

SB 5257 - S AMD 82
By Senator Becker

PULLED 02/28/2019

1 On page 6, after line 3, insert the following:

2 "NEW SECTION. **Sec. 3.** A new section is added to chapter 9.91
3 RCW to read as follows:

4 (1) For the purposes of this section, "female genital mutilation"
5 means circumcision, excision, or infibulation of the whole or any
6 part of the labia majora, labia minora, or clitoris that is performed
7 for nonmedical reasons on any:

8 (a) Person under the age of eighteen; or

9 (b) Nonconsenting person age eighteen or older.

10 (2) Any person: Who commits female genital mutilation on a female
11 under eighteen years of age; who is a parent, guardian, or has
12 immediate custody or control of a female under eighteen years of age
13 and consents to, permits, or facilitates female genital mutilation of
14 such female; or who removes or causes or permits or facilitates the
15 removal of a female under eighteen years of age from this state for
16 the purpose of female genital mutilation of such female, shall be
17 guilty of female genital mutilation and shall be punished by a fine
18 of up to twenty-five thousand dollars or up to five years
19 imprisonment.

20 (3) It is not a defense to female genital mutilation that the
21 conduct described in subsection (2) of this section is required as a
22 matter of religion, custom, ritual, or standard practice, or that the
23 individual on whom it is performed or the individual's parent or
24 guardian consented to the procedure.

25 (4) A surgical procedure is not a violation of subsection (2) of
26 this section if the procedure is performed by a person licensed in
27 the place it is performed as a medical professional and is necessary
28 to preserve or protect the physical health of the person on whom it
29 is performed or for sex reassignment as requested by the patient.

30 (5) In addition to criminal and civil penalties, a violation of
31 this section by a licensed medical professional shall result in the
32 permanent revocation of the medical professional's license.

1 (6) The department of health shall:

2 (a) Develop and administer a program of community education,
3 prevention, and outreach activities regarding the health risks and
4 emotional trauma inflicted by the practice of female genital
5 mutilation and informing the community of the criminal penalties for
6 committing female genital mutilation;

7 (b) Develop and disseminate information regarding female genital
8 mutilation, recognizing the risk factors associated with female
9 genital mutilation, and the signs that an individual may be a victim
10 of female genital mutilation, and the criminal penalties for
11 committing female genital mutilation to teachers, and law enforcement
12 personnel, and ensuring their awareness and compliance with the
13 provisions of this section;

14 (c) Develop policies and procedures to promote partnerships
15 between departments, agencies, and political subdivisions, such as
16 the United States department of health and human services
17 administration for children and families, and the United States
18 department of education, and other governmental entities and
19 nongovernmental organizations to prevent female genital mutilation
20 and to protect and provide assistance to victims of female genital
21 mutilation;

22 (d) Outline best practices for responses to victims;

23 (e) Develop policies and procedures for the training of providers
24 of health services regarding best practices for responses to victims
25 and to recognize the risk factors associated with female genital
26 mutilation, the signs that an individual may be a victim of female
27 genital mutilation, and the criminal penalties for committing female
28 genital mutilation.

29 (7) A mandated reporter who, in his or her professional capacity,
30 has reasonable cause to believe that a child has suffered female
31 genital mutilation, or is at substantial risk of female genital
32 mutilation, shall immediately notify the appropriate department
33 orally and in a written report within forty-eight hours.

34 (8) Within ten years of turning eighteen years of age, a victim
35 of female genital mutilation may bring a civil action in any court of
36 competent jurisdiction for female genital mutilation. The victim may
37 bring an action under this subsection regardless of where the alleged
38 female genital mutilation occurred. The court may award actual
39 damages, compensatory damages, punitive damages, and any other
40 appropriate relief. A prevailing plaintiff shall be awarded

1 attorneys' fees and costs. Treble damages may be awarded on proof of
2 actual damages if the defendant's acts were willful and malicious.
3 The doctrines of forum non conveniens and exhaustion of local
4 remedies shall not apply to claims arising under this section.

5 (9) If a victim of female genital mutilation is under the age of
6 eighteen years old at the time the crime is committed, the period of
7 limitation for prosecution shall not commence until the victim has
8 reached the age of eighteen or the violation is reported to a law
9 enforcement agency, whichever occurs earlier.

10 (10) Health care practitioners of each county shall keep annual
11 statistics and report to the department of health cases of female
12 genital mutilation. The department of health shall thereafter compile
13 an annual report of the incidents reported, which must be published
14 with no personal identifying information."

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15 On page 1, line 2 of the title, after "18.130.020;" strike "and"

16 On page 1, line 3 of the title, after "18.130.180" insert "
17 adding a new section to chapter 9.91 RCW; and prescribing penalties"

EFFECT: Makes genital mutilation a crime to hold parents and other responsible parties accountable, in addition to doctors. Gives Department of Health outreach and education duties.

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