Chapter 537

1 .

S.B. No. 323

2	relating to the offense of female genital mutilation.												
3	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:												
4	SECTION 1. Section 167.001, Health and Safety Code, is												
5	amended by amending Subsection (a) and adding Subsection (d) to												
6	read as follows:												
7	(a) A person commits an offense if the person:												
8	(1) knowingly circumcises, excises, or infibulates												
9	any part of the labia majora or labia minora or clitoris of another												
10	person who is younger than 18 years of age;												
11	(2) is a parent or legal guardian of another person who												
12	is younger than 18 years of age and knowingly consents to or permits												
13	an act described by Subdivision (1) to be performed on that person;												
14	<u>or</u>												
15	(3) knowingly transports or facilitates the												
16	transportation of another person who is younger than 18 years of age												
17	within this state or from this state for the purpose of having an												
18	act described by Subdivision (1) performed on that person.												
19	(d) It is not a defense to prosecution under this section												
20	that:												
21	(1) the person on whom the circumcision, excision, or												
22	infibulation was performed or was to be performed, or another												
23	person authorized to consent to medical treatment of that person,												
	including that person's parent or legal guardian, consented to the												

AN ACT

- 1 circumcision, excision, or infibulation;
- 2 (2) the circumcision, excision, or infibulation is
- 3 required by a custom or practice of a particular group; or
- 4 (3) the circumcision, excision, or infibulation was
- 5 performed or was to be performed as part of or in connection with a
- 6 <u>religious or other ritual.</u>
- 7 SECTION 2. The change in law made by this Act applies only
- 8 to an offense committed on or after the effective date of this Act.
- 9 An offense committed before the effective date of this Act is
- 10 governed by the law in effect on the date the offense was committed,
- 11 and the former law is continued in effect for that purpose. For
- 12 purposes of this section, an offense was committed before the
- 13 effective date of this Act if any element of the offense occurred
- 14 before that date.
- 15 SECTION 3. This Act takes effect September 1, 2017.

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May	3, 2017	, by the	foll	owing v	vote:	Yeas	31, Na	ys 0.	·		
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pres	ent not	voting.				<u>.</u>					
					•	Ch	ief Cl	erk o	f the	House	

Approved:

6-9-7017

Date

Diez Ahharf

Governor

FILED IN THE OFFICE OF THE SECRETARY OF STATE 7:00 PM O'CLOCK

JUN 0 9 2017

Secretary of State

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 28, 2017

TO: Honorable Joan Huffman, Chair, Senate Committee on State Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB323 by Nelson (Relating to the offense of female genital mutilation.), Committee

Report 1st House, Substituted

No significant fiscal implication to the State is anticipated.

The bill would amend the Health and Safety Code as it relates to the offense of female genital mutilation. Under the provisions of the bill, the offense of female genital mutilation would be expanded to include engaging in certain behavior that results in such acts to be performed on someone younger than 18 punishable by a state jail felony. The bill would also establish what would not be considered a defense to prosecution.

The Office of Court Administration and the Texas Department of Criminal Justice do not anticipate a significant fiscal impact. This analysis assumes the provisions of the bill addressing felony sanctions would not result in a significant impact on the demand for state correctional resources.

The bill would take effect September 1, 2017 and apply only to an offense committed on or after the effective date of the Act.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 696

Department of Criminal Justice

LBB Staff: UP, AG, LM

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 26, 2017

TO: Honorable Joan Huffman, Chair, Senate Committee on State Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB323 by Nelson (Relating to prohibiting female genital mutilation; imposing a penalty.),

As Introduced

No significant fiscal implication to the State is anticipated.

The bill would amend the Health and Safety Code as it relates to the prohibition of female genital mutilation. Under the provisions of the bill, the prohibition against female genital mutilation would be expanded to include knowingly transporting or permitting the transport of someone younger than 18 from or within Texas for the purpose of performing such acts. The bill would make such acts punishable by a state jail felony. The bill would also establish what would not be considered a defense to prosecution.

The Office of Court Administration and the Texas Department of Criminal Justice do not anticipate a significant fiscal impact. This analysis assumes the provisions of the bill addressing felony sanctions would not result in a significant impact on the demand for state correctional resources.

The bill would take effect immediately if a two-thirds majority vote in both houses of the Legislature is received. Otherwise, the bill would take effect on September 1, 2017.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

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Department of Criminal Justice

LBB Staff: UP, AG, LM

CRIMINAL JUSTICE IMPACT STATEMENT

85TH LEGISLATIVE REGULAR SESSION

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IN RE: SB323 by Nelson (Relating to the offense of female genital mutilation.), Committee Report 1st House, Substituted

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A state jail felony is punishable by confinement in a state jail for a term from 180 days to 2 years or Class A misdemeanor punishment. In addition to confinement, most felony offenses are subject to an optional fine not to exceed \$10,000.

Expanding the list of behaviors for which a criminal penalty is applied is expected to result in increased demands on the correctional resources of the counties or of the State due to a potential increase in the number of individuals placed under supervision in the community or sentenced to a term of confinement within state correctional institutions. However, this analysis assumes the provisions of the bill addressing felony sanctions would not result in a significant impact on the demand for state correctional resources. In fiscal year 2016, fewer than 10 individuals were arrested, fewer than 10 were placed under felony community supervision, and fewer than 10 were admitted into state correctional institutions for the offense of female genital mutilation under existing statute.

Source Agencies: LBB Staff: UP, LM

CRIMINAL JUSTICE IMPACT STATEMENT

85TH LEGISLATIVE REGULAR SESSION

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Source Agencies: LBB Staff: UP, LM