

Boettger, Hammond, Tinsman

SSB 3104
Human Resources

Succeeded By
SF HF 2179

SENATE FILE _____

BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON REDWINE)

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to female genital mutilation, and providing a
2 penalty.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 709D.1 FEMALE GENITAL MUTILATION
2 -- FEMALE MINOR -- EDUCATION -- PENALTY.

3 1. Except as provided in subsection 2, a person who
4 knowingly performs female genital mutilation on a female minor
5 is guilty of a class "C" felony.

6 2. This section does not apply to a surgical operation
7 performed by a licensed medical practitioner that is necessary
8 for the health of a female minor or that is necessary to
9 correct an anatomical abnormality of a female minor.

10 3. In any prosecution pursuant to this section, it is not
11 an affirmative defense, and consideration shall not be given
12 to a belief of the person on whom the procedure would be
13 performed or of any other person that the female genital
14 mutilation is required as a matter of custom, ritual, or
15 standard of practice.

16 4. In addition to any other sentence imposed or counseling
17 ordered, a person convicted of female genital mutilation shall
18 also be ordered to attend, at the person's own expense, a
19 batterers' treatment program pursuant to section 708.2B.

20 5. In addition to any other court costs or assessments
21 imposed, a person convicted of female genital mutilation shall
22 pay a twenty-five dollar assessment. The moneys collected
23 under this subsection shall be deposited in the general fund
24 of the state.

25 6. The director of public health shall carry out
26 appropriate education, prevention, and outreach activities to
27 inform the public about the health risks and emotional trauma
28 inflicted by the practice of female genital mutilation and to
29 inform the public and the medical community of the criminal
30 penalties contained in this section. The director shall work
31 to obtain private funds to help finance these prevention and
32 outreach activities.

33 7. For the purposes of this section, "female genital
34 mutilation" means the separation or surgical alteration of
35 normal, healthy, functioning female genital tissue.

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EXPLANATION

This bill prohibits female genital mutilation of a female minor which is the separation or surgical alteration of normal, healthy, functioning female genital tissue. A person who violates the provisions of the bill is guilty of a class "C" felony, which is punishable by confinement of not more than 10 years and a fine of at least \$1,000 but not more than \$10,000. The bill provides that a licensed medical professional who performs a surgical operation necessary for the health of the female minor or that is necessary to correct an anatomical abnormality is not in violation of the bill. The bill also provides that a belief that the procedure is required as a matter of custom, ritual, or standard of practice is not to be considered in any prosecution pursuant to the bill and is not an affirmative defense. In addition, a person convicted of female genital mutilation is also required to attend a batterers' treatment program and is required to pay an assessment of \$25, with the moneys collected to be deposited in the general fund of the state. The bill also directs the director of public health to carry out appropriation education, prevention, and outreach activities to inform the public of the health risks, emotional trauma, and criminal penalties associated with female genital mutilation. The director is to work to obtain private funds to finance the activities.

H. 2/27/02 Human Res
H. 3/7/02 Do Pass

FILED FEB 14 2002

SENATE FILE 2179
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 3104)

Passed Senate, Date ^(p.408) 2/26/02
Vote: Ayes 46 Nays 0
Approved _____

Passed House, Date _____
Vote: Ayes _____ Nays _____

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2 penalty.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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23 under this subsection shall be deposited in the general fund
24 of the state.

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26 appropriate education, prevention, and outreach activities to
27 inform the public about the health risks and emotional trauma
28 inflicted by the practice of female genital mutilation and to
29 inform the public and the medical community of the criminal
30 penalties contained in this section. The director shall work
31 to obtain private funds to help finance these prevention and
32 outreach activities.

33 7. For the purposes of this section, "female genital
34 mutilation" means the separation or surgical alteration of
35 normal, healthy, functioning female genital tissue.

EXPLANATION

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This bill prohibits female genital mutilation of a female minor which is the separation or surgical alteration of normal, healthy, functioning female genital tissue. A person who violates the provisions of the bill is guilty of a class "C" felony, which is punishable by confinement of not more than 10 years and a fine of at least \$1,000 but not more than \$10,000. The bill provides that a licensed medical professional who performs a surgical operation necessary for the health of the female minor or that is necessary to correct an anatomical abnormality is not in violation of the bill. The bill also provides that a belief that the procedure is required as a matter of custom, ritual, or standard of practice is not to be considered in any prosecution pursuant to the bill and is not an affirmative defense. In addition, a person convicted of female genital mutilation is also required to attend a batterers' treatment program and is required to pay an assessment of \$25, with the moneys collected to be deposited in the general fund of the state. The bill also directs the director of public health to carry out appropriate education, prevention, and outreach activities to inform the public of the health risks, emotional trauma, and criminal penalties associated with female genital mutilation. The director is to work to obtain private funds to finance the activities.

