

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 114

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

1 RELATING TO CHILDREN; AMENDING CHAPTER 15, TITLE 18, IDAHO CODE, BY THE ADDI-
2 TION OF A NEW SECTION 18-1506B, IDAHO CODE, TO PROVIDE THAT FEMALE GEN-
3 ITAL MUTILATION OF A CHILD SHALL BE A FELONY, TO PROVIDE CERTAIN EXCEP-
4 TIONS, TO PROVIDE THAT CERTAIN FACTORS SHALL NOT BE A DEFENSE, TO PRO-
5 VIDE A PENALTY, AND TO DEFINE A TERM; AND AMENDING SECTION 19-402, IDAHO
6 CODE, TO REVISE A PROVISION REGARDING COMMENCEMENT OF PROSECUTIONS FOR
7 CERTAIN FELONIES.
8

9 Be It Enacted by the Legislature of the State of Idaho:

10 SECTION 1. That Chapter 15, Title 18, Idaho Code, be, and the same is
11 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
12 ignated as Section 18-1506B, Idaho Code, and to read as follows:

13 18-1506B. FEMALE GENITAL MUTILATION -- EXCLUSIONS -- PENALTIES --
14 DEFINITION. (1) Except as provided in subsection (2) of this section, who-
15 ever knowingly circumcises, excises, or infibulates the whole or any part of
16 the labia majora, labia minora, or clitoris of a child shall be guilty of a
17 felony.

18 (2) A surgical operation shall not be a violation of this section if the
19 operation is:

20 (a) Necessary to the health of the person on whom it is performed and
21 is performed by a person licensed in the place of its performance as a
22 medical practitioner; or

23 (b) Performed on a person in labor or who has just given birth and is
24 performed for medical purposes connected with that labor or birth by a
25 person licensed in the place it is performed as a medical practitioner,
26 midwife, or person in training to become such a practitioner or midwife.

27 (3) In applying subsection (2) (a) of this section, no account shall be
28 taken of the effect on the person on whom the operation is to be performed or
29 any belief on the part of that person, or any other person, that the operation
30 is required as a matter of custom or ritual.

31 (4) Any person convicted of a violation of this section shall be guilty
32 of a felony and shall be imprisoned in the state prison for a term of not more
33 than life.

34 (5) For the purposes of this section, "child" means any person under
35 eighteen (18) years of age.

36 SECTION 2. That Section 19-402, Idaho Code, be, and the same is hereby
37 amended to read as follows:

38 19-402. COMMENCEMENT OF PROSECUTIONS FOR FELONIES. A prosecution for
39 any felony other than those specified in section 19-401, Idaho Code, must
40 be commenced by the filing of the complaint or the finding of an indictment

1 within five (5) years after its commission, provided however, a prosecution
2 under sections 18-1506A and 18-1506B, Idaho Code, must be commenced within
3 three (3) years after the date of initial disclosure by the victim to law en-
4 forcement.