

HOUSE BILL NO. HB0127

Prohibition of female genital mutilation.

Sponsored by: Representative(s) Laursen, Connolly,
Hallinan, Loucks, Styvar and Tass and
Senator(s) Biteman and Ellis

A BILL

for

1 AN ACT relating to crimes and offenses; specifying that
2 aggravated assault and battery includes female genital
3 mutilation; modifying penalties; providing for a civil
4 action to recover damages for female genital mutilation;
5 providing a definition; requiring development of a training
6 program; prohibiting professional licensure of health care
7 professionals convicted of performing female genital
8 mutilation; specifying female genital mutilation is cause
9 for mandatory child abuse reporting; specifying conviction
10 for female genital mutilation requires inclusion of
11 convictions in the child abuse registry; and providing for
12 an effective date.

13

14 *Be It Enacted by the Legislature of the State of Wyoming:*

15

1 **Section 1.** W.S. 1-1-139 and 35-25-401 are created to
2 read:

3
4 **1-1-139. Civil liability for female genital**
5 **mutilation.**

6
7 (a) A person who is the victim of female genital
8 mutilation as defined by W.S. 6-1-104(a)(xvii) may maintain
9 a civil action against an individual who engages in conduct
10 that is prohibited under W.S. 6-2-502(a)(v) for damages
11 incurred by the victim as a result of that conduct. The
12 victim may also be awarded exemplary damages, reasonable
13 attorney's fees, costs of the action and any other
14 appropriate relief. A victim of female genital mutilation
15 may bring a civil action under this section at any time
16 within ten (10) years of:

17

18 (i) The procedure being performed; or

19

20 (ii) The victim's eighteenth birthday.

21

22 (b) A civil action may be maintained under this
23 section whether or not the individual who is alleged to

1 have engaged in conduct prohibited under W.S. 6-2-502(a)(v)
2 has been charged or convicted under W.S. 6-2-502(a)(v) for
3 the alleged crime.

4

5 (c) Neither the pendency nor the termination of a
6 civil action under this section shall prevent the criminal
7 prosecution of a person who violates W.S. 6-2-502(a)(v).

8

9

ARTICLE 4

10

COMMUNITY EDUCATION PROGRAM

11

12 **35-25-401. Female genital mutilation education**
13 **program.**

14

15 (a) The department of health, the attorney general's
16 office division of victim services or the department of
17 health and attorney general's office division of victim
18 services together shall develop a community education
19 program regarding female genital mutilation. The program
20 shall include:

21

1 (i) Education, prevention and outreach materials
2 regarding the health risks and emotional trauma inflicted
3 by the practice of female genital mutilation;

4

5 (ii) Ways to develop and disseminate information
6 regarding recognizing the risk factors associated with
7 female genital mutilation;

8

9 (iii) Training materials for law enforcement,
10 teachers and others who are mandated reporters under
11 W.S. 14-3-205(a), encompassing:

12

13 (A) Risk factors associated with female
14 genital mutilation;

15

16 (B) Signs that an individual may be a
17 victim of female genital mutilation;

18

19 (C) Best practices for responses to victims
20 of female genital mutilation; and

21

1 (D) The criminal penalties associated with
2 the facilitation or commission of female genital
3 mutilation.

4
5 (b) Law enforcement, teachers and others who are
6 mandated reporters under W.S. 14-3-205(a) shall incorporate
7 the training under this section into their professional
8 development programs and shall provide the training to
9 employees and volunteers. To assist state and local
10 entities in disseminating the education program under this
11 section, the department of health, the attorney general's
12 office division of victim services or the department of
13 health and attorney general's office division of victim
14 services together shall provide necessary training programs
15 and technical assistance as requested.

