

Acts (2020)

Chapter 149

AN ACT RELATIVE TO THE PENALTIES FOR THE CRIME OF FEMALE GENITAL MUTILATION

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 111 of the General Laws is hereby amended by inserting after section 220 the following section:-

Section 220A. (a) The commissioner shall develop and administer a program of education for the prevention of the practice of female genital mutilation. The program shall be designed to provide information about the health risks and emotional trauma inflicted by the practice of female genital mutilation, as well as the criminal penalties for committing female genital mutilation.

(b) The commissioner shall develop policies and procedures to promote partnerships between the department, agencies and political subdivisions of the commonwealth such as the department of elementary and secondary education, the department of children and families, the executive office of public safety and security, the office

of the attorney general and other government entities and non-governmental organizations to prevent female genital mutilation and to protect and provide assistance to victims of female genital mutilation.

(c) The commissioner shall make recommendations and develop procedures regarding strategies and methodologies for training providers of health services on recognizing the risk factors associated with female genital mutilation and the signs that an individual may be a victim of female genital mutilation.

(d) The commissioner shall develop regulations to carry out this section and may, subject to appropriation, contract with non-governmental organizations, entities or individuals with experience working with victims of female genital mutilation to provide training and materials and other services as the department deems necessary.

SECTION 2. Chapter 260 of the General Laws is hereby amended by inserting after section 4D the following new section:-

Section 4E. (a) A victim of female genital mutilation pursuant to section 60 of chapter 265 may bring a civil action for female genital mutilation. The court may award actual damages, compensatory damages, punitive damages, injunctive relief or any other appropriate relief. A prevailing plaintiff shall also be awarded attorney's fees and costs. Treble damages may be awarded on proof of actual damages if the defendant's acts were willful and malicious.

(b) A civil action for female genital mutilation shall be commenced within 10 years of the acts alleged to have caused the injury; provided, however, the time limit for commencement of an action under this section shall be tolled for a child until the child attains the age of 18.

SECTION 3. Chapter 265 of the General Laws is hereby amended by adding the following section:-

Section 60. (a) For the purposes of this section, the term “female genital mutilation” shall mean partially or totally removing the female genitalia or altering the structure or function of the female genitalia for non-medical purposes, including, but not limited to, infibulation, the partial or total removal of the clitoris, prepuce, labia minora, or labia majora, the narrowing of the vaginal orifice, or any other procedure that causes injury to the female genitalia for non-medical purposes.

(b) Whoever knowingly commits female genital mutilation on a person under the age of 18 shall be punished by imprisonment in the state prison for not more than 5 years, or by a fine of not more than \$10,000 and by imprisonment in the house of correction for not more than 2 ½ years.

(c) Whoever knowingly transports a person under the age of 18 within the commonwealth or knowingly sends such person out of the commonwealth with the intent to commit, or that another person will commit, female genital mutilation shall be punished by imprisonment in the state prison for not more than 5 years, or by a fine of not more than \$10,000 and by imprisonment in the house of correction for not more than 2 ½ years.

(d) It shall not be a violation of this section for a licensed medical provider to conduct a procedure necessary to preserve or protect the health of the person on whom it is performed in the course of medical treatment or for gender reassignment as requested by the person on whom it is performed.

(e) It shall not be a defense to a violation under this section that the defendant believes their actions were conducted as a matter of custom or ritual or that the person on whom female genital mutilation was performed, or that person's parent or guardian, consented to the procedure.

SECTION 4. Section 16D of chapter 278 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in line 7, the words "or 50 of chapter two hundred and sixty-five", and inserting in place thereof the following words:- , 50 or 60 of chapter 265.

Approved, August 6, 2020.