
A BILL FOR AN ACT

RELATING TO FEMALE GENITAL MUTILATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that female genital
2 mutilation/cutting (FGM/C) is a harmful practice recognized
3 internationally as a human rights violation and a form of
4 gender-based violence against women and girls. Female genital
5 mutilation/cutting has no health benefits and causes lifelong
6 physical and psychological harm, including pain, infections,
7 childbirth complications, and trauma. Though often practiced in
8 secrecy, female genital mutilation/cutting occurs in Hawaii and
9 the United States more broadly. Federal law prohibits female
10 genital mutilation/cutting on minors, but state laws are
11 critical to ensure timely prevention, local enforcement,
12 survivor support, and community engagement.

13 The purpose of this Act is to establish the offense of
14 prohibited acts of female genital mutilation of a minor and
15 civil remedies for victims of acts punishable under that
16 offense.



1 SECTION 2. Chapter 663, Hawaii Revised Statutes, is
2 amended by adding a new section to part I to be appropriately
3 designated and to read as follows:

4 "§663- Civil action arising from prohibited acts
5 related to female genital mutilation of a minor. (a) A victim
6 of an act punishable under the offense of prohibited acts
7 related to female genital mutilation of a minor under section
8 707- may bring an action for damages.

9 (b) If a court finds that a person committed an act
10 punishable under the offense of prohibited acts related to
11 female genital mutilation of a minor under section 707- , the
12 court may award actual, compensatory, and punitive damages and
13 any other appropriate relief. A prevailing plaintiff shall be
14 awarded attorneys' fees and costs.

15 (c) A civil action under this section may be commenced
16 until ten years after the eighteenth birthday of the victim."

17 SECTION 3. Chapter 707, Hawaii Revised Statutes, is
18 amended by adding a new section to part III to be appropriately
19 designated and to read as follows:

20 "§707- Prohibited acts related to female genital
21 mutilation of a minor. (1) A person commits the offense of



1 prohibited acts related to female genital mutilation of a minor
2 if the person intentionally or knowingly:

3 (a) Performs female genital mutilation on a minor;

4 (b) Is a parent, guardian, or other person having
5 immediate custody or control of a minor and consents
6 to, aids, permits, or otherwise facilitates female
7 genital mutilation of the minor; or

8 (c) Removes or facilitates the removal of a minor from the
9 State for the purpose of facilitating female genital
10 mutilation of a minor.

11 (2) It shall not be a defense to prosecution for a
12 violation of this section that the procedure or conduct
13 described in subsection (1):

14 (a) Is required as a matter of custom, ritual, or
15 religious practice;

16 (b) Was consented to by the minor who was subjected to
17 female genital mutilation; or

18 (c) Was consented to by the parent, guardian, or other
19 person legally responsible or charged with the care or
20 custody of the minor who was subjected to female
21 genital mutilation.



1 (3) A health care provider licensed pursuant to chapter
2 453 who performs the procedure described in subsection (1) (a)
3 shall not be subject to criminal liability under this section if
4 the procedure is:

5 (a) Necessary to protect or preserve the physical health
6 of the minor;

7 (b) Performed on a person in labor or who has just given
8 birth, and is performed for medically necessary
9 purposes connected with that labor or birth; or

10 (c) Part of a gender affirming care requested by the
11 person to whom the care is being provided.

12 (4) Prohibited acts related to female genital mutilation
13 of a minor is a mandatory reportable offense for any person
14 required to report child abuse under section 350-1.1.

15 (5) Nothing in this section is intended to affect any
16 civil remedies available for a violation of this section.

17 (6) Prohibited acts related to female genital mutilation
18 of a minor shall be a class C felony.

19 (7) Notwithstanding section 701-108, the statute of
20 limitations for a prosecution for female genital mutilation of a
21 minor under this section shall not begin to run until the victim



1 reaches eighteen years of age or when the violation is first
2 reported to a law enforcement agency, whichever occurs first.

3 (8) For purposes of this section:

4 "Female genital mutilation" means any procedure performed
5 for non-medical reasons that involves the partial or total
6 removal of, or other injury to, the external female genitalia,
7 including:

8 (a) A clitoridectomy or the partial or total removal of
9 the clitoris, prepuce, or clitoral hood;

10 (b) Excision or the partial or total removal with or
11 without excision of the clitoris or the labia minora
12 with or without removal of the labia majora;

13 (c) Infibulation or the narrowing of the vaginal opening
14 with or without excision of the clitoris; or

15 (d) Other procedures that are harmful to the external
16 female genitalia, including pricking, piercing,
17 incising, scraping, or cauterizing the genital area.

18 "Minor" means any person less than eighteen years old."

19 SECTION 4. This Act does not affect rights and duties that
20 matured, penalties that were incurred, and proceedings that were
21 begun before its effective date.



- 1 SECTION 5. New statutory material is underscored.
- 2 SECTION 6. This Act shall take effect on July 1, 3000.



Report Title:

Offense of Prohibited Acts of Female Genital Mutilation of a Minor; Crime; Civil Remedies

Description:

Establishes the offense of prohibited acts of female genital mutilation of a minor and civil remedies for victims of acts punishable under that offense. Effective 7/1/3000. (HD1)

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