

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 989

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

Sponsors: Senators Berger of Franklin; Cowell, Kinnaird, and Snow.

Referred to: Judiciary II (Criminal).

March 20, 2007

1 A BILL TO BE ENTITLED
2 AN ACT TO CREATE THE CRIMINAL OFFENSE OF FEMALE GENITAL
3 MUTILATION.

4 The General Assembly of North Carolina enacts:

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

7 "**§ 14-28.1. Female genital mutilation.**

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

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

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

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

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

23 (c) This section does not apply to procedures performed by or under the direction
24 of a physician, physician assistant, nurse practitioner, registered nurse, practical nurse,
25 or midwife licensed to practice pursuant to Chapter 90 of the General Statutes when
26 necessary to preserve the physical health of the female. This section shall not apply to
27 any autopsy that is conducted in accordance with Article 16 of Chapter 130A of the
28 General Statutes.

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

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

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