SENATE FILE 2179**H-8290**

1 Amend Senate File 2179 as passed by the Senate, as
2 follows:

3 1. Page 1, by inserting before line 1, the
4 following:

5 "Section 1. NEW SECTION. 135.39A FEMALE GENITAL
6 MUTILATION -- EDUCATION, PREVENTION, AND OUTREACH
7 ACTIVITIES.

8 The director shall carry out appropriate education,
9 prevention, and outreach activities to inform the
10 public about the health risks and emotional trauma
11 inflicted by the practice of female genital mutilation
12 and to inform the public and the medical community of
13 any criminal penalties applicable to the performance
14 of female genital mutilation. The director shall work
15 to obtain private funds to finance these prevention
16 and outreach activities. For the purposes of this
17 section, "female genital mutilation" means the
18 separation or surgical alteration of normal, healthy,
19 functioning female genital tissue."

20 2. Page 1, line 1, by striking the word and
21 figure "Section 1" and inserting the following: "Sec.
22 100".

23 3. Page 1, by striking lines 25 through 32.

24 4. Page 1, line 33, by striking the figure "7"
25 and inserting the following: "6".

26 5. Page 1, by inserting after line 35, the
27 following:

28 "Sec. ____ . EFFECTIVE DATE. Section 100 of this
29 Act takes effect July 1, 2003."

30 6. Title page, line 1, by striking the word
31 "and".

32 7. Title page, line 2, by inserting after the word
33 "penalty" the following: ", and providing an
34 effective date".

35 8. By renumbering as necessary.

By FORD of Polk
BRUNKHORST of Bremer

H-8290 FILED MARCH 13, 2002

SENATE FILE 2179

H-8443

1 Amend Senate File 2179, as passed by the Senate, as
2 follows:

3 1. By striking everything after the enacting
4 clause, and inserting the following:

5 "Section 1. NEW SECTION. 135.39A FEMALE GENITAL
6 MUTILATION -- EDUCATION, PREVENTION, AND OUTREACH
7 PROGRAM.

8 1. For the purposes of this section, "female
9 genital mutilation" means the separation or surgical
10 alteration of normal, healthy, functioning female
11 genital tissue.

12 2. The general assembly finds that it is in the
13 interest of the public health, safety, and welfare to
14 protect the female children of this state from the
15 physical, emotional, and psychological harm associated
16 with female genital mutilation. The general assembly
17 further finds that, although the practice of female
18 genital mutilation is an accepted practice in certain
19 cultures, individuals should be made aware of the
20 nature and extent of the potential long-term physical,
21 emotional, and psychological trauma that may result
22 from such practice. Therefore, the general assembly
23 declares that the protection of the public requires
24 the establishment of a program to educate the
25 appropriate communities concerning female genital
26 mutilation including the health risks associated with
27 this practice.

28 3. In accordance with subsection 2, the violence
29 prevention educator of the Iowa department of public
30 health shall work in coordination with a group
31 representing victim advocacy organizations, public
32 health services, and immigrant rights organizations to
33 implement appropriate education, prevention, and
34 outreach activities to inform the public about the
35 health risks and the psychological and emotional
36 trauma inflicted by the practice of female genital
37 mutilation. The activities shall include informing
38 the medical community and the general public of any
39 criminal penalties that may apply to a person who
40 knowingly performs female genital mutilation.

41 4. The violence prevention educator of the Iowa
42 department of public health shall work in coordination
43 with victim advocacy organizations, public health
44 services, and immigrant rights organizations to
45 educate health care workers about the unique health
46 care needs of survivors of female genital mutilation.

47 5. The Iowa sexual abuse hotline shall provide
48 twenty-four-hour information, support, and referral
49 services on the subject of female genital mutilation.

50 6. The director of public health shall work to

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Page 2

1 obtain private funds to finance these education,
2 prevention, and outreach activities."

3 2. Title page, by striking lines 1 and 2, and
4 inserting the following: "An Act relating to the
5 establishment of a female genital mutilation
6 education, prevention, and outreach program."

By SMITH of Marshall
BRUNKHORST of Bremer
FORD of Polk

H-8443 FILED MARCH 26, 2002