

## HOUSE BILL NO. HB0127

Prohibition of female genital mutilation.

Sponsored by: Representative(s) Laursen, Hallinan, Loucks  
and Tass

A BILL

for

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

14

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

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

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

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8           (a) A person who is the victim of female genital  
9 mutilation as defined by W.S. 6-1-104(a)(xvii) may maintain  
10 a civil action against an individual who engages in conduct  
11 that is prohibited under W.S. 6-2-502(a)(v) or  
12 6-2-703(a)(iv) for damages incurred by the victim as a  
13 result of that conduct. The victim may also be awarded  
14 exemplary damages, reasonable attorney's fees, costs of the  
15 action and any other appropriate relief. A victim of female  
16 genital mutilation may bring a civil action under this  
17 section at any time within ten (10) years of:

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19           (i) The procedure being performed; or

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21           (ii) The victim's eighteenth birthday.

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1           (b) A civil action may be maintained under this  
2 section whether or not the individual who is alleged to  
3 have engaged in conduct prohibited under W.S. 6-2-502(a)(v)  
4 or 6-2-703(a)(iv) has been charged or convicted under W.S.  
5 6-2-502(a)(v) or 6-2-703(a)(iv) for the alleged crime.

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7           (c) Neither the pendency nor the termination of a  
8 civil action under this section shall prevent the criminal  
9 prosecution of a person who violates W.S. 6-2-502(a)(v) or  
10 6-2-703(a)(iv).

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12

#### ARTICLE 4

13

#### COMMUNITY EDUCATION PROGRAM

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15           **35-25-401. Female genital mutilation education**  
16 **program.**

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18           (a) The department of health shall develop a  
19 community education program regarding female genital  
20 mutilation. The program shall include:

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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;

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

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

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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 shall provide necessary  
12 training programs and technical assistance as requested.

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14           **Section 2.** W.S. 6-1-104(a) by creating a new  
15 paragraph (xvii) and by renumbering (xvii) as (xviii),  
16 6-2-502(a)(intro), (iii), by creating a new paragraph (v)  
17 and by creating a new subsection (c), 6-2-703(a) by  
18 creating a new paragraph (iv), 14-3-205(a), 14-3-213 by  
19 creating a new subsection (g) and 33-1-304(b) are amended  
20 to read:

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22           **6-1-104. Definitions.**

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

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

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

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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;

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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.

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

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

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

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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           (c) It is not a defense in a prosecution under  
5 paragraph (a)(v) of this section that a female under  
6 eighteen (18) years of age or the parent, guardian or  
7 custodian of the female under eighteen (18) years of age  
8 consented to the female genital mutilation. Religion,  
9 ritual, custom or standard practice shall not be a defense  
10 to the offense of female genital mutilation.

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12           **6-2-703. Human trafficking in the second degree;**  
13 **penalty.**

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15           (a) A person is guilty of human trafficking in the  
16 second degree when the person recklessly recruits,  
17 transports, transfers, harbors, receives, provides,  
18 obtains, isolates, maintains or entices an individual for  
19 the purpose of:

20  
21           (iv) Causing female genital mutilation as  
22 defined in W.S. 6-1-104(a)(xvii) to be performed.

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

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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) and trafficking under  
15 W.S. 6-2-702 or 6-2-703 when the victim is a minor shall be  
16 considered forms of child abuse for mandatory reporting  
17 under this section.

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

23

1       (g) Conviction of a person under W.S. 6-2-502(a)(v),  
2 6-2-702(a)(iv) or 6-2-703(a)(iv) when the victim is a minor  
3 shall be included as a substantiated report of child abuse  
4 in the central registry under this section.

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

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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:

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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:

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

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1           **Section 3.** The department of health shall develop the  
2 training program required in section 1 of this act not  
3 later than December 31, 2020.

4

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

9

10

(END)