

MAINE STATE LEGISLATURE

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L.D. 745

Date: 6/12/17 Report A

(Filing No. H-483)

CRIMINAL JUSTICE AND PUBLIC SAFETY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 525, L.D. 745, Bill, "An Act To Prohibit Female Genital Mutilation"

Amend the bill in section 1 in §214 in subsection 1 in paragraph A in the last line (page 1, line 7 in L.D.) by striking out the following: "B" and inserting the following: 'A'

Amend the bill in section 1 in §214 in subsection 1 by striking out all of paragraph B (page 1, lines 8 to 12 in L.D.) and inserting the following:

'B. The person, being a parent, guardian or person who has immediate custody of a female person under 18 years of age, consents to or permits for nonmedical purposes the circumcision, excision, mutilation or infibulation, in whole or in part, of the labia majora, labia minora or clitoris of the female person under 18 years of age.

(1) Except as provided in subparagraph (2), a violation of this paragraph is a Class C crime;

(2) A violation of this paragraph is a Class B crime if, at the time of the offense, the person has one or more prior convictions for a violation of this paragraph; or'

Amend the bill in section 1 in §214 by striking out all of subsection 4 (page 1, lines 24 to 27 in L.D.) and inserting the following:

'4. It is a defense to a violation of subsection 1 that:

A. The circumcision, excision, mutilation or infibulation was done for purposes related to the health of a female person under 18 years of age as determined to be necessary by a physician licensed pursuant to Title 32, chapter 36 or 48; or

B. When the circumcision, excision, mutilation or infibulation was consented to or permitted under subsection 1, paragraph B or C by a parent, guardian or person who had immediate custody of the female person under 18 years of age, the parent, guardian or person who had immediate custody of the female person under 18 years of age was compelled to consent to or permit the circumcision, excision, mutilation or infibulation by force or by threat of death or bodily injury to that person or another person.'

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SUMMARY

This amendment, which is the majority report of the committee, elevates from Class B to Class A the new crime of performing female genital mutilation on a female person under 18 years of age. The amendment reduces from a Class B to a Class C crime the first offense of a parent, guardian or custodian of the female person under 18 years of age in consenting to or permitting the procedure but retains as a Class B crime any subsequent offenses. The amendment provides a defense to the new crime of female genital mutilation that, when the procedure was consented to or permitted by a parent, guardian or custodian of a female person under 18 years of age, the parent, guardian or custodian was compelled to consent to or permit the procedure by force or by threat of death or bodily injury to that person or another person.