

1 AN ACT relating to female genital mutilation.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 508 IS CREATED TO  
4 READ AS FOLLOWS:

5 *(1) A person is guilty of female genital mutilation when:*

6 *(a) The person knowingly circumcises, excises, or infibulates, in whole or in*  
7 *part, the labia majora, labia minora, or clitoris of another person under*  
8 *eighteen (18) years of age;*

9 *(b) The person is a parent, guardian, or has immediate custody or control of a*  
10 *person under eighteen (18) years of age and knowingly consents to or*  
11 *permits the circumcision, excision, or infibulation, in whole or in part, of*  
12 *the labia majora, labia minora, or clitoris of such person; or*

13 *(c) The person knowingly removes or causes or permits the removal of a person*  
14 *under eighteen (18) years of age from Kentucky for the purposes of*  
15 *circumcising, excising, or infibulating, in whole or in part, the labia*  
16 *majora, labia minora, or clitoris of such person.*

17 *(2) It is not a defense to female genital mutilation that the conduct under subsection*  
18 *(1) of this section is:*

19 *(a) Required as a matter of religion, custom, ritual, or standard practice, or*

20 *(b) Consented to by the individual on whom it is performed or the individual's*  
21 *parent or guardian.*

22 *(3) A surgical procedure is not a violation of subsection (1) of this section if the*  
23 *procedure is:*

24 *(a) Necessary to the health of the person on whom it is performed, and is*  
25 *performed by a person licensed in the place of its performance as a health*  
26 *care provider; or*

27 *(b) Performed on a person in labor or who has just given birth and is*

1           performed for medical purposes connected with that labor or birth by a  
 2           person licensed in the place of its performance as a health care provider.

3           (4) Female genital mutilation is a Class A felony.

4           ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 211 IS CREATED TO  
 5 READ AS FOLLOWS:

6           (1) As used in this section "female genital mutilation" shall mean the circumcision,  
 7           excision, or infibulation, in whole or in part, the labia majora, labia minora, or  
 8           clitoris of a female under eighteen (18) years of age.

9           (2) The Department for Public Health in the Cabinet for Health and Family Services  
 10           shall:

11           (a) Develop and produce educational materials regarding female genital  
 12           mutilation, the health risks and emotional trauma inflicted by the practice  
 13           of female genital mutilation, and the criminal penalties for female genital  
 14           mutilation; and

15           (b) Disseminate the educational material produced under paragraph (a) of this  
 16           subsection to health care providers, teachers, law enforcement personnel,  
 17           immigration and refugee resettlement agencies, and any other professional  
 18           who may reasonably be expected to come into contact with individuals who  
 19           may be at risk of suffering female genital mutilation.

20           (3) The department may consult or contract with nonprofit organizations to develop  
 21           and produce the educational materials required by subsection (2) of this section.

22           ➔Section 3. KRS 620.030 is amended to read as follows:

23           (1) Any person who knows or has reasonable cause to believe that a child is dependent,  
 24           neglected, or abused shall immediately cause an oral or written report to be made to  
 25           a local law enforcement agency or the Department of Kentucky State Police; the  
 26           cabinet or its designated representative; the Commonwealth's attorney or the county  
 27           attorney; by telephone or otherwise. Any supervisor who receives from an employee

1 a report of suspected dependency, neglect, or abuse shall promptly make a report to  
2 the proper authorities for investigation. If the cabinet receives a report of abuse or  
3 neglect allegedly committed by a person other than a parent, guardian, or person  
4 exercising custodial control or supervision, the cabinet shall refer the matter to the  
5 Commonwealth's attorney or the county attorney and the local law enforcement  
6 agency or the Department of Kentucky State Police. Nothing in this section shall  
7 relieve individuals of their obligations to report.

8 (2) Any person, including but not limited to a physician, osteopathic physician, nurse,  
9 teacher, school personnel, social worker, coroner, medical examiner, child-caring  
10 personnel, resident, intern, chiropractor, dentist, optometrist, emergency medical  
11 technician, paramedic, health professional, mental health professional, peace  
12 officer, or any organization or agency for any of the above, who knows or has  
13 reasonable cause to believe that a child is dependent, neglected, or abused,  
14 regardless of whether the person believed to have caused the dependency, neglect,  
15 or abuse is a parent, guardian, person exercising custodial control or supervision, or  
16 another person, or who has attended such child as a part of his or her professional  
17 duties shall, if requested, in addition to the report required in subsection (1) or (3) of  
18 this section, file with the local law enforcement agency or the Department of  
19 Kentucky State Police or the Commonwealth's or county attorney, the cabinet or its  
20 designated representative within forty-eight (48) hours of the original report a  
21 written report containing:

- 22 (a) The names and addresses of the child and his or her parents or other persons  
23 exercising custodial control or supervision;
- 24 (b) The child's age;
- 25 (c) The nature and extent of the child's alleged dependency, neglect, or abuse,  
26 including any previous charges of dependency, neglect, or abuse, to this child  
27 or his or her siblings;

1 (d) The name and address of the person allegedly responsible for the abuse or  
2 neglect; and

3 (e) Any other information that the person making the report believes may be  
4 helpful in the furtherance of the purpose of this section.

5 (3) Any person who knows or has reasonable cause to believe that a child is a victim of  
6 human trafficking as defined in KRS 529.010 shall immediately cause an oral or  
7 written report to be made to a local law enforcement agency or the Department of  
8 Kentucky State Police; or the cabinet or its designated representative; or the  
9 Commonwealth's attorney or the county attorney; by telephone or otherwise. This  
10 subsection shall apply regardless of whether the person believed to have caused the  
11 human trafficking of the child is a parent, guardian, or person exercising custodial  
12 control or supervision.

13 **(4) Any person who knows or has reasonable cause to believe that a child is a victim**  
14 **of female genital mutilation as defined in Section 2 of this Act shall immediately**  
15 **cause an oral or written report to be made to a local law enforcement agency or**  
16 **the Department of Kentucky State Police; or the cabinet or its designated**  
17 **representative; or the Commonwealth's attorney or the county attorney; by**  
18 **telephone or otherwise. This subsection shall apply regardless of whether the**  
19 **person believed to have caused the female genital mutilation of the child is a**  
20 **parent, guardian, or person exercising custodial control or supervision.**

21 ~~(5)~~ Neither the husband-wife nor any professional-client/patient privilege, except  
22 the attorney-client and clergy-penitent privilege, shall be a ground for refusing to  
23 report under this section or for excluding evidence regarding a dependent,  
24 neglected, or abused child or the cause thereof, in any judicial proceedings resulting  
25 from a report pursuant to this section. This subsection shall also apply in any  
26 criminal proceeding in District or Circuit Court regarding a dependent, neglected, or  
27 abused child.

1 ~~(6)~~~~(5)~~ The cabinet upon request shall receive from any agency of the state or any  
2 other agency, institution, or facility providing services to the child or his or her  
3 family, such cooperation, assistance, and information as will enable the cabinet to  
4 fulfill its responsibilities under KRS 620.030, 620.040, and 620.050.

5 ~~(7)~~~~(6)~~ Any person who intentionally violates the provisions of this section shall be  
6 guilty of a:

- 7 (a) Class B misdemeanor for the first offense;
- 8 (b) Class A misdemeanor for the second offense; and
- 9 (c) Class D felony for each subsequent offense.