

REFERENCE TITLE: unlawful mutilation; female genitalia

State of Arizona
Senate
Fifty-first Legislature
Second Regular Session
2014

SB 1342

Introduced by
Senator Burges

AN ACT

AMENDING TITLE 12, CHAPTER 5, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 12-513; AMENDING SECTION 13-705, ARIZONA REVISED STATUTES; AMENDING TITLE 13, CHAPTER 12, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-1214; AMENDING SECTION 13-3620, ARIZONA REVISED STATUTES; RELATING TO FEMALE GENITAL MUTILATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 12, chapter 5, article 1, Arizona Revised Statutes,
3 is amended by adding section 12-513, to read:

4 12-513. Civil action arising from unlawful mutilation; statute
5 of limitation; treble damages

6 A. NOTWITHSTANDING SECTIONS 12-505, 12-511 AND 12-542, AN ACTION FOR
7 THE RECOVERY OF DAMAGES BASED ON THE COMMISSION AGAINST THE PLAINTIFF OF AN
8 ACT IN VIOLATION OF SECTION 13-1214 OR 13-3620 IF THE VIOLATION INVOLVED THE
9 FAILURE TO REPORT UNLAWFUL MUTILATION SHALL BE COMMENCED NOT LATER THAN TEN
10 YEARS FROM THE DATE THE PLAINTIFF TURNS EIGHTEEN YEARS OF AGE OR SIX YEARS
11 AFTER THE EFFECTIVE DATE OF THIS SECTION, WHICHEVER IS LONGER.

12 B. IF JUDGMENT IS ENTERED FOR THE PLAINTIFF, THE COURT SHALL AWARD THE
13 PLAINTIFF TREBLE DAMAGES, COSTS AND REASONABLE ATTORNEY FEES.

14 Sec. 2. Section 13-705, Arizona Revised Statutes, is amended to read:

15 13-705. Dangerous crimes against children; sentences;
16 definitions

17 A. A person who is at least eighteen years of age and who is convicted
18 of a dangerous crime against children in the first degree involving sexual
19 assault of a minor who is twelve years of age or younger or sexual conduct
20 with a minor who is twelve years of age or younger shall be sentenced to life
21 imprisonment and is not eligible for suspension of sentence, probation,
22 pardon or release from confinement on any basis except as specifically
23 authorized by section 31-233, subsection A or B until the person has served
24 thirty-five years or the sentence is commuted. This subsection does not
25 apply to masturbatory contact.

26 B. Except as otherwise provided in this section, a person who is at
27 least eighteen years of age or who has been tried as an adult and who is
28 convicted of a dangerous crime against children in the first degree involving
29 attempted first degree murder of a minor who is under twelve years of age,
30 second degree murder of a minor who is under twelve years of age, sexual
31 assault of a minor who is under twelve years of age, sexual conduct with a
32 minor who is under twelve years of age or manufacturing methamphetamine under
33 circumstances that cause physical injury to a minor who is under twelve years
34 of age may be sentenced to life imprisonment and is not eligible for
35 suspension of sentence, probation, pardon or release from confinement on any
36 basis except as specifically authorized by section 31-233, subsection A or B
37 until the person has served thirty-five years or the sentence is commuted.
38 If a life sentence is not imposed pursuant to this subsection, the person
39 shall be sentenced to a term of imprisonment as follows:

40	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
41	13 years	20 years	27 years

42 C. Except as otherwise provided in this section, a person who is at
43 least eighteen years of age or who has been tried as an adult and who is
44 convicted of a dangerous crime against children in the first degree involving
45 attempted first degree murder of a minor who is twelve, thirteen or fourteen

1 years of age, second degree murder of a minor who is twelve, thirteen or
 2 fourteen years of age, sexual assault of a minor who is twelve, thirteen or
 3 fourteen years of age, taking a child for the purpose of prostitution, child
 4 prostitution, sexual conduct with a minor who is twelve, thirteen or fourteen
 5 years of age, continuous sexual abuse of a child, sex trafficking of a minor
 6 who is under fifteen years of age or manufacturing methamphetamine under
 7 circumstances that cause physical injury to a minor who is twelve, thirteen
 8 or fourteen years of age or involving or using minors in drug offenses shall
 9 be sentenced to a term of imprisonment as follows:

