

HOUSE SUBSTITUTE TO SENATE BILL 418

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated,
2 relating to assault and battery, so as to provide for the crime of female genital mutilation; to
3 provide a short title; to provide for penalties; to provide for exceptions; to provide that
4 certain statutory privileges shall not be available; to amend Title 24 of the Official Code of
5 Georgia Annotated, relating to evidence, so as to change provisions relating to disclosure of
6 medical records; to provide for a definition; to provide for applicability; to provide an
7 effective date; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

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

11 **SECTION 2.**

12 Article 2 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated, relating to
13 assault and battery, is amended by adding a new Code Section 16-5-26 to read as follows:
14 "16-5-26.

15 (a) Any person:

16 (1) Who knowingly circumcises, excises, pierces, or infibulates, in whole or in part, the
17 labia majora, labia minora, or clitoris of a female;

18 (2) Who is a parent, guardian, or has immediate custody or control of a female under the
19 age of 18 years and knowingly consents or permits to the circumcision, excision,
20 piercing, or infibulation, in whole or in part, of the labia majora, labia minora, or clitoris
21 of such female; or

22 (3) Who knowingly removes or causes or permits the removal of a female under the age
23 of 18 years from this state for the purpose of circumcising, excising, piercing, or
24 infibulating, in whole or in part, the labia majora, labia minora, or clitoris of such female
25 shall be guilty of female genital mutilation.

1 (b) A person convicted of female genital mutilation shall be punished by imprisonment for
2 not less than one nor more than 20 years.

3 (c) This Code section shall not apply to procedures performed by or under the direction
4 of a physician, a registered professional nurse, a certified nurse midwife, or a licensed
5 practical nurse licensed pursuant to Chapter 34 or 26, respectively, of Title 43 when
6 necessary to preserve the physical health of the female or during or after labor or childbirth
7 for medical reasons connected with the labor or childbirth.

8 (d) Consent of the female under the age of 18 years or the parent, guardian, or custodian
9 of the female under the age of 18 years shall not be a defense to the offense of female
10 genital mutilation. Neither religion, ritual, custom, nor standard practice shall be a defense
11 to the offense of female genital mutilation.

12 (e) The statutory privileges provided by Chapter 9 of Title 24 shall not apply to
13 proceedings in which one of the parties to the privilege is charged with a crime against a
14 female under the age of 18 years, but such person shall be compellable to give evidence
15 only on the specific act for which the defendant is charged."

16 SECTION 3.

17 Title 24 of the Official Code of Georgia Annotated, relating to evidence, is amended by
18 adding a new paragraph to Code Section 24-9-41, relating to definitions in the disclosure of
19 medical records, to read as follows:

20 "(6.1) 'Nurse' means a person authorized by license issued under Chapter 26 of Title 43
21 as a registered professional nurse or licensed practical nurse to practice nursing."

22 SECTION 4.

23 Said title is further amended by striking Code Section 24-9-42, relating to the disclosure of
24 medical records, and inserting in lieu thereof the following:

25 "24-9-42.

26 The disclosure of confidential or privileged medical matter constituting all or part of a
27 record kept by a health care facility, a nurse, or a physician, pursuant to laws requiring
28 disclosure or pursuant to limited consent to disclosure, shall not serve to destroy or in any
29 way abridge the confidential or privileged character thereof, except for the purpose for
30 which such disclosure is made."

31 SECTION 5.

32 This Act shall become effective on July 1, 2004, and shall apply to all offenses committed
33 on or after such date.

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SECTION 6.

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