

SENATE BILL NO. 2222

Introduced by

Senators Myrdal, Heckaman

Representatives P. Anderson, Jones, K. Koppelman

1 A BILL for an Act to amend and reenact section 12.1-36-01 of the North Dakota Century Code,
2 relating to female genital mutilation; and to provide a penalty.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 12.1-36-01 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **12.1-36-01. Surgical alteration of the genitals of female minor - Penalty - Exception.**

7 1. Except as provided in subsection 2, any person who knowingly separates or surgically
8 alters normal, healthy, functioning genital tissue of a female minor is guilty of a class C
9 felony.

10 2. A surgical operation is not a violation of this section if a licensed medical practitioner
11 performs the operation to correct an anatomical abnormality or to remove diseased
12 tissue that is an immediate threat to the health of the female minor. In applying this
13 subsection, any belief that the operation is required as a matter of custom, ritual, or
14 standard of practice may not be taken into consideration.

15 3. Any parent, adult family or household member, guardian, or other custodian of any
16 child who willfully allows a child to be surgically altered under this section is guilty of
17 child abuse under subsection 1 of section 14-09-22.

18 4. A custom, ritual, religious practice, or the consent of the parent or guardian of a minor
19 is not a defense against a violation under this section.

20 5. Notwithstanding the limitations of section 29-04-02, prosecution for a violation of
21 subsection 3 must be commenced within three years of the date of the offense or
22 within three years after the offense is reported to law enforcement, whichever is later.