

Senate Bill 452

By: Senators Thomas of the 10th, Jackson of the 50th, Dean of the 31st, Butler of the 55th and Smith of the 25th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 6 of Title 16 of the Official Code of Georgia Annotated, relating to sexual
2 offenses, so as to enact the "Amirah Joyce Adem Act;" to create the offense of female genital
3 mutilation; to provide a penalty; to provide that certain acts shall not constitute affirmative
4 defenses; to provide for exceptions; to provide that certain statutory privileges shall not be
5 available; to provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 This Act shall be known and may be cited as the "Amirah Joyce Adem Act."

9 **SECTION 2.**

10 Chapter 6 of Title 16 of the Official Code of Georgia Annotated, relating to sexual offenses,
11 is amended by inserting at the end thereof a new Code Section 16-6-25 to read as follows:

12 "16-6-25.

13 (a) A person commits the offense of female genital mutilation when:

14 (1) Such person circumcises, excises, or infibulates, in whole or in part, the labia majora,
15 labia minora, or clitoris of a female;

16 (2) Such person is a parent, guardian, or has immediate custody or control of a female
17 child under 18 years of age and causes or permits the circumcision, excision, or
18 infibulation, in whole or in part, of the labia majora, labia minora, or clitoris of the child;

19 or

20 (3) Such person removes or causes or permits removal of a female child under 18 years
21 of age from this state, for the purpose of circumcising, excising, or infibulating, in whole
22 or in part, the labia majora, labia minora, or clitoris of the child.

23 (b) A person convicted of the offense of female genital mutilation shall be punished by
24 imprisonment for not less than 30 years.

25 (c) It is not an affirmative defense that the conduct described in subsection (a) of this Code
26 section:

- 1 (1) Is required as a matter of custom, ritual, or standard practice; or
2 (2) Was consented to by the child or by the child's parent, guardian, or custodian.
- 3 (d) A surgical procedure is not a violation of this Code section if:
4 (1) The procedure is medically necessary to preserve the physical health of the child and
5 is performed by a physician licensed to practice in this state or a physician in training
6 under the supervision of a physician licensed to practice in this state; or
7 (2) The procedure is performed on a child who is in labor or who has just given birth, is
8 performed for medical purposes connected with that labor or birth, and is performed by
9 a physician licensed to practice in this state, a physician in training under the supervision
10 of a physician licensed to practice in this state, a nurse midwife licensed to practice in this
11 state, or a nurse midwife in training under the supervision of a nurse midwife licensed to
12 practice in this state.
- 13 (e) The statutory privileges between patient and physician, between husband and wife, and
14 between client and professional counselor as provided in Chapter 9 of Title 24 shall not be
15 available for excluding or refusing testimony in any prosecution for a violation of this Code
16 section."

17 **SECTION 3.**

18 All laws and parts of laws in conflict with this Act are repealed.