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# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1999



## ENROLLED

COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 82

(By Senator WOODEN)



PASSED FEBRUARY 23, 1999  
In Effect NINETY DAYS FROM Passage

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OFFICE OF THE CLERK  
SECRETARY OF STATE

**ENROLLED**

COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 82**

(BY SENATOR WOOTON, ORIGINAL SPONSOR)

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[Passed February 23, 1999; in effect ninety days from passage.]

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AN ACT to amend article eight-d, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section three-a, relating to criminal child abuse; prohibiting the practice of female genital mutilation; and penalties.

*Be it enacted by the Legislature of West Virginia:*

That article eight-d, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section three-a, to read as follows:

**ARTICLE 8D. CHILD ABUSE.**

**§61-8D-3a. Female genital mutilation; penalties; definitions.**

1 (a) Except as otherwise provided in subsection (b) of this  
2 section, any person who circumcises, excises or infibulates,  
3 in whole or in part, the labia majora, labia minora or  
4 clitoris of a female under the age of eighteen, or any  
5 parent, guardian or custodian of a female under the age of  
6 eighteen who allows the circumcision, excision or  
7 infibulation, in whole or in part, of such female's labia  
8 majora, labia minora or clitoris, shall be guilty of a felony  
9 and, upon conviction thereof, shall be imprisoned in a  
10 state correctional facility for not less than two nor more  
11 than ten years and fined not less than one thousand dollars  
12 nor more than five thousand dollars.

13 (b) A surgical procedure is not a violation of this section  
14 if the procedure:

15 (1) Is necessary to preserve the health of the child on  
16 whom it is performed and is performed by a licensed  
17 medical professional authorized to practice medicine in  
18 this state; or

19 (2) The procedure is performed on a child who is in labor  
20 or has just given birth and is performed for legitimate  
21 medical purposes connected with that labor or birth by a  
22 licensed medical professional authorized to practice  
23 medicine in this state.

24 (c) A person's belief that the conduct described in  
25 subsection (a) of this section: (i) Is required as a matter of  
26 custom, ritual or standard practice; or (ii) was consented  
27 to by the female on which the circumcision, excision or  
28 infibulation was performed shall not constitute a defense  
29 to criminal prosecution under subsection (a) of this  
30 section.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*Randy Schorner*

Chairman Senate Committee

*Joe F. Smith*

Chairman House Committee

Originating in the Senate.

In effect ninety days from passage.

*Darrell E. Holman*

Clerk of the Senate

*Bryon W. Bond*  
Clerk of the House of Delegates

*Carl Ray Tomblin*  
President of the Senate

*[Signature]*  
Speaker House of Delegates

The within *approved* this the *5th*  
Day of *March*, 1999

*[Signature]*  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/2/99

Time 3:35pm