

HOUSE No. 4606

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, February 6, 2020.

The committee on the Judiciary to whom were referred the petition (accompanied by bill, Senate, No. 834) of Joseph A. Boncore, Harriette L. Chandler, Paul R. Feeney, Patricia D. Jehlen and other members of the General Court for legislation relative to female genital mutilation, the petition (accompanied by bill, House, No. 1466) of Bradley H. Jones, Jr., and others relative to the penalties for the crime of female genital mutilation and the petition (accompanied by bill, House, No. 3332) of Natalie M. Higgins, Jay D. Livingstone and others relative to the penalties for the crime of female genital mutilation, reports recommending that the accompanying bill (House, No. 4606) ought to pass.

For the committee,

CLAIRE D. CRONIN.

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**In the One Hundred and Ninety-First General Court
(2019-2020)**

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:

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

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

8 (b) The commissioner shall develop policies and procedures to promote partnerships
9 between the department, agencies and political subdivisions of the commonwealth such as the
10 Department of Elementary and Secondary Education, the Department of Children and Families,
11 the Executive Office of Public Safety and Security, and the Attorney General's Office, other
12 government entities and non-governmental organizations to prevent female genital mutilation
13 and to protect and provide assistance to victims of female genital mutilation.

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

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

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

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

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

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

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

40 (b) Whoever knowingly commits female genital mutilation on a person under the age of
41 18 shall be punished by imprisonment in the state prison for not more than 5 years, or by a fine
42 of not more than \$10,000 and by imprisonment in the house of correction for not more than 2 ½
43 years.

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

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

53 (e) It shall not be a defense to a violation under this section that the defendant believes
54 his or her actions were conducted as a matter of custom or ritual or that the person on whom

55 female genital mutilation was performed, or that person's parent or guardian, consented to the
56 procedure.

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