

SENATE BILL No. 368

May 9, 2017, Introduced by Senators SCHUITMAKER and O'BRIEN and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by adding section 136.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 136. (1) A PERSON SHALL NOT KNOWINGLY CIRCUMCISE, EXCISE,
2 OR INFIBULATE THE WHOLE OR ANY PART OF THE LABIA MAJORA OR LABIA
3 MINORA OR CLITORIS OF ANOTHER PERSON WHO IS LESS THAN 18 YEARS OF
4 AGE.

5 (2) A SURGICAL OPERATION IS NOT A VIOLATION OF THIS SECTION IF
6 THE OPERATION IS EITHER OF THE FOLLOWING:

7 (A) NECESSARY TO THE HEALTH OF THE PERSON ON WHOM IT IS
8 PERFORMED AND IS PERFORMED BY A PERSON LICENSED TO PERFORM THAT
9 OPERATION UNDER THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.1101
10 TO 333.25211.

11 (B) PERFORMED ON A PERSON IN LABOR OR WHO HAS JUST GIVEN BIRTH

1 AND IS PERFORMED FOR MEDICAL PURPOSES CONNECTED WITH THAT LABOR OR
2 BIRTH BY A PERSON LICENSED TO PERFORM THAT OPERATION UNDER THE
3 PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.1101 TO 333.25211.

4 (3) A PERSON SHALL NOT KNOWINGLY TRANSPORT A PERSON FROM THIS
5 STATE FOR THE PURPOSE OF CONDUCT WITH REGARD TO THAT PERSON THAT
6 WOULD BE A VIOLATION OF THIS SECTION IF THE CONDUCT OCCURRED IN
7 THIS STATE.

8 (4) A PERSON SHALL NOT KNOWINGLY FACILITATE A VIOLATION OF
9 SUBSECTION (1).

10 (5) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY
11 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 15 YEARS OR A FINE OF
12 NOT MORE THAN \$25,000.00, OR BOTH.

13 (6) IT IS NOT A DEFENSE TO PROSECUTION UNDER THIS SECTION THAT
14 THE PERSON ON WHOM THE OPERATION IS PERFORMED, OR ANY OTHER PERSON,
15 BELIEVES THAT THE OPERATION IS REQUIRED AS A MATTER OF CUSTOM OR
16 RITUAL.

17 (7) THIS SECTION DOES NOT PROHIBIT A PERSON FROM BEING CHARGED
18 WITH, CONVICTED OF, OR PUNISHED FOR ANY OTHER VIOLATION OF LAW
19 ARISING OUT OF THE SAME TRANSACTION AS THE VIOLATION OF THIS
20 SECTION.

21 Enacting section 1. This amendatory act takes effect 90 days
22 after the date it is enacted into law.