

AMENDED IN SENATE JUNE 11, 1996

AMENDED IN SENATE MAY 20, 1996

AMENDED IN ASSEMBLY MARCH 19, 1996

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 Alby, Alpert, Baldwin,
Boland, Bowen, Granlund, House, Katz, Knox, Kuehl, Lee,
Willard Murray, Napolitano, Rainey, Rogan, Sweeney,
Thompson, and Vasconcellos)**

(Principal coauthor: Senator Kopp)

**(Coauthors: Senators Costa, Johnson, Leonard, Marks,
O’Connell, 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 State Department of Social Services *and the appropriate federal agency or department*, to establish and implement appropriate education, preventative, and outreach activities, focusing on ~~certain~~ new immigrant populations that traditionally practice female 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 who intentionally performs female genital mutilation, as defined, upon another person under the age of 18 years 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.

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 State Department of Social Services
9 *and the appropriate federal agency or department*, shall
10 establish and implement appropriate education,
11 preventative, and outreach activities, focusing on the
12 new immigrant ~~populations located in San Diego and the~~
13 ~~San Francisco Bay Area~~ *populations* that traditionally
14 practice female genital mutilation, for the purpose of
15 informing members of those communities of the health
16 risks and emotional trauma inflicted by this practice and
17 informing those communities and the medical
18 community of the prohibition and ramifications of
19 Section 273.4 of the Penal Code.

20 SEC. 3. Section 273.4 is added to the Penal Code, to
21 read:

22 273.4. (a) Female genital mutilation includes the
23 excision or infibulation of the labia majora, labia minora,
24 clitoris, or vulva, performed for nonmedical purposes.
25 Any person who intentionally performs female genital
26 mutilation upon another person under the age of 18 years
27 shall be punished by imprisonment in the state prison for
28 two, four, or eight years.

29 (b) Any parent, guardian, or other person legally
30 responsible, charged with the care or custody of a child
31 under the age of 18 years, who knowingly and
32 intentionally authorizes the female genital mutilation of
33 that child shall be punished by imprisonment in the state
34 prison for two, four, or six years or in a county jail for not
35 more than one year.

36 (c) Nothing in this section shall preclude prosecution
37 under Section 203, 205, or 273a or any other provision of
38 law.

39 SEC. 4. No reimbursement is required by this act
40 pursuant to Section 6 of Article XIII B of the California

1 Constitution because the only costs that may be incurred
2 by a local agency or school district will be incurred
3 because this act creates a new crime or infraction,
4 eliminates a crime or infraction, or changes the penalty
5 for a crime or infraction, within the meaning of Section
6 17556 of the Government Code, or changes the definition
7 of a crime within the meaning of Section 6 of Article
8 XIII B of the California Constitution.

9 Notwithstanding Section 17580 of the Government
10 Code, unless otherwise specified, the provisions of this act
11 shall become operative on the same date that the act
12 takes effect pursuant to the California Constitution.

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