

BILL ANALYSIS

Senate Research Center
85R26660 AJZ-F

C.S.S.B. 323
By: Nelson et al.
State Affairs
4/27/2017
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 323 strengthens legal protections for potential or actual victims of female genital mutilation (FGM). According to the AHA Foundation, FGM is any procedure involving the partial or total removal of the external female genitalia or other injury to the female genital organs.

Federal law established FGM as a crime in 1996; it is punishable by up to five years in prison. H.B. 91, 76th Texas Legislature, prohibited FGM in Texas. Health consequences from FGM are numerous and entirely negative and may include chronic infection, hemorrhage, severe recurring pain, complications during childbirth, and psychological trauma.

S.B. 323 amends Section 167.001, Health and Safety Code, to add to the list of individuals committing an offense any person knowingly transporting or permitting the transport of a person for the purpose of performing such acts; and, clarifies that labeling FGM acts as a custom, ritual, or religious practice or obtaining consent from the victim or her parent, legal guardian, or caretaker cannot be used as a defense for prosecution. (Original Author's / Sponsor's Statement of Intent)

C.S.S.B. 323 amends current law relating to the offense of female genital mutilation.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 167.001, Health and Safety Code, by amending Subsection (a) and adding Subsection (d), as follows:

(a) Provides that a person commits an offense if the person:

- (1) knowingly circumcises, excises, or infibulates any part of the labia majora or labia minora or clitoris of another person who is younger than 18 years of age. Creates this subdivision from existing text;
- (2) is a parent or legal guardian of another person who is younger than 18 years of age and knowingly consents to or permits an act described by Subdivision (1) to be performed on that person; or
- (3) knowingly transports or facilitates the transportation of another person who is younger than 18 years of age within this state or from this state for the purpose of having an act described by Subdivision (1) performed on that person.

(d) Provides that it is not a defense to prosecution under this section (Female Genital Mutilation Prohibited) that:

- (1) the person on whom the circumcision, excision, or infibulation was performed or was to be performed, or another person authorized to consent to medical

treatment of that person, including that person's parent or legal guardian, consented to the circumcision, excision, or infibulation;

(2) the circumcision, excision, or infibulation is required by a custom or practice of a particular group; or

(3) the circumcision, excision, or infibulation was performed or was to be performed as part of or in connection with a religious or other ritual.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2017.