

21-5431. Female genital mutilation. (a) Female genital mutilation is:

- (1) Knowingly circumcising, excising, or infibulating the whole or any part of the labia majora, labia minora or clitoris of a female under 18 years of age;
- (2) removing a female under 18 years of age from this state for the purpose of circumcising, excising, or infibulating the whole or any part of the labia majora, labia minora or clitoris of such female; or
- (3) causing or permitting another to perform the conduct described in subsection (a)(1) or (a)(2) when the person causing or permitting such conduct is the parent, legal guardian or caretaker of the victim.

(b) Female genital mutilation is a severity level 3, person felony.

(c) The provisions of this section shall not apply if:

- (1) The physical health of the female under 18 years of age makes circumcising, excising or infibulating the whole or any part of her labia majora, labia minora or clitoris medically necessary pursuant to the order of a physician, and such procedure is performed by a physician; or
- (2) the female under 18 years of age is in labor or has just given birth, and such labor or birth makes circumcising, excising or infibulating the whole or any part of her labia majora, labia minora or clitoris medically necessary pursuant to the order of a physician, and such procedure is performed by a physician.

(d) It shall not be a defense that the conduct described in subsection (a):

- (1) Is required as a matter of custom, ritual or religious practice; or
- (2) that the victim, or such victim's parent, legal guardian or caretaker consented to the procedure.

(e) As used in this section:

- (1) "Caretaker" means any person that willfully assumes responsibility for the care of a female under the age of 18; and
- (2) "physician" means any person licensed by the state board of healing arts to practice medicine and surgery.

History: L. 2013, ch. 63, § 1; July 1.