

BILL ANALYSIS

Senate Research Center

S.B. 323
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State Affairs
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 323 strengthens legal protections for potential or actual victims of female genital mutilation (FGM). According to the AHA Foundation, FGM is any procedure involving the partial or total removal of the external female genitalia or other injury to the female genital organs.

Federal law established FGM as a crime in 1996; it is punishable by up to five years in prison. H.B. 91, 76th Texas Legislature, prohibited FGM in Texas. Health consequences from FGM are numerous and entirely negative and may include chronic infection, hemorrhage, severe recurring pain, complications during childbirth, and psychological trauma.

S.B. 323 amends Section 167.001, Texas Health and Safety Code, to add to the list of individuals committing an offense any person knowingly transporting or permitting the transport of a person for the purpose of performing such acts; and, clarifies that labeling FGM acts as a custom, ritual, or religious practice or obtaining consent from the victim or her parent, legal guardian, or caretaker cannot be used as a defense for prosecution.

As proposed, S.B. 323 amends current law relating to prohibiting female genital mutilation and imposes a penalty.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 167.001, Texas Health and Safety Code, as follows:

Sec. 167.001. FEMALE GENITAL MUTILATION PROHIBITED. (a) Provides that a person commits an offense if the person knowingly circumcises, excises, or infibulates any part of the labia majora or labia minora or clitoris or another person who is younger than 18 years of age or knowingly transports or permits the transport from or within Texas a person for the purpose of performing such acts.

(b) and (c) Makes no changes to these subsections.

(d) Provides that it is not a defense to prosecution that the conduct described under Subsection (a) that it is required as a matter of custom, ritual, or religious practice, or that the victim, or such victim's parent, legal guardian, caretaker, or person who is in a position of familial or custodial authority consented to the procedure.

SECTION 2. Effective date: upon passage or September 1, 2017.