10	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
11	13 years	20 years	27 years

12 A person who has been previously convicted of one predicate felony shall be
 13 sentenced to a term of imprisonment as follows:

14	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
15	23 years	30 years	37 years

16 D. Except as otherwise provided in this section, a person who is at
 17 least eighteen years of age or who has been tried as an adult and who is
 18 convicted of a dangerous crime against children in the first degree involving
 19 aggravated assault, UNLAWFUL MUTILATION, molestation of a child, commercial
 20 sexual exploitation of a minor, sexual exploitation of a minor, aggravated
 21 luring a minor for sexual exploitation, child abuse or kidnapping shall be
 22 sentenced to a term of imprisonment as follows:

23	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
24	10 years	17 years	24 years

25 A person who has been previously convicted of one predicate felony shall be
 26 sentenced to a term of imprisonment as follows:

27	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
28	21 years	28 years	35 years

29 E. Except as otherwise provided in this section, if a person is at
 30 least eighteen years of age or has been tried as an adult and is convicted of
 31 a dangerous crime against children involving luring a minor for sexual
 32 exploitation or unlawful age misrepresentation and is sentenced to a term of
 33 imprisonment, the term of imprisonment is as follows and the person is not
 34 eligible for release from confinement on any basis except as specifically
 35 authorized by section 31-233, subsection A or B until the sentence imposed by
 36 the court has been served, the person is eligible for release pursuant to
 37 section 41-1604.07 or the sentence is commuted:

38	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
39	5 years	10 years	15 years

40 A person who has been previously convicted of one predicate felony shall be
 41 sentenced to a term of imprisonment as follows and the person is not eligible
 42 for suspension of sentence, probation, pardon or release from confinement on
 43 any basis except as specifically authorized by section 31-233, subsection A
 44 or B until the sentence imposed by the court has been served, the person is

1 eligible for release pursuant to section 41-1604.07 or the sentence is
2 commuted:

3	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
4	8 years	15 years	22 years

5 F. Except as otherwise provided in this section, if a person is at
6 least eighteen years of age or has been tried as an adult and is convicted of
7 a dangerous crime against children involving sexual abuse or bestiality under
8 section 13-1411, subsection A, paragraph 2 and is sentenced to a term of
9 imprisonment, the term of imprisonment is as follows and the person is not
10 eligible for release from confinement on any basis except as specifically
11 authorized by section 31-233, subsection A or B until the sentence imposed by
12 the court has been served, the person is eligible for release pursuant to
13 section 41-1604.07 or the sentence is commuted:

14	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
15	2.5 years	5 years	7.5 years

16 A person who has been previously convicted of one predicate felony shall be
17 sentenced to a term of imprisonment as follows and the person is not eligible
18 for suspension of sentence, probation, pardon or release from confinement on
19 any basis except as specifically authorized by section 31-233, subsection A
20 or B until the sentence imposed by the court has been served, the person is
21 eligible for release pursuant to section 41-1604.07 or the sentence is
22 commuted:

23	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
24	8 years	15 years	22 years

25 G. The presumptive sentences prescribed in subsections B, C and D of
26 this section or subsections E and F of this section if the person has
27 previously been convicted of a predicate felony may be increased or decreased
28 pursuant to section 13-701, subsections C, D and E.

29 H. Except as provided in subsection F of this section, a person who is
30 sentenced for a dangerous crime against children in the first degree pursuant
31 to this section is not eligible for suspension of sentence, probation, pardon
32 or release from confinement on any basis except as specifically authorized by
33 section 31-233, subsection A or B until the sentence imposed by the court has
34 been served or commuted.

35 I. A person who is convicted of any dangerous crime against children
36 in the first degree pursuant to subsection C or D of this section and who has
37 been previously convicted of two or more predicate felonies shall be
38 sentenced to life imprisonment and is not eligible for suspension of
39 sentence, probation, pardon or release from confinement on any basis except
40 as specifically authorized by section 31-233, subsection A or B until the
41 person has served not fewer than thirty-five years or the sentence is
42 commuted.

