**5257 AMS BECK S2310.1 - NOT FOR FLOOR USE**

**SB 5257** - S AMD **82**

By Senator Becker

**PULLED 02/28/2019**

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

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

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

(a) Person under the age of eighteen; or

(b) Nonconsenting person age eighteen or older.

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

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

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

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

(6) The department of health shall:

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

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

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

(d) Outline best practices for responses to victims;

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

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

(8) Within ten years of turning eighteen years of age, a victim of female genital mutilation may bring a civil action in any court of competent jurisdiction for female genital mutilation. The victim may bring an action under this subsection regardless of where the alleged female genital mutilation occurred. The court may award actual damages, compensatory damages, punitive damages, and any other appropriate relief. A prevailing plaintiff shall be awarded attorneys' fees and costs. Treble damages may be awarded on proof of actual damages if the defendant's acts were willful and malicious. The doctrines of forum non conveniens and exhaustion of local remedies shall not apply to claims arising under this section.

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

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

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

On page 1, line 3 of the title, after "18.130.180" insert "; 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.