

COMMITTEE OF CONFERENCE SUBSTITUTE #1 TO SB 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 Chapter 13 of Title 19 of the
5 Official Code of Georgia Annotated, relating to family violence, so as to provide for
6 penalties for disclosing, publishing, or disseminating the location of a family violence
7 shelter; to amend Title 24 of the Official Code of Georgia Annotated, relating to evidence,
8 so as to change provisions relating to disclosure of medical records; to provide for a
9 definition; to provide for applicability; to provide an effective date; to repeal conflicting
10 laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

12 This Act shall be known and may be cited as the "Amirah Joyce Adem Act".
13

SECTION 2.

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

17 "16-5-26.

18 (a) Any person:

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

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

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

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

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

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

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

20 SECTION 3.

21 Chapter 13 of Title 19 of the Official Code of Georgia Annotated, relating to family violence,
 22 is amended by striking Code Section 19-13-23 and inserting in lieu thereof new Code
 23 Sections 19-13-23 and 19-13-24 to read as follows:

24 "19-13-23.

25 (a) Any person who knowingly publishes, disseminates, or otherwise publicly discloses
 26 the location of a family violence shelter is guilty of a misdemeanor.

27 (b) This Code section shall not apply to:

28 (1) Confidential communications between a client and his or her attorney; or

29 (2) Instances when such publication, dissemination, or disclosure is specifically
 30 authorized by the director of the shelter.

31 19-13-24.

32 (a) Any person, corporation, or other entity that publishes, disseminates, or otherwise
 33 publicly discloses the location of a family violence shelter, whether intentionally or
 34 negligently, shall be liable either for all of the actual costs incurred in relocating such
 35 shelter or for a civil remedy payable to such shelter in the amount of not less than

1 \$25,000.00 for each instance, not to exceed the full costs of relocating such shelter. When
 2 the location of a shelter has become generally known as a result of the publication,
 3 dissemination, or disclosure of its location by a person, corporation, or other entity, the
 4 court shall require that the person, corporation, or other entity violating this Code section
 5 shall pay all of the actual costs incurred in relocating such shelter to a comparable facility.
 6 When the location of a shelter has been published, disseminated, or publicly disclosed by
 7 a person, corporation, or other entity, but the location has not become generally known as
 8 a result of such publication, dissemination, or disclosure, the court may require the person,
 9 corporation, or other entity making such publication, dissemination, or disclosure to pay
 10 relocation costs in lieu of a civil remedy.

11 (b) For the purposes of this Code section, an instance of publication, dissemination, or
 12 disclosure shall be limited to each time, place, and manner the location is published,
 13 disseminated, or disclosed. Each edition of a telephone directory in printed format which
 14 contains the location of a shelter shall constitute only one instance regardless of the number
 15 of copies of the directory that are published or disseminated.

16 (c) This Code section shall not apply:

17 (1) To confidential communications between a client and his or her attorney;

18 (2) To instances when such publication, dissemination, or public disclosure is
 19 specifically authorized by the director of the shelter; or

20 (3) When a company publishes the location of a family violence shelter upon reliance
 21 on a third party who did not identify the confidential nature of the location, and such
 22 company did not know and should not have known that the location is confidential. This
 23 exception shall not apply if the company was aware that the third party had previously
 24 failed to inform the company of confidential information relating to the location of family
 25 violence shelters."

26 **SECTION 4.**

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

30 "(6.1) 'Nurse' means a person authorized by license issued under Chapter 26 of Title 43
 31 as a registered professional nurse or licensed practical nurse to practice nursing."

32 **SECTION 5.**

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

1 "24-9-42.

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

7 **SECTION 6.**

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

10 **SECTION 7.**

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