

CRIMES CODE (18 PA.C.S.) - OFFENSE OF FEMALE MUTILATION

Act of Jun. 28, 2019, P.L. 210, No. 21

Cl. 18

Session of 2019

No. 2019-21

HB 315

AN ACT

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

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

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

**§ 3132. Female mutilation.**

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

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

(2) is a parent of a minor and the parent knowingly consents or permits the circumcision, excision or infibulation of the whole or any part of the minor's genitalia; or

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

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

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

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

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

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

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

(2) the minor upon whom the circumcision, excision or infibulation was performed consented to the procedure or that the minor's parent consented to the procedure.

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

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

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

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

APPROVED--The 28th day of June, A.D. 2019.

TOM WOLF