



Senate

General Assembly

File No. 13

February Session, 2018

Substitute Senate Bill No. 190

Senate, March 15, 2018

The Committee on Children reported through SEN. MOORE, M. of the 22nd Dist. and SEN. SUZIO of the 13th Dist., Chairpersons of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT PROHIBITING FEMALE GENITAL MUTILATION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) (a) Except as provided in
2 subsection (b) of this section, a person is guilty of performing female
3 genital mutilation when such person knowingly circumcises, excises or
4 infibulates the whole or any part of the labia majora or labia minora or
5 clitoris of a person under the age of eighteen.

6 (b) A surgical operation is not a violation of subsection (a) of this
7 section if such operation is (1) necessary to the health of the person on
8 whom it is performed, and is performed by a physician licensed
9 pursuant to chapter 370 of the general statutes; or (2) performed on a
10 person in labor or who has just given birth by a physician licensed
11 pursuant to chapter 370 of the general statutes, a nurse-midwife
12 licensed pursuant to chapter 377 of the general statutes or a person in
13 training to become such a physician or nurse-midwife. A surgical
14 operation is not necessary to the health of the person on whom it is

15 performed if the basis for such necessity is the belief of such person or
16 any other person that such operation is required as a matter of custom
17 or ritual.

18 (c) Performing female genital mutilation is a Class D felony.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section

Statement of Legislative Commissioners:

In Subsec. (b), "of the general statutes" was added for clarity.

KID Joint Favorable Subst. -LCO

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 19 \$	FY 20 \$
Correction, Dept.; Judicial Dept.	GF - Potential Cost	Minimal	Minimal
Resources of the General Fund	GF - Potential Revenue Gain	Minimal	Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill creates a new offense, prohibiting female genital mutilation, and results in a potential cost from new incarceration or probation and a potential revenue gain from criminal fines.

It is anticipated that less than five offenders will be charged annually. On average, the marginal cost to the state for incarcerating an offender for the year is \$1,900¹ while the average marginal cost for supervision in the community is less than \$700² each year. The bill results in potential revenue gain from criminal fines of less than \$25,000 annually.

The Out Years

¹ Inmate marginal cost is based on increased consumables (e.g. food, clothing, water, sewage, living supplies, etc.) This does not include a change in staffing costs or utility expenses because these would only be realized if a unit or facility opened.

² Probation marginal cost is based on services provided by private providers and only includes costs that increase with each additional participant. This does not include a cost for additional supervision by a probation officer unless a new offense is anticipated to result in enough additional offenders to require additional probation officers.

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of offenses.

OLR Bill Analysis**SB 190*****AN ACT PROHIBITING FEMALE GENITAL MUTILATION.*****SUMMARY**

This bill generally makes it a class D felony, punishable by up to five years in prison, up to a \$5,000 fine, or both, to perform female genital mutilation (FGM) on a minor. A person performs FGM when he or she knowingly circumcises, excises, or infibulates the whole or any part of the labia majora, labia minora, or clitoris of a person under age 18.

Under the bill, an operation is not FGM if it is performed by a (1) licensed physician and necessary for the person's health or (2) licensed physician, nurse-midwife, or physician or nurse-midwife in training on a person in labor or immediately after childbirth. An operation is not considered necessary for the person's health if the necessity is based on the person's or another person's belief that custom or ritual requires it.

The bill's provisions closely mirror federal law, which makes performing FGM on a minor a felony, punishable by up to five years in prison, up to a \$250,000 fine, or both. The federal law uses the same definition for FGM and provides similar exceptions (18 U.S.C. §§ 116 and 3571).

EFFECTIVE DATE: Upon passage

COMMITTEE ACTION

Committee on Children

Joint Favorable

Yea 13 Nay 0 (03/01/2018)