9 surgical procedure under any of the following circumstances:

10 a. When necessary to protect the health of the minor on whom
11 the procedure is performed.

12 b. When performed on a minor who is in labor or who has just
13 given birth and is performed for medical purposes connected
14 with that labor or birth.

15 3. In determining whether a surgical procedure performed
16 pursuant to subsection 2, paragraph "a", is a violation of
17 subsection 1, consideration shall not be given to any belief
18 the minor or any other person holds that the surgical procedure
19 is required based on custom or ritual.

20 4. A person who knowingly transports a minor outside of this
21 state for the purpose of performing a procedure that would be
22 a violation of subsection 1 if the procedure occurred in this
23 state, commits a class "D" felony.

24 EXPLANATION

25 The inclusion of this explanation does not constitute agreement with
26 the explanation's substance by the members of the general assembly.

27 This bill creates the criminal offense of female genital
28 mutilation and provides penalties.

29 The bill provides that a person who knowingly circumcises,
30 excises, or infibulates, in whole or in part, the labia majora,
31 labia minora, or clitoris of a minor commits a class "D"
32 felony.

33 A surgical procedure is not a violation of the bill if
34 performed by a medical professional currently and appropriately
35 licensed in the state when necessary to protect the health

1 of the minor on whom the surgical procedure is performed or
2 when performed on a minor in labor or who has just given birth
3 for medical purposes connected with that labor or birth.

4 However, in determining whether a surgical procedure performed
5 was necessary to protect the health of the minor on whom the
6 surgical procedure was performed, consideration shall not be
7 given to any belief the minor or any other person holds that
8 the surgical procedure is required based on custom or ritual.

9 A person who knowingly transports a minor outside of this
10 state for the purpose of performing a surgical procedure that
11 would be a violation of the bill if the conduct occurred in
12 this state, commits a class "D" felony.

13 A class "D" felony is punishable by confinement for no more
14 than five years and a fine of at least \$750 but not more than
15 \$7,500.