

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1658 Session of 2013

INTRODUCED BY MURT, BENNINGHOFF, B. BOYLE, V. BROWN, BROWNLEE, CALTAGIRONE, COHEN, DAVIS, FREEMAN, GILLEN, GINGRICH, GODSHALL, GROVE, HAGGERTY, HARKINS, HEFFLEY, HESS, KAUFFMAN, KOTIK, MILLARD, MILNE, MULLERY, MUNDY, O'BRIEN, PARKER, PICKETT, QUINN, ROCK, ROZZI, SCHLOSSBERG, SWANGER, TALLMAN, TOOHL, WATSON AND YOUNGBLOOD, AUGUST 26, 2013

REFERRED TO COMMITTEE ON JUDICIARY, AUGUST 26, 2013

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, prohibiting mutilation of female  
3 genitalia.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Title 18 of the Pennsylvania Consolidated  
7 Statutes is amended by adding a section to read:

8 § 3131. Female mutilation.

9 (a) Offense defined.--A person commits the offense of female  
10 mutilation if:

11 (1) the person knowingly circumcises, excises or  
12 infibulates the whole or any part of the genitalia of a  
13 minor;

14 (2) the person is a parent of a minor and the parent  
15 knowingly consents or permits the circumcision, excision or  
16 infibulation of the whole or any part of the minor's

1 genitalia; or

2 (3) the person knowingly removes or permits the removal  
3 of a minor from this Commonwealth for the purpose of  
4 circumcising, excising or infibulating, in whole or in part,  
5 the genitalia of the minor.

6 (b) Grading.--Female mutilation is a felony of the first  
7 degree.

8 (c) Exception.--The provisions of subsection (a) shall not  
9 apply if the circumcision, excision or infibulation is:

10 (1) necessary to the health of the minor on whom it is  
11 performed and either is performed by a physician or is  
12 performed in the presence of a physician by a person in  
13 training to become a physician in accordance with the act of  
14 October 5, 1978 (P.L.1109, No.261), known as the Osteopathic  
15 Medical Practice Act, or the act of December 20, 1985  
16 (P.L.457, No.112), known as the Medical Practice Act of 1985;  
17 or

18 (2) performed on a minor in labor or who has just given  
19 birth and is performed for medical reasons connected with  
20 that labor or birth by a physician or in the presence of a  
21 physician by a person in training to become a physician in  
22 accordance with the Osteopathic Medical Practice Act or the  
23 Medical Practice Act of 1985.

24 (d) Custom or consent not a defense.--It shall not be a  
25 defense to a prosecution under this section that:

26 (1) the actor believed that the procedure was necessary  
27 or appropriate as a matter of custom, ritual or standard  
28 practice; or

29 (2) the minor upon whom the circumcision, excision or  
30 infibulation was performed consented to the procedure or that

1     the minor's parent consented to the procedure.

2     (e) Definitions.--As used in this section, the following  
3     words and phrases shall have the meanings given to them in this  
4     subsection unless the context clearly indicates otherwise:

5     "Minor." A natural person who is a female under 18 years of  
6     age.

7     "Parent." The term includes a natural parent, stepparent,  
8     adoptive parent, guardian or custodian of the minor.

9     Section 2. This act shall take effect in 60 days.