

As Amended by House Committee

Session of 2013

HOUSE BILL No. 2217

By Committee on Corrections and Juvenile Justice

2-5

1 AN ACT concerning crimes, criminal procedure and punishment; relating  
2 to female genital mutilation.

3

4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. (a) Female genital mutilation is:

6 (1) Knowingly circumcising, excising, or infibulating the whole or  
7 any part of the labia majora, labia minora or clitoris of a female under 18  
8 years of age;

9 (2) removing a female under 18 years of age from this state for the  
10 purpose of circumcising, excising, or infibulating the whole or any part of  
11 the labia majora, labia minora or clitoris of such female; or

12 (3) causing or permitting another to perform the conduct described in  
13 subsections (a)(1) or (a)(2) when the person causing or permitting such  
14 conduct is the parent, legal guardian or caretaker of the victim.

15 (b) Female genital mutilation is a severity level 3, person felony.

16 (c) The provisions of this section shall not apply if:

17 (1) The physical health of the female under 18 years of age makes  
18 circumcising, excising or infibulating the whole or any part of her labia  
19 majora, labia minora or clitoris medically necessary pursuant to the order  
20 of a physician, and such procedure is performed by a physician **who has a  
21 documented referral from another physician not legally or financially  
22 affiliated with the physician performing such procedure;** or

23 (2) the female under 18 years of age is in labor or has just given birth,  
24 and such labor or birth makes circumcising, excising or infibulating the  
25 whole or any part of her labia majora, labia minora or clitoris medically  
26 necessary pursuant to the order of a physician, and such procedure is  
27 performed by a physician.

28 (d) It shall not be a defense that the conduct described in subsection  
29 (a):

30 (1) Is required as a matter of custom, ritual or religious practice; or

31 (2) that the victim, or such victim's parent, legal guardian or caretaker  
32 consented to the procedure.

33 (e) As used in this section:

34 (1) "Caretaker" means any person that willfully assumes  
35 responsibility for the care of a female under the age of 18; and

36 (2) "physician" means any person licensed by the state board of

- 1 healing arts to practice medicine and surgery.
- 2       Sec. 2. This act shall take effect and be in force from and after its
- 3 publication in the statute book.