

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

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SENATE DRS35264-LH-143 (2/27)

Short Title: Genital Mutilation/Criminal Offense. (Public)

Sponsors: Senator Berger of Franklin.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO CREATE THE CRIMINAL OFFENSE OF FEMALE GENITAL  
MUTILATION.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 8 of Chapter 14 of the General Statutes is amended by  
adding a new section to read:

**"§ 14-28.1. Female genital mutilation.**

(a) Any person who does any of the following is guilty of the offense of female  
genital mutilation:

(1) Knowingly circumcises, excises, or infibulates, in whole or in part, the  
labia majora, labia minora, or clitoris of a female under 18 years of  
age.

(2) If the person is a parent, guardian, or has immediate custody or control  
of a female under 18 years of age and knowingly consents to or  
permits the circumcision, excision, or infibulation, in whole or in part,  
of the labia majora, labia minora, or clitoris of the female.

(3) Knowingly removes or causes or permits the removal of a female  
under 18 years of age from this State for the purpose of circumcising,  
excising, or infibulating, in whole or in part, the labia majora, labia  
minora, or clitoris of such female.

(b) A person convicted of an offense under this section is guilty of a Class C  
felony.

(c) This section does not apply to procedures performed by or under the direction  
of a physician, physician assistant, nurse practitioner, registered nurse, practical nurse,  
or midwife licensed to practice pursuant to Chapter 90 of the General Statutes when  
necessary to preserve the physical health of the female. This section shall not apply to

1 any autopsy that is conducted in accordance with Article 16 of Chapter 130A of the  
2 General Statutes.

3 (d) Consent of the female under 18 years of age or the parent, guardian, or  
4 custodian of the female under 18 years of age shall not be a defense to the offense of  
5 female genital mutilation. Religion, ritual, custom, or standard practice shall not be a  
6 defense to the offense of female genital mutilation.

7 (e) The statutory privileges provided by Chapter 8 and Chapter 8C of the General  
8 Statutes shall not apply to proceedings in which one of the parties to the privilege is  
9 charged with a crime against a female under 18 years of age, but such person shall be  
10 compellable to give evidence only on the specific act for which the defendant is  
11 charged."

12 **SECTION 2.** This act becomes effective December 1, 2007, and applies to  
13 offenses committed on or after that date.