**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 20 TO CHAPTER 3, TITLE 16 SO AS TO PROHIBIT GENITAL MUTILATION OF A FEMALE UNDER THE AGE OF EIGHTEEN YEARS AND TO CREATE THE OFFENSE OF FEMALE GENITAL MUTILATION OF A MINOR; AND TO AMEND SECTION 63‑7‑20, AS AMENDED, RELATING TO TERMS DEFINED IN THE CHILDREN’S CODE, SO AS TO ADD FEMALE GENITAL MUTILATION OF A MINOR TO THE DEFINITION OF “CHILD ABUSE OR NEGLECT” OR “HARM”.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 3, Title 16 of the 1976 Code is amended by adding:

“Article 20

Female Genital Mutilation

Section 16‑3‑2210. For purposes of this article:

(1) ‘Facilitate’ means to raise, solicit, collect, or provide material support or resources with intent that such will be used, in whole or in part, to plan, prepare, carry out, or aid in any act of female genital mutilation or hindering the prosecution of an act of female genital mutilation, or the concealment of an act of female genital mutilation.

(2) ‘Female genital mutilation’ or ‘mutilation’ means:

(a) the partial or total removal of the clitoris, prepuce, or labia minora, with or without excision of the labia majora; or

(b) the narrowing of the vaginal opening through the creation of a covering seal formed by cutting and repositioning the inner or outer labia, with or without the removal of the clitoris.

(3) ‘Hindering the prosecution of female genital mutilation’ means actions to include, but not be limited to the:

(a) harboring or concealing a person who is known or believed by the facilitator to be planning to commit an act of female genital mutilation;

(b) warning a person who is known or believed by the facilitator to be planning to commit an act of female genital mutilation of impending discovery or apprehension; or

(c) suppressing any physical evidence that might aid in the discovery or apprehension of a person who is known or believed by the facilitator to be planning to commit an act of female genital mutilation.

(4) ‘Material support or resources’ means currency or other financial securities, financial services, instruments of value, lodging, training, false documentation or identification, medical equipment, computer equipment, software, facilities, personnel, transportation, or other physical assets.

(5) ‘Mutilate’ means to commit female genital mutilation or mutilation.

Section 16‑3‑2220. (A) It is unlawful for a person to:

(1) knowingly mutilate or attempt to mutilate a female who is under eighteen years of age;

(2) knowingly facilitate the mutilation of a female who is under eighteen years of age; or

(3) knowingly transport or facilitate the transportation of a female who is under eighteen years of age from this State for the purpose of mutilation.

(B) Any person who violates the provisions of this article is guilty of a felony and, upon conviction, must be fined not more than twenty thousand dollars or imprisoned not more than twenty years, or both.

Section 16‑3‑2230. (A) It is not a defense to prosecution for a violation of this article that a female genital mutilation procedure is:

(1) required as a matter of belief, custom, or ritual;

(2) consented to by the minor on whom the procedure is performed; or

(3) consented to by the parent or legal guardian of the minor on whom the procedure is performed.

(B) A procedure involving female genital mutilation is not a violation of this article if it is:

(1) necessary to the physical health of the minor on whom it is performed; or

(2) performed on a minor who is in labor or who has just given birth for medical purposes connected with that labor or birth.

(C) A physician, physician‑in‑training, nurse, certified nurse‑midwife, or any other medical professional who performs, participates in, or facilitates a female genital mutilation procedure which does not fall under one of the exceptions listed in subsection (B), in addition to the criminal penalties provided in this article, shall have his professional license or certification permanently revoked.

Section 16‑3‑2240. (A) An indictment for a violation or an attempted violation of this article may be found and filed within ten years after the offense is committed or by the alleged victim’s twenty‑second birthday, whichever is later.

(B) The provisions of this article do not prohibit a person from being charged with, convicted of, or punished for any other violation of law arising out of the same transaction or occurrence as the violation of this article.”

SECTION 2. Section 63‑7‑20(6)(a)(v) and (vi) of the 1976 Code, as last amended by Act 146 of 2018, is further amended to read:

“(v) encourages, condones, or approves the commission of delinquent acts by the child including, but not limited to, sexual trafficking or exploitation, and the commission of the acts are shown to be the result of the encouragement, condonation, or approval; or

(vi) commits or allows to be committed against the child female genital mutilation as defined in Section 16‑3‑2210 or engages in acts or omissions that present a substantial risk that the crime of female genital mutilation would be committed against the child; or

(vii) has committed abuse or neglect as described in subitems (i) through ~~(v)~~(vi) such that a child who subsequently becomes part of the person’s household is at substantial risk of one of those forms of abuse or neglect; or”

SECTION 3. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 4. This act takes effect upon approval by the Governor.

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