

House Bill 10 (AS PASSED HOUSE AND SENATE)

By: Representatives Oliver of the 83rd, Benfield of the 85th, McClinton of the 84th, Drenner of the 86th, and Henson of the 87th

A BILL TO BE ENTITLED
AN ACT

To amend Article 2 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated, relating to assault and battery, so as to provide for the crime of female genital mutilation; to provide for penalties; to provide for exceptions; to provide that certain statutory privileges shall not be available; to provide for applicability; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

"16-5-27.

(a) Any person:

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

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

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

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

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

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

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

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

12 **SECTION 2.**

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

15 **SECTION 3.**

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