43 J. Notwithstanding chapter 10 of this title, a person who is at least
44 eighteen years of age or who has been tried as an adult and who is convicted
45 of a dangerous crime against children in the second degree pursuant to

1 subsection B, C or D of this section is guilty of a class 3 felony and if the
2 person is sentenced to a term of imprisonment, the term of imprisonment is as
3 follows and the person is not eligible for release from confinement on any
4 basis except as specifically authorized by section 31-233, subsection A or B
5 until the person has served the sentence imposed by the court, the person is
6 eligible for release pursuant to section 41-1604.07 or the sentence is
7 commuted:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
5 years	10 years	15 years

8
9
10 K. A person who is convicted of any dangerous crime against children
11 in the second degree and who has been previously convicted of one or more
12 predicate felonies is not eligible for suspension of sentence, probation,
13 pardon or release from confinement on any basis except as specifically
14 authorized by section 31-233, subsection A or B until the sentence imposed by
15 the court has been served, the person is eligible for release pursuant to
16 section 41-1604.07 or the sentence is commuted.

17 L. Section 13-704, subsection J and section 13-707, subsection B apply
18 to the determination of prior convictions.

19 M. The sentence imposed on a person by the court for a dangerous crime
20 against children under subsection D of this section involving child
21 molestation or sexual abuse pursuant to subsection F of this section may be
22 served concurrently with other sentences if the offense involved only one
23 victim. The sentence imposed on a person for any other dangerous crime
24 against children in the first or second degree shall be consecutive to any
25 other sentence imposed on the person at any time, including child molestation
26 and sexual abuse of the same victim.

27 N. In this section, for purposes of punishment an unborn child shall
28 be treated like a minor who is under twelve years of age.

29 O. A dangerous crime against children is in the first degree if it is
30 a completed offense and is in the second degree if it is a preparatory
31 offense, except attempted first degree murder is a dangerous crime against
32 children in the first degree.

33 P. For the purposes of this section:

34 1. "Dangerous crime against children" means any of the following that
35 is committed against a minor who is under fifteen years of age:

36 (a) Second degree murder.

37 (b) Aggravated assault resulting in serious physical injury or
38 involving the discharge, use or threatening exhibition of a deadly weapon or
39 dangerous instrument.

40 (c) Sexual assault.

41 (d) Molestation of a child.

42 (e) Sexual conduct with a minor.

43 (f) Commercial sexual exploitation of a minor.

44 (g) Sexual exploitation of a minor.

- 1 (h) Child abuse as prescribed in section 13-3623, subsection A,
- 2 paragraph 1.
- 3 (i) Kidnapping.
- 4 (j) Sexual abuse.
- 5 (k) Taking a child for the purpose of prostitution as prescribed in
- 6 section 13-3206.
- 7 (l) Child prostitution as prescribed in section 13-3212.
- 8 (m) Involving or using minors in drug offenses.
- 9 (n) Continuous sexual abuse of a child.
- 10 (o) Attempted first degree murder.
- 11 (p) Sex trafficking.
- 12 (q) Manufacturing methamphetamine under circumstances that cause
- 13 physical injury to a minor.
- 14 (r) Bestiality as prescribed in section 13-1411, subsection A,
- 15 paragraph 2.
- 16 (s) Luring a minor for sexual exploitation.
- 17 (t) Aggravated luring a minor for sexual exploitation.
- 18 (u) Unlawful age misrepresentation.
- 19 (v) **UNLAWFUL MUTILATION.**

20 2. "Predicate felony" means any felony involving child abuse pursuant
21 to section 13-3623, subsection A, paragraph 1, a sexual offense, conduct
22 involving the intentional or knowing infliction of serious physical injury or
23 the discharge, use or threatening exhibition of a deadly weapon or dangerous
24 instrument, or a dangerous crime against children in the first or second
25 degree.

