

AMENDED IN ASSEMBLY MARCH 6, 1996

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 2125

Introduced by Assembly Members Figueroa and Cunneen

(Principal coauthor: Assembly Member Archie-Hudson)

(Coauthors: Assembly Members Boland, Bowen, Granlund, House, Katz, Knox, Kuehl, Willard Murray, and Vasconcellos)

(Principal coauthor: Senator Kopp)

(Coauthors: Senators Costa, Johnson, Leonard, Marks, Polanco, Solis, and Watson)

February 1, 1996

An act to add Article 8 (commencing with Section 124170) to Chapter 3 of Part 2 of Division 106 of the Health and Safety Code, and to add Section 273.4 to the Penal Code, relating to female genital mutilation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2125, as amended, Figueroa. Female genital mutilation.

(1) Existing law requires the State Department of Health Services to maintain a program of maternal and child health.

This bill would require the State Department of Health Services, *in consultation with the Department of Social Services*, to establish and implement appropriate education, preventative, and outreach activities in communities that traditionally practice female ~~circumcision, excision, or infibulation~~ genital mutilation.

(2) Under existing law, a person is guilty of mayhem who unlawfully and maliciously deprives a human being of a member of his or her body or disables, disfigures, or renders it useless, or cuts or disables specific parts of the face of a person. Under existing law, mayhem is a felony punishable by imprisonment in the state prison for 2, 4, or 8 years.

This bill would provide that a person is guilty of female genital mutilation who knowingly ~~circumcises~~, excises, *cuts*, or infibulates the ~~whole or any part of the~~ labia majora, labia minora, ~~or~~ clitoris, *or vulva* of another person under the age of 18 years, ~~or who, charged with the care or custody of a child, allows such a procedure to be performed upon her. The bill would provide that female genital mutilation is a felony~~ and shall be punished by imprisonment in the state prison *for 2, 4, or 8 years. Any parent, guardian, or other responsible person, charged with the care or custody of a child who allows the female genital mutilation of a child shall be punished by imprisonment in a county jail for not more than one year or by imprisonment in the state prison for 2, 4, or 6 years.* The bill would provide exceptions for surgical operations performed by a licensed physician and surgeon that are necessary to the health of the patient or for medical purposes connected with labor or childbirth.

By creating a new crime, this bill would impose a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known and may be cited
2 as the “California State Prohibition of Female Genital
3 Mutilation Act.”



1 SEC. 2. Article 8 (commencing with Section 124170)
2 is added to Chapter 3 of Part 2 of Division 106 of the
3 Health and Safety Code, to read:

4
5 Article 8. Female Genital Mutilation Prevention
6

7 124170. The State Department of Health Services, *in*
8 *consultation with the Department of Social Services*, shall
9 establish and implement appropriate education,
10 preventative, and outreach activities in communities that
11 traditionally practice female ~~circumcision, excision, or~~
12 ~~infibulation~~ *genital mutilation*, for the purpose of
13 informing members of those communities of the health
14 risks and emotional trauma inflicted by ~~these practices~~
15 *this practice* and informing those communities and the
16 medical community of the prohibition and ramifications
17 of Section 273.4 of the Penal Code.

18 SEC. 3. Section 273.4 is added to the Penal Code, to
19 read:

20 ~~273.4. (a) Except as provided in subdivision (b), any~~
21 ~~of the following persons is guilty of female genital~~
22 ~~mutilation:~~

23 (1) ~~Any person who knowingly circumcises, excises, or~~
24 ~~infibulates the whole or any part of the labia majora, labia~~
25 ~~minora, or clitoris of another person under the age of 18~~
26 ~~years.~~

27 (2) ~~Any parent, guardian, or other person legally~~
28 ~~responsible, charged with the care or custody of a child~~
29 ~~under the age of 18 years, who allows the circumcision,~~
30 ~~excision, or infibulation of the whole or any part of that~~
31 ~~child's labia majora, labia minora, or clitoris.~~

32 (b) ~~Female genital mutilation is a felony and shall be~~
33 ~~punished by imprisonment in the state prison.~~

34 273.4. (a) *Except as provided in subdivision (c), any*
35 *person who knowingly and intentionally excises, cuts, or*
36 *infibulates the labia majora, labia minora, clitoris, or vulva*
37 *of another person under the age of 18 years is guilty of*
38 *female genital mutilation and shall be punished by*
39 *imprisonment in the state prison for two, four, or eight*
40 *years.*



1 (b) Any parent, guardian, or other person legally
 2 responsible, charged with the care or custody of a child
 3 under the age of 18 years, who knowingly and
 4 intentionally authorizes the female genital mutilation of
 5 that child shall be punished by imprisonment in the state
 6 prison for two, four, or six years or in a county jail for not
 7 more than one year.

8 (c) Notwithstanding subdivision (a), a surgical
 9 operation is not a violation of this section if the operation
 10 is performed by a person licensed as a physician and
 11 surgeon by this state and is either of the following:

12 (1) Necessary to the health of the person on whom it
 13 is performed.

14 (2) Performed on a person in labor or who has just
 15 given birth and performed for medical purposes
 16 connected with that labor or birth.

17 (d) In applying subdivision (c), the court shall not
 18 consider the effect on the person on whom the operation
 19 is performed of any belief of that or any other person that
 20 the operation is required as a matter of custom or ritual.

21 SEC. 4. No reimbursement is required by this act
 22 pursuant to Section 6 of Article XIII B of the California
 23 Constitution because the only costs that may be incurred
 24 by a local agency or school district will be incurred
 25 because this act creates a new crime or infraction,
 26 eliminates a crime or infraction, or changes the penalty
 27 for a crime or infraction, within the meaning of Section
 28 17556 of the Government Code, or changes the definition
 29 of a crime within the meaning of Section 6 of Article
 30 XIII B of the California Constitution.

31 Notwithstanding Section 17580 of the Government
 32 Code, unless otherwise specified, the provisions of this act
 33 shall become operative on the same date that the act
 34 takes effect pursuant to the California Constitution.

