

Public Safety Committee

HB 2685

Brief Description: Criminalizing female genital mutilation.

Sponsors: Representatives Scott, Goodman, Taylor, Griffey, Haler, Wilson, Van Werven, Buys, Short, Shea, Kochmar, Caldier, Robinson, Rodne, McBride, Smith, Orwall, Zeiger, Ryu, Magendanz, Harmsworth, McCaslin, Pike, Young, Stambaugh, Condotta, G. Hunt, Muri and Wilcox.

Brief Summary of Bill

- Creates the crime of Female Genital Mutilation.

Hearing Date: 1/27/16

Staff: Kelly Leonard (786-7147).

Background:

Sentencing for Criminal Convictions. Crimes are classified as misdemeanors, gross misdemeanors, or felonies (of which there are class A, B, and C felonies). The classification of a crime generally determines the maximum term of confinement and/or fine for an offense. For each classification, the maximum terms of confinement and maximum fines are as follows:

<u>Classification</u>	<u>Maximum Confinement</u>	<u>Maximum Fine</u>
Misdemeanor	90 days	\$1,000
Gross Misdemeanor	364 days	\$5,000
Class C Felony	5 years	\$10,000
Class B Felony	10 years	\$20,000
Class A Felony	Life	\$50,000

For felony convictions, the Sentencing Reform Act applies and determines the specific range of sentence from which a judge can select a length of confinement for a defendant. Sentences for felony offenses are determined by reference to a sentencing grid. The sentencing grid provides a

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

standard range of months for the sentence, based on both the severity, or "seriousness level," of the offense and the convicted person's "offender score," which is based on the offender's criminal history.

Unprofessional Conduct of Health Care Providers. Credentialed health care providers are subject to professional discipline under the Uniform Disciplinary Act (UDA). Under the UDA, the disciplining authority may take action against a provider for a variety of reasons, including unprofessional conduct, unlicensed practice, and the mental or physical inability to practice skillfully or safely. A disciplining authority may initiate a disciplinary action after receiving a complaint or if the disciplining authority has reason to believe that the license holder engaged in unprofessional conduct. Sanctions for unprofessional conduct can include revocation or suspension of a license, payment of a fine, mandatory completion of a remedial education program, and probation.

Summary of Bill:

The crime of Female Genital Mutilation is created. A person commits Female Genital Mutilation if he or she intentionally circumcises, excises, or infibulates the whole or any part of the labia majora, labia minora, or clitoris of a minor. Female genital mutilation is a class B felony with a seriousness level of IX.

A medical procedure does not constitute Female Genital Mutilation if it is performed by a person licensed in Washington to perform such procedures and the procedure is necessary for the physical health of the minor or for medical purposes connected with a labor or birth. In determining whether a procedure is necessary, no account may be taken of the belief on the part of any individual that the procedure is required as a matter of custom or ritual.

Female Genital Mutilation constitutes unprofessional conduct under the Uniform Disciplinary Act for credentialed health care providers.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.