

HOUSE BILL 661

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8lr2114

By: **Delegates Miele, Afzali, Angel, Carozza, Cluster, McComas, McMillan, Morgan, Rey, Reznik, Rose, West, and K. Young**
Introduced and read first time: January 29, 2018
Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes – Female Genital Mutilation – Penalties**

3 FOR the purpose of altering the penalties for female genital mutilation; providing for the
4 prospective application of this Act; and generally relating to female genital
5 mutilation.

6 BY repealing and reenacting, without amendments,
7 Article – Health – General
8 Section 20–601 and 20–602
9 Annotated Code of Maryland
10 (2015 Replacement Volume and 2017 Supplement)

11 BY repealing and reenacting, with amendments,
12 Article – Health – General
13 Section 20–603
14 Annotated Code of Maryland
15 (2015 Replacement Volume and 2017 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
17 That the Laws of Maryland read as follows:

18 **Article – Health – General**

19 20–601.

20 (a) Except as provided in § 20–602 of this subtitle, a person who knowingly
21 circumcises, excises, or infibulates the whole or any part of the labia majora or labia minora
22 or clitoris of an individual who is under the age of 18 years is guilty of female genital
23 mutilation.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) Except as provided in § 20–602 of this subtitle, a parent, guardian, or other
2 individual is guilty of female genital mutilation if the individual:

3 (1) Is legally responsible and charged with the care or custody of a child
4 under the age of 18 years; and

5 (2) Knowingly consents to the circumcision, excision, or infibulation of the
6 whole or any part of the labia majora or labia minora or clitoris of the child.

7 20–602.

8 (a) A surgical operation is not a violation of this subtitle if the operation is
9 necessary to the health of the individual on whom it is performed and is performed by a
10 person licensed in the State as a medical practitioner.

11 (b) In determining whether an operation is necessary to the health of the
12 individual, no account may be taken of the belief on the part of any individual that the
13 operation is required as a matter of custom or ritual.

14 20–603.

15 A person who violates the provisions of this subtitle is guilty of a felony and on
16 conviction is subject to imprisonment not exceeding [5] 20 years or a fine not exceeding
17 [\$5,000] \$10,000 or both.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
19 apply only prospectively and may not be applied or interpreted to have any effect on or
20 application to any offense committed before the effective date of this Act.

21 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2018.