

**Department of Legislative Services**  
Maryland General Assembly  
2018 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

House Bill 661 (Delegate Miele, *et al.*)  
Health and Government Operations and  
Judiciary

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**Crimes - Female Genital Mutilation - Penalties**

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This bill increases the penalties for female genital mutilation from imprisonment for up to 5 years and/or a \$5,000 maximum fine to imprisonment for up to 20 years and/or a \$10,000 maximum fine. The bill applies prospectively to offenses committed on or after the bill's October 1, 2018 effective date.

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**Fiscal Summary**

**State Effect:** The bill is not expected to materially affect State finances.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** With the exception of a medically necessary surgical procedure performed by a licensed medical practitioner, a person may not knowingly perform female genital mutilation. A person who is guilty of female genital mutilation, including a parent or guardian who knowingly consents to female genital mutilation, is guilty of a felony and on conviction is subject to imprisonment for up to five years and/or a maximum fine of \$5,000. In determining whether an operation is medically necessary, the necessity of the operation as a custom or ritual may not be taken into account.

**Background:** In July 2017, Michigan Governor Rick Snyder signed into law legislation making female genital mutilation a felony, punishable by imprisonment for up to 15 years.

The laws apply to doctors who perform the procedure and parents who transport a child to undergo the procedure. The legislation was motivated in part by the federal indictment of a Detroit-area doctor accused of performing the procedure on two girls from Minnesota. Another doctor and his wife, who ran the clinic, have also been charged in the case. According to news reports, the case is the first female genital mutilation case brought under federal law. Federal law has banned the practice since 1996, and imposes a penalty of imprisonment for up to 5 years and/or a maximum fine of \$250,000. Legislation to increase the federal incarceration penalty to imprisonment for up to 15 years was introduced in the U.S. House of Representatives in December 2017.

The Division of Corrections advises that it did not conduct intake on any individuals sentenced for female genital mutilation during fiscal 2017. The Division of Parole and Probation did not conduct any intakes on individuals sentenced to probation for this offense during fiscal 2017. The Maryland State Commission on Criminal Sentencing Policy (MSCCSP) advises that according to the Maryland Sentencing Guidelines Database, MSCCSP did not receive information for any individuals sentenced in the State's circuit courts for female genital mutilation during fiscal 2017.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Harford and Montgomery counties; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Department of Health; Department of Public Safety and Correctional Services; National Public Radio; Reuters; CNN; *The Washington Post*; Department of Legislative Services

**Fiscal Note History:** First Reader - February 18, 2018  
nb/kdm

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