

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in sexual offenses, providing for the
3 offense of female mutilation.

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 § 3132. 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
17 genitalia; or

18 (3) the person knowingly removes or permits the removal

1 of a minor from this Commonwealth for the purpose of
2 circumcising, excising or infibulating, in whole or in part,
3 the genitalia of the minor.

4 (b) Grading.--Female mutilation is a felony of the first
5 degree.

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

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

14 (P.L.457, No.112), known as the Medical Practice Act of 1985;

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

21 (3) performed for reassignment of the minor's gender
22 with the consent of the minor and a parent or legal guardian
23 of the minor.

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.