

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL 9
PROPOSED COMMITTEE SUBSTITUTE S9-PCS15168-TT-9

Short Title: Female Genital Mutilation/Clarify Prohibition.

(Public)

Sponsors:

Referred to:

February 4, 2019

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY THE PROHIBITION ON THE MUTILATION OF THE GENITALS
3 OF A FEMALE UNDER THE AGE OF 18 YEARS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Article 8 of Chapter 14 of the General Statutes is amended by adding
6 a new section to read:

7 "**§ 14-28.1. Female genital mutilation of a child.**

8 (a) Legislative Intent. – The General Assembly finds that female genital mutilation is a
9 crime that causes a long-lasting impact on the victim's quality of life and has been recognized
10 internationally as a violation of the human rights of girls and women. The practice is mostly
11 carried out on girls under the age of 15 years old. The General Assembly also recognizes that the
12 practice includes any procedure that intentionally alters or injures the female genital organs for
13 nonmedical reasons. These procedures can cause severe pain, excessive bleeding, urinary
14 problems, and death. Therefore, the General Assembly enacts this law to protect these vulnerable
15 victims.

16 (b) Mutilation. – A person who knowingly and unlawfully circumcises, excises, or
17 infibulates the whole or any part of the labia majora, labia minora, or clitoris of a child less than
18 18 years of age is guilty of a Class C felony.

19 (c) Consent to Mutilation. – A parent, or a person providing care to or supervision of a
20 child less than 18 years of age, who consents to or permits the unlawful circumcision, excision,
21 or infibulation, in whole or in any part, of the labia majora, labia minora, or clitoris of the child,
22 is guilty of a Class C felony.

23 (d) Removal for Mutilation. – A parent, or a person providing care to or supervision of a
24 child less than 18 years of age, who knowingly removes or permits the removal of the child from
25 the State for the purpose of having the child's labia majora, labia minora, or clitoris circumcised,
26 excised, or infibulated, is guilty of a Class C felony.

27 (e) Exceptions. – A surgical operation is not a violation of this section if the operation
28 meets either of the following requirements:

29 (1) The operation is necessary to the health of the person on whom it is performed
30 and is performed by a person licensed in the State as a medical practitioner.

31 (2) The operation is performed on a person in labor who has just given birth and
32 is performed for medical purposes connected with that labor or birth by a
33 person licensed in this State as a medical practitioner or certified nurse
34 midwife, or a person in training to become licensed as a medical practitioner
35 or certified nurse midwife.



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1 (f) No Defense. – It is not a defense to prosecution under this section that the person on
2 whom the circumcision, excision, or infibulation is performed, or any other person, believes that
3 the circumcision, excision, or infibulation is required as a matter of custom or ritual, or that the
4 person on whom the circumcision, excision, or infibulation is performed consented to the
5 circumcision, excision, or infibulation."

6 **SECTION 2.** If any provision of this act or its application is held invalid, the
7 invalidity does not affect other provisions or applications of this act that can be given effect
8 without the invalid provisions or application, and to this end the provisions of this act are
9 severable.

10 **SECTION 3.** This act becomes effective December 1, 2019, and applies to offenses
11 committed on or after that date.