

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

SENATE BILL 318

5 By: Senators B. Davis, T. Garner, B. Ballinger, A. Clark, J. English, Flippo, K. Hammer, Hester, Irvin, B.
6 Johnson, Rice, G. Stubblefield, J. Sturch, D. Wallace
7 By: Representatives Lundstrum, C. Fite, B. Smith, G. Hodges, McCollum, Pilkington, C. Cooper, Cloud,
8 Bentley, Speaks, Cavanaugh, Richmond, Jean, Barker, Petty, Eaves, Jett, Brown, McKenzie, Penzo, J.
9 Mayberry, Dotson

For An Act To Be Entitled

10
11 AN ACT TO PROHIBIT UNLAWFUL FEMALE GENITAL MUTILATION
12 OF A MINOR; TO PROVIDE FOR A CIVIL CAUSE OF ACTION;
13 TO CREATE AWARENESS PROGRAMS CONCERNING AND
14 STATISTICAL TRACKING OF UNLAWFUL FEMALE GENITAL
15 MUTILATION; AND FOR OTHER PURPOSES.
16

Subtitle

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19 TO PROHIBIT UNLAWFUL FEMALE GENITAL
20 MUTILATION OF A MINOR; TO PROVIDE FOR A
21 CIVIL CAUSE OF ACTION; AND TO CREATE
22 AWARENESS PROGRAMS CONCERNING AND
23 STATISTICAL TRACKING OF UNLAWFUL FEMALE
24 GENITAL MUTILATION.
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28 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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30 SECTION 1. Arkansas Code Title 5, Chapter 14, Subchapter 1, is amended
31 to add an additional section to read as follows:

32 5-14-135. Unlawful female genital mutilation of a minor.

33 (a) As used in this section, "female genital mutilation" means a
34 procedure that involves the partial or total removal of the external female
35 genitalia or any procedure harmful to the female genitalia, including without
36 limitation:



1 not begin to run until the victim of the offense reaches eighteen (18) years
2 of age or when the violation of this section is first reported to a law
3 enforcement agency, whichever occurs first.

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5 SECTION 2. Arkansas Code Title 12, Chapter 18, Subchapter 3, is
6 amended to add an additional section to read as follows:

7 12-18-311. Reports of female genital mutilation.

8 (a) As used in this section, "female genital mutilation" means the
9 same as defined in § 5-14-135.

10 (b) The Child Abuse Hotline shall accept a report by a mandated
11 reporter of female genital mutilation to a child.

12 (c) A mandated reporter who has reasonable cause to believe that a
13 child is a victim of female genital mutilation or is at substantial risk of
14 becoming a victim of female genital mutilation shall immediately notify the
15 Child Abuse Hotline.

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17 SECTION 3. Arkansas Code Title 16, Chapter 118, is amended to add an
18 additional section to read as follows:

19 16-118-116. Civil actions for unlawful female genital mutilation.

20 (a) A person who knowingly commits or attempts to commit unlawful
21 female genital mutilation of a minor as described in § 5-14-135 is liable to
22 the victim of the unlawful female genital mutilation.

23 (b) A person who knowingly directs or assists another person to
24 violate or attempt to violate § 5-14-135 is jointly liable under this
25 section.

26 (c) A court may award to a prevailing party in an action brought under
27 this section one (1) or more of the following remedies:

28 (1) Compensatory damages, including treble damages if the
29 defendant is shown to have acted willfully and maliciously;

30 (2) Punitive damages;

31 (3) Costs and fees, including reasonable attorney's fees; or

32 (4) Any other appropriate relief as provided by law.

33 (d) A cause of action under this section may be brought by a victim of
34 an unlawful female genital mutilation, or her estate, at any point before the
35 victim reaches or would have reached twenty-eight (28) years of age.

36 (e) The burden of proof under a cause of action under this section is

1 preponderance of the evidence.

2 (f) The doctrine of forum non conveniens does not apply to a claim
3 arising under this section.

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5 SECTION 4. Arkansas Code Title 17, Chapter 80, Subchapter 1, is
6 amended to add an additional section to read as follows:

7 17-80-121. Unlawful female genital mutilation by a medical
8 professional.

9 (a) A state agency, board, or commission authorized to issue a license
10 to a medical professional under the laws of this state shall institute
11 disciplinary action against a licensed medical professional over whom the
12 state agency, board, or commission has jurisdiction and who is convicted of
13 unlawful female genital mutilation of a minor, § 5-14-135.

14 (b) The state agency, board, or commission instituting a disciplinary
15 action as described in this section may take any measure authorized to
16 discipline the licensed medical professional, including the revocation of any
17 license.

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19 SECTION 5. Arkansas Code Title 20, Chapter 82, is amended to add an
20 additional subchapter to read as follows:

21

22 Subchapter 3 – Unlawful Female Genital Mutilation of a Minor

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24 20-82-101. Awareness program established.

25 The Department of Human Services shall:

26 (1) Develop and administer a program of community education,
27 prevention, and outreach activities to address the health risks and emotional
28 trauma inflicted by the practice of unlawful female genital mutilation and to
29 inform communities of the criminal penalties for committing unlawful female
30 genital mutilation;

31 (2) Develop and disseminate information regarding unlawful
32 female genital mutilation, recognizing the risk factors associated with
33 unlawful female genital mutilation, and the signs that a person may be a
34 victim of unlawful female genital mutilation, and the criminal penalties for
35 committing unlawful female genital mutilation to teachers, and law
36 enforcement personnel, and ensuring their awareness and compliance with the

1 provisions of this section;

2 (3) Develop policies and procedures to promote partnerships
3 between departments, agencies, and political subdivisions, including without
4 limitation the Department of Health and Department of Education, and other
5 governmental entities and nongovernmental organizations to prevent unlawful
6 female genital mutilation and to protect and provide assistance to victims of
7 unlawful female genital mutilation;

8 (4) Outline best practices for responses to victims of unlawful
9 female genital mutilation; and

10 (5) Develop policies and procedures for the training of
11 providers of health services:

12 (A) Regarding best practices for responses to victims of
13 unlawful female genital mutilation; and

14 (B) To recognize:

15 (i) The risk factors associated with unlawful female
16 genital mutilation;

17 (ii) The signs that an individual may be a victim of
18 unlawful female genital mutilation; and

19 (iii) The criminal penalties for committing unlawful
20 female genital mutilation.

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22 20-82-102. Statistics required.

23 (a) Healthcare practitioners of each county shall keep annual
24 statistics and report to the Department of Human Services cases of unlawful
25 female genital mutilation.

26 (b) The department shall thereafter compile an annual report of the
27 incidents reported, which will be published with no personal identifying
28 information.

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