

By: Nelson, et al.

S.B. No. 323

A BILL TO BE ENTITLED

AN ACT

1
2 Relating to prohibiting female genital mutilation; imposing a
3 penalty.

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

5 SECTION 1. Section 167.001, Texas Health and Safety Code,
6 is amended to read as follows:

7 SECTION 167.001. FEMALE GENITAL MUTILATION PROHIBITED.

8 (a) A person commits an offense if the person knowingly
9 circumcises, excises, or infibulates any part of the labia majora
10 or labia minora or clitoris or another person who is younger than 18
11 years of age or knowingly transports or permits the transport from
12 or within Texas a person for the purpose of performing such acts.

13 (b) An offense under this section is a state jail felony.

14 (c) It is a defense to the prosecution under Subsection (a)
15 that:

16 (1) the person performing the act is a physician or
17 other licensed health care professional and the act is within the
18 scope of the person's license; and

19 (2) the act is performed for medical purposes.

20 (d) It is not a defense to prosecution that the conduct
21 described under subsection (a) that:

22 (1) it is required as a matter of custom, ritual, or
23 religious practice; or

24 (2) that the victim, or such victim's parent, legal

1 guardian, caretaker, or person who is in a position of familial or
2 custodial authority consented to the procedure.

3 SECTION 2. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2017.