

HOUSE BILL No. 2358

By Committee on Corrections and Juvenile Justice

2-13

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to female genital mutilation; amending K.S.A. 2014 Supp. 21-5431 and
3 repealing the existing section.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2014 Supp. 21-5431 is hereby amended to read as
7 follows: 21-5431. (a) Female genital mutilation is:

8 (1) Knowingly circumcising, excising, or infibulating the whole or
9 any part of the labia majora, labia minora or clitoris of a female ~~under 18~~
10 ~~years of age~~;

11 (2) removing a female ~~under 18 years of age~~ from this state for the
12 purpose of circumcising, excising, or infibulating the whole or any part of
13 the labia majora, labia minora or clitoris of such female; or

14 (3) causing or permitting another to perform the conduct described in
15 subsection (a)(1) or (a)(2) when the person causing or permitting such
16 conduct is the parent, legal guardian or caretaker of the victim.

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

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

19 (1) The physical health of the female ~~under 18 years of age~~ makes
20 circumcising, excising or infibulating the whole or any part of her labia
21 majora, labia minora or clitoris medically necessary pursuant to the order
22 of a physician, and such procedure is performed by a physician; or

23 (2) the female ~~under 18 years of age~~ is in labor or has just given birth,
24 and such labor or birth makes circumcising, excising or infibulating the
25 whole or any part of her labia majora, labia minora or clitoris medically
26 necessary pursuant to the order of a physician, and such procedure is
27 performed by a physician.

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

30 (1) Is required as a matter of custom, ritual or religious practice; or

31 (2) that the victim, or such victim's parent, legal guardian or caretaker
32 consented to the procedure.

33 (e) As used in this section:

34 (1) "Caretaker" means any person that willfully assumes
35 responsibility for the care of a female ~~under the age of 18~~; and

36 (2) "physician" means any person licensed by the state board of

1 healing arts to practice medicine and surgery.

2 Sec. 2. K.S.A. 2014 Supp. 21-5431 is hereby repealed.

3 Sec. 3. This act shall take effect and be in force from and after its

4 publication in the statute book.