

By: Nelson, et al.  
(Burkett)

S.B. No. 323

A BILL TO BE ENTITLED

AN ACT

relating to the offense of female genital mutilation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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

(a) 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;

(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) It is not a defense to prosecution under this section 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

1 circumcision, excision, or infibulation;

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

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

7 SECTION 2. The change in law made by this Act applies only  
8 to an offense committed on or after the effective date of this Act.  
9 An offense committed before the effective date of this Act is  
10 governed by the law in effect on the date the offense was committed,  
11 and the former law is continued in effect for that purpose. For  
12 purposes of this section, an offense was committed before the  
13 effective date of this Act if any element of the offense occurred  
14 before that date.

15 SECTION 3. This Act takes effect September 1, 2017.