26 Sec. 3. Title 13, chapter 12, Arizona Revised Statutes, is amended by
27 adding section 13-1214, to read:

28 **13-1214. Unlawful mutilation; classification; definition**

29 **A. IT IS UNLAWFUL FOR A PERSON TO:**

30 **1. MUTILATE A FEMALE WHO IS UNDER EIGHTEEN YEARS OF AGE.**

31 **2. KNOWINGLY TRANSPORT A FEMALE WHO IS UNDER EIGHTEEN YEARS OF AGE TO**
32 **ANOTHER JURISDICTION FOR THE PURPOSE OF MUTILATION.**

33 **3. RECKLESSLY TRANSPORT A FEMALE WHO IS UNDER EIGHTEEN YEARS OF AGE TO**
34 **ANOTHER JURISDICTION WHERE MUTILATION IS LIKELY TO OCCUR.**

35 **B. IN ADDITION TO ANY OTHER PENALTY PRESCRIBED BY THIS TITLE, THE**
36 **COURT SHALL ORDER A PERSON WHO IS CONVICTED OF A VIOLATION OF THIS SECTION TO**
37 **PAY A FINE OF NOT LESS THAN TWENTY-FIVE THOUSAND DOLLARS.**

38 **C. UNLAWFUL MUTILATION IS A CLASS 2 FELONY, AND THE PERSON CONVICTED**
39 **SHALL BE SENTENCED PURSUANT TO THIS SECTION AND THE PERSON IS NOT ELIGIBLE**
40 **FOR SUSPENSION OF SENTENCE, PROBATION, PARDON OR RELEASE FROM CONFINEMENT ON**
41 **ANY BASIS EXCEPT AS SPECIFICALLY AUTHORIZED BY SECTION 31-233, SUBSECTION A**
42 **OR B UNTIL THE SENTENCE IMPOSED BY THE COURT HAS BEEN SERVED OR COMMUTED. IF**
43 **THE VICTIM IS UNDER FIFTEEN YEARS OF AGE, UNLAWFUL MUTILATION IS PUNISHABLE**
44 **PURSUANT TO SECTION 13-705. THE PRESUMPTIVE TERM MAY BE AGGRAVATED OR**

1 MITIGATED WITHIN THE RANGE UNDER THIS SECTION PURSUANT TO SECTION 13-701,
2 SUBSECTIONS C, D AND E. THE TERM FOR A FIRST OFFENSE IS AS FOLLOWS:

3	<u>MINIMUM</u>	<u>PRESUMPTIVE</u>	<u>MAXIMUM</u>
4	5.25 YEARS	7 YEARS	14 YEARS

5 THE TERM FOR A DEFENDANT WHO HAS ONE HISTORICAL PRIOR FELONY CONVICTION
6 IS AS FOLLOWS:

7	<u>MINIMUM</u>	<u>PRESUMPTIVE</u>	<u>MAXIMUM</u>
8	7 YEARS	10.5 YEARS	21 YEARS

9 THE TERM FOR A DEFENDANT WHO HAS TWO OR MORE HISTORICAL PRIOR FELONY
10 CONVICTIONS IS AS FOLLOWS:

11	<u>MINIMUM</u>	<u>PRESUMPTIVE</u>	<u>MAXIMUM</u>
12	14 YEARS	15.75 YEARS	28 YEARS

13 D. THE SENTENCE IMPOSED ON A PERSON FOR UNLAWFUL MUTILATION SHALL BE
14 CONSECUTIVE TO ANY OTHER UNLAWFUL MUTILATION SENTENCE IMPOSED ON THE PERSON
15 AT ANY TIME.

16 E. THE CONSENT OF THE MINOR ON WHOM THE MUTILATION IS PERFORMED OR THE
17 PARENTS OF THE MINOR IS NOT A DEFENSE TO A PROSECUTION FOR UNLAWFUL
18 MUTILATION.

