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THE STATE SENATE
Monday, April 6, 2009

Committee Substitute for
ENGROSSED
House Bill No. 1834

COMMITTEE SUBSTITUTE FOR ENGROSSED HOUSE BILL NO. 1834 - By:
Hamilton, Cooksey and Wesselhoft of the House and Eason McIntyre and
Leftwich of the Senate.

[crimes and punishments - mutilation - penalties -
codification - effective date]

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 760 of Title 21, unless there is
created a duplication in numbering, reads as follows:

A. Female genital mutilation shall be unlawful in the State
of Oklahoma. Whoever knowingly circumcises, excises, or
infibulates, in whole or in part, the labia majora, labia minora,
or clitoris of another shall, upon conviction, be guilty of a
felony punishable by incarceration in the custody of the
Department of Corrections for a term of not less than three (3)
years nor more than life and a fine of not more than Twenty
Thousand Dollars (\$20,000.00). Consent to the procedure by a
minor on whom it is performed or by the parent or parents of the
minor is not a defense to a violation of this subsection.

1 B. A surgical procedure is not a violation of subsection A
2 of this section if the procedure:

3 1. Is necessary as a recognized treatment for a known
4 disease or for purposes of cosmetic surgery to repair a defect or
5 injury for the person on whom it is performed and is performed
6 by:

7 a. a licensed physician, or

8 b. a physician in training under the supervision of a
9 licensed physician; or

10 2. Is necessary in the assistance of childbirth or for
11 medical purposes connected with that labor or birth and is
12 performed by:

13 a. a licensed physician,

14 b. a physician in training under the supervision of a
15 licensed physician, or

16 c. a certified nurse-midwife.

17 C. Any physician, physician in training, certified nurse-
18 midwife or any other medical professional who performs or
19 participates in a female genital mutilation procedure shall, in
20 addition to the penalties in subsection A of this section, have
21 the professional license or certification of the person
22 permanently revoked.

23 SECTION 2. This act shall become effective November 1, 2009.

1 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 4-1-09 - DO
2 PASS, As Amended and Coauthored.