16
17 **Section 2.** W.S. 6-1-104(a) by creating a new
18 paragraph (xvii) and by renumbering (xvii) as (xviii),
19 6-2-502(a)(intro), (iii), by creating a new paragraph (v),
20 (b) and by creating a new subsection (c), 14-3-205(a),
21 14-3-213 by creating a new subsection (g) and 33-1-304(b)
22 are amended to read:

23

1 **6-1-104. Definitions.**

2

3 (a) As used in this act, unless otherwise defined:

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5 (xvii) "Female genital mutilation" includes the
6 partial or total removal of the clitoris, prepuce, labia
7 minora, with or without excision of the labia majora, the
8 narrowing of the vaginal opening such as through the
9 creation of a covering seal formed by cutting and
10 repositioning the inner or outer labia, with or without
11 removal of the clitoris, any harmful procedure to the
12 genitalia, including pricking, piercing, incising, scraping
13 or cauterizing or any other actions intended to alter the
14 structure or function of the female genitalia for
15 nonmedical reasons. "Female genital mutilation" does not
16 include:

17

18 (A) A procedure performed by a licensed
19 health care provider that is medically necessary due to a
20 medically recognized condition or medically advisable or
21 necessary to preserve or protect the physical health of the
22 person on whom it is performed;

23

1 (B) Sex reassignment surgery if the person
2 on whom it is performed is over eighteen (18) years of age
3 and requests and consents to the procedure;

4
5 (C) Body-art procedures or piercing if the
6 person on whom it is performed is over eighteen (18) years
7 of age and requests and consents to the procedure.

8
9 ~~(xvii)~~(xviii) "This act" means title 6 of the
10 Wyoming statutes.

11
12 **6-2-502. Aggravated assault and battery; female**
13 **genital mutilation; penalty.**

14
15 (a) A person is guilty of aggravated assault and
16 battery if he engages in any of the following:

17
18 (iii) Threatens to use a drawn deadly weapon on
19 another unless reasonably necessary in defense of his
20 person, property or abode or to prevent serious bodily
21 injury to another;~~or~~

22

1 (v) Intentionally, knowingly or recklessly
2 causes female genital mutilation to be performed.

3
4 (b) Aggravated assault and battery is a felony
5 punishable by imprisonment:

6
7 (i) For not more than ten (10) years- for
8 violations of paragraphs (a)(i) through (iv) of this
9 section;

10
11 (ii) For not less than five (5) years and not
12 more than twenty-five (25) years for violations of
13 paragraph (a)(v) of this section.

14
15 (c) It is not a defense in a prosecution under
16 paragraph (a)(v) of this section that a female under
17 eighteen (18) years of age or the parent, guardian or
18 custodian of the female under eighteen (18) years of age
19 consented to the female genital mutilation. Religion,
20 ritual, custom or standard practice shall not be a defense
21 to the offense of female genital mutilation.

22

1 **14-3-205. Child abuse or neglect; persons required to**
2 **report.**

3
4 (a) Any person who knows or has reasonable cause to
5 believe or suspect that a child has been abused or
6 neglected or who observes any child being subjected to
7 conditions or circumstances that would reasonably result in
8 abuse or neglect, shall immediately report it to the child
9 protective agency or local law enforcement agency or cause
10 a report to be made. The fact a child, who is at least
11 sixteen (16) years of age, is homeless as defined in W.S.
12 14-1-102(d) shall not, in and of itself, constitute a
13 sufficient basis for reporting neglect. Female genital
14 mutilation under W.S. 6-2-502(a)(v) when the victim is a
15 minor shall be considered child abuse for mandatory
16 reporting under this section.

17
18 **14-3-213. Central registry of child protection cases;**
19 **establishment; operation; amendment, expungement or removal**
20 **of records; classification and expungement of reports;**
21 **statement of person accused.**

22

1 (g) Conviction of a person under W.S. 6-2-502(a)(v)
2 when the victim is a minor shall be included as a
3 substantiated report of child abuse in the central registry
4 under this section.

5
6 **33-1-304. Considering criminal convictions.**

7
8 (b) A board or commission licensing, certifying or
9 registering a person to practice or perform a profession or
10 occupation that heals or treats humans:

11
12 (i) May always determine that a crime of
13 violence or sexual misconduct is relevant to the ability to
14 practice the profession or occupation, but in making a
15 licensing, certification or registration decision may
16 consider the circumstances of the offense:

17
18 (ii) Shall refuse to issue or shall permanently
19 revoke a license of any person convicted under W.S.
20 6-2-502(a)(v).

21
22 **Section 3.** The department of health, the attorney
23 general's office division of victim services or the

1 department of health and attorney general's office division
2 of victim services together shall develop the training
3 program required in section 1 of this act not later than
4 December 31, 2020.

5

6 **Section 4.** This act is effective immediately upon
7 completion of all acts necessary for a bill to become law
8 as provided by Article 4, Section 8 of the Wyoming
9 Constitution.

10

11

(END)