19 F. FOR THE PURPOSES OF THIS SECTION, "MUTILATE" OR "MUTILATION" MEANS
20 THE PARTIAL OR TOTAL REMOVAL OF THE CLITORIS, PREPUCE, LABIA MINORA, WITH OR
21 WITHOUT EXCISION OF THE LABIA MAJOR, THE NARROWING OF THE VAGINAL OPENING
22 THROUGH THE CREATION OF A COVERING SEAL FORMED BY CUTTING AND REPOSITIONING
23 THE INNER OR OUTER LABIA, WITH OR WITHOUT REMOVAL OF THE CLITORIS, OR ANY
24 HARMFUL PROCEDURE TO THE GENITALIA, INCLUDING PRICKING, PIERCING, INCISING,
25 SCRAPING OR CAUTERIZING. MUTILATE AND MUTILATION DO NOT INCLUDE PROCEDURES
26 PERFORMED BY A LICENSED PHYSICIAN THAT ARE PROVEN TO BE MEDICALLY NECESSARY
27 DUE TO A MEDICALLY RECOGNIZED CONDITION.

28 Sec. 4. Section 13-3620, Arizona Revised Statutes, is amended to read:
29 13-3620. Duty to report abuse, physical injury, neglect and
30 denial or deprivation of medical or surgical care or
31 nourishment of minors; medical records; exception;
32 violation; classification; definitions

33 A. Any person who reasonably believes that a minor is or has been the
34 victim of physical injury, abuse, child abuse, a reportable offense or
35 neglect that appears to have been inflicted on the minor by other than
36 accidental means or that is not explained by the available medical history as
37 being accidental in nature or who reasonably believes there has been a denial
38 or deprivation of necessary medical treatment or surgical care or nourishment
39 with the intent to cause or allow the death of an infant who is protected
40 under section 36-2281 shall immediately report or cause reports to be made of
41 this information to a peace officer or to child protective services in the
42 department of economic security, except if the report concerns a person who
43 does not have care, custody or control of the minor, the report shall be made
44 to a peace officer only. A member of the clergy, a christian science
45 practitioner or a priest who has received a confidential communication or a

1 confession in that person's role as a member of the clergy, a christian
2 science practitioner or a priest in the course of the discipline enjoined by
3 the church to which the member of the clergy, christian science practitioner
4 or priest belongs may withhold reporting of the communication or confession
5 if the member of the clergy, christian science practitioner or priest
6 determines that it is reasonable and necessary within the concepts of the
7 religion. This exemption applies only to the communication or confession and
8 not to personal observations the member of the clergy, christian science
9 practitioner or priest may otherwise make of the minor. For the purposes of
10 this subsection, "person" means:

11 1. Any physician, physician's assistant, optometrist, dentist,
12 osteopath, chiropractor, podiatrist, behavioral health professional, nurse,
13 psychologist, counselor or social worker who develops the reasonable belief
14 in the course of treating a patient.

15 2. Any peace officer, child welfare investigator, child protective
16 services worker, member of the clergy, priest or christian science
17 practitioner.

18 3. The parent, stepparent or guardian of the minor.

19 4. School personnel or domestic violence victim advocates who develop
20 the reasonable belief in the course of their employment.

21 5. Any other person who has responsibility for the care or treatment
22 of the minor.

23 B. A report is not required under this section either:

24 1. For conduct prescribed by sections 13-1404 and 13-1405 if the
25 conduct involves only minors who are fourteen, fifteen, sixteen or seventeen
26 years of age and there is nothing to indicate that the conduct is other than
27 consensual.

28 2. If a minor is of elementary school age, the physical injury occurs
29 accidentally in the course of typical playground activity during a school
30 day, occurs on the premises of the school that the minor attends and is
31 reported to the legal parent or guardian of the minor and the school
32 maintains a written record of the incident.

33 C. If a physician, psychologist or behavioral health professional
34 receives a statement from a person other than a parent, stepparent, guardian
35 or custodian of the minor during the course of providing sex offender
36 treatment that is not court ordered or that does not occur while the offender
37 is incarcerated in the state department of corrections or the department of
38 juvenile corrections, the physician, psychologist or behavioral health
39 professional may withhold the reporting of that statement if the physician,
40 psychologist or behavioral health professional determines it is reasonable
41 and necessary to accomplish the purposes of the treatment.

