

1 HB421  
2 199141-1  
3 By Representatives Scott, Rowe, Faulkner, Clarke, Drummond,  
4 Warren, Weaver, Wood (D), Shaver, Hall, Morris, Givan,  
5 Coleman, Nordgren, Collins, Moore (M) and Boyd  
6 RFD: Judiciary  
7 First Read: 11-APR-19

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8 SYNOPSIS: This bill would establish the crime of  
9 female genital mutilation, would provide criminal  
10 penalties, and would provide an exception only  
11 under limited circumstances when medically  
12 necessary.

13 Amendment 621 of the Constitution of Alabama  
14 of 1901, now appearing as Section 111.05 of the  
15 Official Recompilation of the Constitution of  
16 Alabama of 1901, as amended, prohibits a general  
17 law whose purpose or effect would be to require a  
18 new or increased expenditure of local funds from  
19 becoming effective with regard to a local  
20 governmental entity without enactment by a 2/3 vote  
21 unless: it comes within one of a number of  
22 specified exceptions; it is approved by the  
23 affected entity; or the Legislature appropriates  
24 funds, or provides a local source of revenue, to  
25 the entity for the purpose.

26 The purpose or effect of this bill would be  
27 to require a new or increased expenditure of local

1 funds within the meaning of the amendment. However,  
2 the bill does not require approval of a local  
3 governmental entity or enactment by a 2/3 vote to  
4 become effective because it comes within one of the  
5 specified exceptions contained in the amendment.

6  
7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

10  
11 Relating to crimes and offenses; to establish the  
12 crime of female genital mutilation; to provide criminal  
13 penalties; and in connection therewith would have as its  
14 purpose or effect the requirement of a new or increased  
15 expenditure of local funds within the meaning of Amendment 621  
16 of the Constitution of Alabama of 1901, now appearing as  
17 Section 111.05 of the Official Recompilation of the  
18 Constitution of Alabama of 1901, as amended.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. (a) As used in this section, female  
21 genital mutilation means to remove, cut, circumcise, excise,  
22 mutilate, infibulate, or reinfibulate, in whole or in part,  
23 the labia majora, labia minora, or clitoris of a female under  
24 the age of 19 years. The term includes a clitoridectomy. The  
25 term also includes any other harmful procedure to the female  
26 genitalia for non-medical purposes, including incising,

1 piercing, scraping, nicking, cauterizing, burning, and  
2 scarring.

3 (b) An individual who does any of the following is  
4 guilty of a Class B felony:

5 (1) He or she commits female genital mutilation on a  
6 female under the age of 19 years.

7 (2) He or she is a parent, legal guardian, or has  
8 immediate custody or control of a female under the age of 19  
9 years and knowingly allows, authorizes, or directs another to  
10 commit female genital mutilation on the female.

11 (3) He or she knowingly removes or causes or permits  
12 the removal of a female under the age of 19 years from this  
13 state for the purpose of committing or allowing, authorizing,  
14 or directing another to commit female genital mutilation.

15 (c) A person under the age of 19 years is incapable  
16 of consenting to female genital mutilation.

17 (d) It is not a defense to subsection (b) that the  
18 conduct is required as a matter of religion, custom, ritual,  
19 or standard practice, or that the female on whom the conduct  
20 is performed, or the parent or legal guardian of the female,  
21 consented to the act.

22 (e) This section does not apply to procedures  
23 performed by or under the direction of a licensed physician,  
24 certified registered nurse practitioner, certified nurse  
25 midwife, or licensed midwife when determined to be medically  
26 necessary to preserve the physical health of the female.

1                   (f) Nothing in this section shall be construed to  
2 establish a standard of care for hospitals or physicians or  
3 otherwise modify, amend, or supersede any provision of the  
4 Alabama Medical Liability Act of 1987 or the Alabama Medical  
5 Liability Act of 1996, or any amendment or judicial  
6 interpretation of either act.

7                   Section 2. Although this bill would have as its  
8 purpose or effect the requirement of a new or increased  
9 expenditure of local funds, the bill is excluded from further  
10 requirements and application under Amendment 621 because the  
11 bill defines a new crime or amends the definition of an  
12 existing crime.

13                   Section 3. This act shall become effective  
14 immediately following its passage and approval by the  
15 Governor, or its otherwise becoming law.