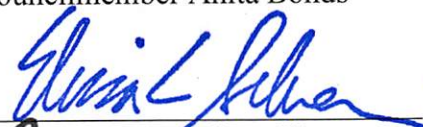


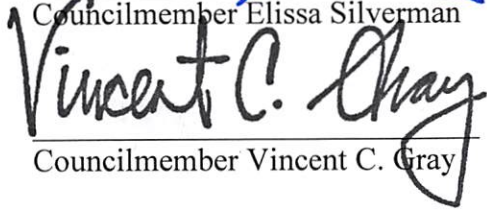
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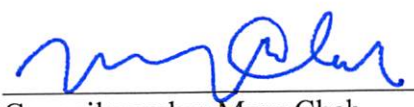
Councilmember Anita Bonds



Councilmember Elissa Silverman



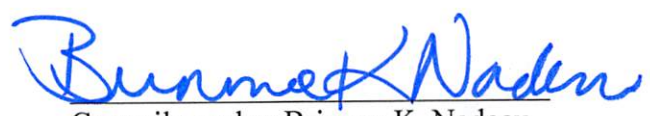
Councilmember Vincent C. Gray



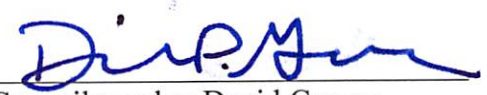
Councilmember Mary Cheh



Councilmember Charles Allen



Councilmember Brianne K. Nadeau



Councilmember David Grosso

A BILL

\_\_\_\_\_

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

\_\_\_\_\_

To prohibit female genital mutilation of a person under care, to expand mandated reporter reporting requirements to include female genital mutilation, and to provide for a civil action for female genital mutilation.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Female Genital Mutilation Prohibition Act of 2019".

TITLE I. PROHIBITION ON FEMALE GENITAL MUTILATION.

Sec. 101. Definitions.

For the purposes of this title, the term:

- (1) "Conservator" shall have the same meaning as provided in D.C. Official Code § 21-2401.02(2).

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38 (2) "Female genital mutilation" means any procedure that results in the partial or  
39 total removal of the external female genitalia or any procedure harmful to the female genitalia,  
40 including:

41 (A) A clitoridectomy;

42 (B) The partial or total removal of the clitoris or the prepuce;

43 (C) The excision or the partial or total removal of the clitoris and the labia  
44 minora, with or without excision of the labia majora;

45 (D) The infibulation or narrowing of the vaginal orifice with the creation  
46 of a covering seal by cutting and appositioning the labia minora or the labia majora, with or  
47 without excision of the clitoris;

48 (E) Pricking, piercing, incising, scraping, or cauterizing the genital area; or

49 (F) Any other action to purposely alter the structure or function of the  
50 female genitalia for a nonmedical reason.

51 (3) "Guardian" shall have the same meaning as provided in D.C. Official Code §  
52 21-2401.02(3).

53 (4) "Person under care" means an individual under a conservatorship or  
54 guardianship.

55 Sec. 102. Prohibition on female genital mutilation.

56 (a) A person commits the offense of unlawful female genital mutilation if her or she:

57 (1) Knowingly performs female genital mutilation on a person under care;

58 (2) Is a parent or guardian, or has immediate custody or control of a person under  
59 care and knowingly consents to, permits, or otherwise facilitates female genital mutilation of the  
60 person under care; or

61 (3) Knowingly removes or facilitates the removal of a person under care from the  
62 District for the purpose of facilitating the female genital mutilation of the person under care.

63 (b) Any person who violates this section shall be guilty of a felony and shall be punished  
64 by imprisonment for not more than 10 years or a fine of not more than the amount set forth in §  
65 22-3571.01, or both.

66 (c) It is not a defense under this section that:

67 (1) The unlawful conduct is required as a matter of religion, custom, ritual, or  
68 other standard practice; or

69 (2) The person under care's parent, guardian, or custodian consented to the female  
70 genital mutilation.

71 (d) It shall not be a violation of this section if the acts or conduct that otherwise would be  
72 considered female genital mutilation occurred in the furtherance of a surgical or other lawful  
73 medical procedure, performed by a licensed medical professional, and:

74 (1) The acts or conduct were necessary to preserve or protect the physical health  
75 of the patient upon whom the medical procedure was being performed; or

76 (2) Was part of a sex reassignment procedure requested by the person under care  
77 on whom the surgery is to be performed.

78 (e) The statute of limitations for an offense under this section shall not begin to toll until  
79 the victim of the offense reaches 18 years of age.

80 Sec. 103. Civil action.

81 (a) A person under care may bring a civil action against a person for a violation of section  
82 102.

83 (b)(1) If a court determines that an individual violated section 102, the court may award  
84 the payment of actual, compensatory, and punitive damages, and any other appropriate relief.

85 (2) A prevailing plaintiff shall be awarded attorney's fees and costs.

86 Sec. 104. Education for community members and mandated reporters.

87 (a) The Director of the Department of Health shall develop a community education  
88 program regarding female genital mutilation, to include informational materials on:

89 (1) The health risks caused by female genital mutilation, including the emotional  
90 trauma inflicted;

91 (2) Recognizing the signs that an individual may be a victim of female genital  
92 mutilation, or at risk of female genital mutilation; and

93 (3) How to report that an individual has been or is in imminent danger of being  
94 subjected to female genital mutilation.

95 (b) The Director of the Department of Health, in coordination with other, relevant District  
96 agencies, shall develop trainings and informational materials, or integrate information into  
97 existing trainings or informational materials, on mandated reporters' obligation to report that a  
98 person under care known to him or her in his or her professional or official capacity has been  
99 subjected to, or is in imminent danger of being subjected to, female genital mutilation.

100 TITLE II. CONFORMING AMENDMENTS.

101 Sec. 201. Section 16-2301(9)(A) of the District of Columbia Official Code is amended as  
102 follows:

103 (a) Sub-subparagraph (ix) is amended by striking the phrase “; or” and inserting a  
104 semicolon in its place.

105 (b) Sub-subparagraph (x) is amended by striking the period and inserting the phrase “; or”  
106 in its place.

107 (c) A new sub-subparagraph (xi) is added to read as follows:

108 “(xi) who has been subjected to, or is in imminent danger of being  
109 subjected to, female genital mutilation pursuant to Title I of the Female Genital Mutilation  
110 Prohibition Act of 2019, as introduced on DATE, 2019 (Bill 23-XXX).”.

111 TITLE III. FISCAL IMPACT STATEMENT; EFFECTIVE DATE.

112 Sec. 301. Fiscal impact statement.

113 The Council adopts the fiscal impact statement in the committee report as the fiscal  
114 impact statement required by section 4a of the General Legislative Procedures Act of 1975,  
115 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

116 Sec. 302. Effective date.

117 This act shall take effect following approval by the Mayor (or in the event of veto by the  
118 Mayor, action by the Council to override the veto), a 30-day period of congressional review as  
119 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
120 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
121 Columbia Register.