42 D. Reports shall be made immediately either electronically or by
43 telephone. The reports shall contain the following information, if known:

44 1. The names and addresses of the minor and the minor's parents or the
45 person or persons having custody of the minor.

1 2. The minor's age and the nature and extent of the minor's abuse,
2 child abuse, physical injury or neglect, including any evidence of previous
3 abuse, child abuse, physical injury or neglect.

4 3. Any other information that the person believes might be helpful in
5 establishing the cause of the abuse, child abuse, physical injury or neglect.

6 E. A health care professional who is regulated pursuant to title 32
7 and who, after a routine newborn physical assessment of a newborn infant's
8 health status or following notification of positive toxicology screens of a
9 newborn infant, reasonably believes that the newborn infant may be affected
10 by the presence of alcohol or a drug listed in section 13-3401 shall
11 immediately report this information, or cause a report to be made, to child
12 protective services in the department of economic security. For the purposes
13 of this subsection, "newborn infant" means a newborn infant who is under
14 thirty days of age.

15 F. Any person other than one required to report or cause reports to be
16 made under subsection A of this section who reasonably believes that a minor
17 is or has been a victim of abuse, child abuse, physical injury, a reportable
18 offense or neglect may report the information to a peace officer or to child
19 protective services in the department of economic security, except if the
20 report concerns a person who does not have care, custody or control of the
21 minor, the report shall be made to a peace officer only.

22 G. A person who has custody or control of medical records of a minor
23 for whom a report is required or authorized under this section shall make the
24 records, or a copy of the records, available to a peace officer, child
25 welfare investigator or child protective services worker investigating the
26 minor's neglect, child abuse, physical injury or abuse on written request for
27 the records signed by the peace officer, child welfare investigator or child
28 protective services worker. Records disclosed pursuant to this subsection
29 are confidential and may be used only in a judicial or administrative
30 proceeding or investigation resulting from a report required or authorized
31 under this section.

32 H. When reports are received by a peace officer, the officer shall
33 immediately notify child protective services in the department of economic
34 security and make the information available to child protective services.
35 Notwithstanding any other statute, when child protective services receives
36 these reports, it shall immediately notify a peace officer in the appropriate
37 jurisdiction and the office of child welfare investigations in the department
38 of economic security.

39 I. Any person who is required to receive reports pursuant to
40 subsection A of this section may take or cause to be taken photographs of the
41 minor and the vicinity involved. Medical examinations of the involved minor
42 may be performed.

43 J. A person who furnishes a report, information or records required or
44 authorized under this section, or a person who participates in a judicial or
45 administrative proceeding or investigation resulting from a report,

1 information or records required or authorized under this section, is immune
2 from any civil or criminal liability by reason of that action unless the
3 person acted with malice or unless the person has been charged with or is
4 suspected of abusing or neglecting the child or children in question.

5 K. Except for the attorney client privilege or the privilege under
6 subsection L of this section, no privilege applies to any:

7 1. Civil or criminal litigation or administrative proceeding in which
8 a minor's neglect, dependency, abuse, child abuse, physical injury or
9 abandonment is an issue.

10 2. Judicial or administrative proceeding resulting from a report,
11 information or records submitted pursuant to this section.

12 3. Investigation of a minor's child abuse, physical injury, neglect or
13 abuse conducted by a peace officer or child protective services in the
14 department of economic security.

15 L. In any civil or criminal litigation in which a child's neglect,
16 dependency, physical injury, abuse, child abuse or abandonment is an issue, a
17 member of the clergy, a christian science practitioner or a priest shall not,
18 without his consent, be examined as a witness concerning any confession made
19 to him in his role as a member of the clergy, a christian science
20 practitioner or a priest in the course of the discipline enjoined by the
21 church to which he belongs. This subsection does not discharge a member of
22 the clergy, a christian science practitioner or a priest from the duty to
23 report pursuant to subsection A of this section.

