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Date: (Filing No. H-)

CRIMINAL JUSTICE AND PUBLIC SAFETY

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

COMMITTEE AMENDMENT “ ” 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.'

COMMITTEE AMENDMENT

1 Amend the bill by adding after section 1 the following:

2 **'Sec. 2. Department of Health and Human Services; community-based**
 3 **education and outreach program relating to female genital mutilation.** The
 4 Department of Health and Human Services shall establish a community-based education
 5 and outreach program to provide culturally specific services for communities in the State
 6 in which female genital mutilation of minors might be practiced. Services to be provided
 7 under the program include, but are not limited to:

8 1. Development and distribution of educational materials regarding the health risks
 9 and emotional trauma inflicted by and relating to the practice of female genital
 10 mutilation;

11 2. Development and distribution of educational materials relating to the federal
 12 prohibition on and penalties for female genital mutilation of a minor under 18 United
 13 States Code, Section 116, the state prohibition on and penalties for female genital
 14 mutilation of a minor under the Maine Revised Statutes, Title 17-A, section 214 and the
 15 mandatory reporting requirements relating to female genital mutilation of a minor
 16 pursuant to Title 22, section 4011-A, subsection 1;

17 3. Outreach and provision of culturally specific support services to victims of female
 18 genital mutilation in the State; and

19 4. Development and administration of a culturally sensitive professional training
 20 program relating to female genital mutilation that includes, but is not limited to, training
 21 on the information described in subsections 1 and 2.

22 **Sec. 3. Appropriations and allocations.** The following appropriations and
 23 allocations are made.

24 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)**

25 **Maine Center for Disease Control and Prevention 0143**

26 Initiative: Provides funding to contract for outreach and support services.

27	GENERAL FUND	2017-18	2018-19
28	All Other	\$50,000	\$50,000
29			
30	GENERAL FUND TOTAL	\$50,000	\$50,000

31 **Maine Center for Disease Control and Prevention 0143**

32 Initiative: Provides funding for development and printing of educational materials.

33	GENERAL FUND	2017-18	2018-19
34	All Other	\$2,680	\$1,512
35			
36	GENERAL FUND TOTAL	\$2,680	\$1,512

37 **Maine Center for Disease Control and Prevention 0143**

1 Initiative: Provides funding for one Comprehensive Health Planner II position to develop,
 2 establish and administer a community-based education and outreach program to provide
 3 culturally specific services for communities in the State in which female genital
 4 mutilation of minors might be practiced, which includes the development, establishment
 5 and administration of a culturally sensitive professional training program.

6	GENERAL FUND	2017-18	2018-19
7	POSITIONS - LEGISLATIVE COUNT	1.000	1.000
8	Personal Services	\$82,480	\$84,506
9	All Other	\$10,178	\$10,178
10			
11	GENERAL FUND TOTAL	<u>\$92,658</u>	<u>\$94,684</u>

12	HEALTH AND HUMAN SERVICES,		
13	DEPARTMENT OF (FORMERLY DHS)		
14	DEPARTMENT TOTALS	2017-18	2018-19
15			
16	GENERAL FUND	\$145,338	\$146,196
17			
18	DEPARTMENT TOTAL - ALL FUNDS	<u>\$145,338</u>	<u>\$146,196</u>
19			

20 **SUMMARY**

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

31 The amendment also directs the Department of Health and Human Services to
 32 develop, establish and administer a community-based education and outreach program to
 33 provide culturally specific services for communities in the State in which female genital
 34 mutilation of minors might be practiced, including a culturally sensitive professional
 35 training program, and provides funding to implement the program.

36 **FISCAL NOTE REQUIRED**

37 **(See attached)**