
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 413 Session of
2017

INTRODUCED BY MURT, BULLOCK, BAKER, BARRAR, BENNINGHOFF,
D. COSTA, COX, DONATUCCI, DRISCOLL, FRANKEL, GABLER,
GALLOWAY, J. HARRIS, HEFFLEY, HILL-EVANS, IRVIN, JAMES,
KAUFFMAN, KINSEY, McCLINTON, MILLARD, O'BRIEN, READSHAW,
SAYLOR, SCHWEYER AND WATSON, FEBRUARY 8, 2017

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 8, 2017

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in sexual offenses, providing for the
3 offense of female mutilation.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 18 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 3132. Female mutilation.

9 (a) Offense defined.--A person commits the offense of female
10 mutilation if:

11 (1) the person knowingly circumcises, excises or
12 infibulates the whole or any part of the genitalia of a
13 minor;

14 (2) the person is a parent of a minor and the parent
15 knowingly consents or permits the circumcision, excision or
16 infibulation of the whole or any part of the minor's
17 genitalia; or

1 (3) the person knowingly removes or permits the removal
2 of a minor from this Commonwealth for the purpose of
3 circumcising, excising or infibulating, in whole or in part,
4 the genitalia of the minor.

5 (b) Grading.--Female mutilation is a felony of the first
6 degree.

7 (c) Exception.--The provisions of subsection (a) shall not
8 apply if the circumcision, excision or infibulation is:

9 (1) necessary to the health of the minor on whom it is
10 performed and either is performed by a physician or is
11 performed in the presence of a physician by a person in
12 training to become a physician in accordance with the act of
13 October 5, 1978 (P.L.1109, No.261), known as the Osteopathic
14 Medical Practice Act, or the act of December 20, 1985
15 (P.L.457, No.112), known as the Medical Practice Act of 1985;
16 or

17 (2) performed on a minor in labor or who has just given
18 birth and is performed for medical reasons connected with
19 that labor or birth by a physician or in the presence of a
20 physician by a person in training to become a physician in
21 accordance with the Osteopathic Medical Practice Act or the
22 Medical Practice Act of 1985.

23 (d) Custom or consent not a defense.--It shall not be a
24 defense to a prosecution under this section that:

25 (1) the actor believed that the procedure was necessary
26 or appropriate as a matter of custom, ritual or standard
27 practice; or

28 (2) the minor upon whom the circumcision, excision or
29 infibulation was performed consented to the procedure or that
30 the minor's parent consented to the procedure.

1 (e) Definitions.--As used in this section, the following
2 words and phrases shall have the meanings given to them in this
3 subsection unless the context clearly indicates otherwise:

4 "Minor." A natural person who is a female under 18 years of
5 age.

6 "Parent." The term includes a natural parent, stepparent,
7 adoptive parent, guardian or custodian of the minor.

8 Section 2. This act shall take effect in 60 days.