24 M. If psychiatric records are requested pursuant to subsection G of
25 this section, the custodian of the records shall notify the attending
26 psychiatrist, who may excise from the records, before they are made
27 available:

28 1. Personal information about individuals other than the patient.

29 2. Information regarding specific diagnosis or treatment of a
30 psychiatric condition, if the attending psychiatrist certifies in writing
31 that release of the information would be detrimental to the patient's health
32 or treatment.

33 N. If any portion of a psychiatric record is excised pursuant to
34 subsection M of this section, a court, on application of a peace officer,
35 child welfare investigator or child protective services worker, may order
36 that the entire record or any portion of the record that contains information
37 relevant to the reported abuse, child abuse, physical injury or neglect be
38 made available to the peace officer, child welfare investigator or child
39 protective services worker investigating the abuse, child abuse, physical
40 injury or neglect.

41 O. A person who violates this section is guilty of a class 1
42 misdemeanor, except if the failure to report involves a reportable offense,
43 the person is guilty of a class 6 felony.

1 P. For the purposes of this section:

2 1. "Abuse" has the same meaning prescribed in section 8-201.

3 2. "Child abuse" means child abuse pursuant to section 13-3623.

4 3. "Neglect" has the same meaning prescribed in section 8-201.

5 4. "Reportable offense" means any of the following:

6 (a) Any offense listed in chapters 14 and 35.1 of this title or
7 section 13-3506.01.

8 (b) Surreptitious photographing, videotaping, filming or digitally
9 recording or viewing a minor pursuant to section 13-3019.

10 (c) Child prostitution pursuant to section 13-3212.

11 (d) Incest pursuant to section 13-3608.

12 (e) [UNLAWFUL MUTILATION PURSUANT TO SECTION 13-1214.](#)

13 Sec. 5. [Legislative findings](#)

14 The legislature finds that:

15 1. An estimated one hundred million girls and women around the world
16 have undergone female genital mutilation, which takes different forms in
17 different countries, including the cutting of the hood of the clitoris
18 (circumcision), the removal of the entire clitoris (excision) or the removal
19 of all external genitalia and the stitching together of the vulva
20 (infibulation).

21 2. At least two million girls every year are at risk of suffering from
22 female genital mutilation, which is generally performed without anesthetic,
23 and often results in lifelong consequences, including chronic infection,
24 severe pain during urination, menstruation, sexual intercourse and childbirth
25 and indelible psychological trauma.

26 3. Female genital mutilation is defended by both men and women in the
27 cultures where it is practiced as a rite of passage and a social prerequisite
28 of marriage as well as a method to control a woman's sexuality.

29 4. While female genital mutilation is prevalent in many African and
30 Middle Eastern countries, it is also found in some Asian countries and among
31 immigrant populations in Western Europe and North America.

32 5. Due to the immigration of people from countries where female
33 genital mutilation is practiced, the mutilation has continued to take place
34 in the United States. Usually the immigrants will either send their
35 daughters back to the native country to have female genital mutilation
36 performed or a group of them will pay to bring a midwife to the United States
37 to perform the painful procedure on their young daughters.

38 6. Mutilation is a painful and traumatic procedure performed on girls
39 and young women for the sole purpose of intentionally removing or damaging
40 healthy, normal tissue without any medical benefit.

41 7. Mutilation interferes with the natural functioning of the victim's
42 body and causes immediate and severely negative long-term health and
43 psychological consequences.

44 8. Mutilation reflects a deep-rooted discrimination against and
45 disregard for women.

1 9. Mutilation violates a girl's physical integrity, constitutes cruel,
2 inhuman and degrading treatment and is a particularly heinous form of child
3 abuse.

4 10. It is the policy of this state to:

5 (a) Ban and take effective steps to prevent mutilation.

6 (b) Punish any person who carries out or facilitates mutilation.

7 (c) Ensure that victims of mutilation may pursue civil remedies for
8 damages against the persons who perpetrated, arranged for or facilitated the
9 mutilation or who failed to discharge their duties under this act.

10 Sec. 6. Short title

11 This act may be cited as the "Girls and Young Women's Sufferance Act".