

The House Committee on Judiciary, Non-civil, offers the following substitute to HB 10:

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 for penalties; to provide for exceptions; to provide that certain statutory privileges
4 shall not be available; to provide for applicability; to provide an effective date; to repeal
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 2 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated, relating to
9 assault and battery, is amended by adding a new Code Section 16-5-27 to read as follows:
10 "16-5-27.

11 (a) Any person:

12 (1) Who knowingly circumcises, excises, or infibulates, in whole or in part, the labia
13 majora, labia minora, or clitoris of a female under 18 years of age;

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

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

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

24 (c) This Code section shall not apply to procedures performed by or under the direction
25 of a physician, a registered professional nurse, a certified nurse midwife, or a licensed
26 practical nurse licensed pursuant to Chapter 34 or 26, respectively, of Title 43 when

1 necessary to preserve the physical health of the female or during or after labor or childbirth
2 for medical reasons connected with the labor or childbirth. This Code section shall also not
3 apply to any autopsy or limited dissection as defined by Code Section 45-16-21 which is
4 conducted in accordance with Article 2 of Chapter 16 of Title 45.

5 (d) Consent of the female under 18 years of age or the parent, guardian, or custodian of the
6 female under 18 years of age shall not be a defense to the offense of female genital
7 mutilation. Religion, ritual, custom, or standard practice shall not be a defense to the
8 offense of female genital mutilation.

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

13 **SECTION 2.**

14 This Act shall become effective on July 1, 2005, and shall apply to all offenses committed
15 on or after such date.

16 **SECTION 3.**

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