

SESSION OF 2013

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2217

As Amended by House Committee on
Corrections and Juvenile Justice

Brief*

HB 2217 would create the crime of female genital mutilation, which would be a severity level 3, person felony and would be defined as:

- Knowingly circumcising, excising, or infibulating the whole or any part of the labia majora, labia minora, or clitoris of a female under 18 years of age;
- Removing a female under 18 years of age from this state for the purpose of circumcising, excising, or infibulating the whole or any part of the labia majora, labia minora, or clitoris of such female; or
- Causing or permitting another to perform such conduct when the person causing or permitting such conduct is the parent, legal guardian, or caretaker of the victim.

An exception would exist when medically necessary pursuant to the order of a physician and with a documented referral from another physician not legally or financially affiliated with the physician performing the procedure. Additionally, there would be an exception if the female is in labor or has just given birth, and such labor or birth makes the procedure medically necessary, when the procedure is performed by a physician. It would not be a defense, however, that the conduct is required as a matter of custom,

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

ritual, or religious practice or that the victim or the victim's parent, legal guardian, or caretaker consented to the procedure.

The bill would define "caretaker" and "physician."

Background

In the House Committee on Corrections and Juvenile Justice, Representative Stephanie Clayton and a private citizen appeared in support of the bill. A fellow with the U.S. Supreme Court and representatives of the AHA Foundation and the Kansas Coalition Against Sexual and Domestic Violence submitted written proponent testimony. No others offered testimony.

The House Committee amended the bill to require a second physician opinion in cases where the procedure is deemed medically necessary and the female is not in labor nor has just given birth.

The fiscal note prepared by the Division of the Budget for the bill, as introduced, indicates passage could increase the number of cases filed, but the impact likely would be accommodated within existing resources.