



PA 26-5—sSB 259  
*Judiciary Committee*

## **AN ACT CONCERNING FEMALE GENITAL MUTILATION**

**SUMMARY:** This act makes it a class D felony (see [Table on Penalties](#)) to perform female genital mutilation (FGM) on a minor.

The act establishes that a child FGM victim is qualified to testify without prior qualification, and leaves it up to the jury (or the judge in nonjury trials) to determine the weight and credibility to give to the child's testimony. It also authorizes a court to use special procedures when a child age 12 or younger is testifying in these cases, including allowing the child to be videotaped rather than testifying in open court.

The act also allows a child FGM victim to sue the person who performed FGM on her (including the victim's parent, when applicable) to recover compensatory or punitive damages or other relief the court considers appropriate. It allows the victim to bring the lawsuit, in the judicial district where she lives, at any time until her 48th birthday. Existing law generally has a three-year statute of limitations for civil torts.

Under the act, a person performs FGM when he or she knowingly circumcises, excises, or infibulates the whole or any part of the labia majora, labia minora, or clitoris of a person under age 18. But an operation is not FGM if it is:

1. necessary for the person's health, for a medical purpose, and performed by a licensed physician or another licensed health care professional acting within their profession's scope or
2. performed on someone in labor or immediately after childbirth, for a related medical purpose, and performed by a licensed physician or nurse-midwife, person in training to be a physician or nurse-midwife, or other licensed health care professional acting within their profession's scope.

An operation is not considered necessary for the person's health or for a medical purpose if it is based on a belief of the health care provider, or anyone else, that custom or ritual requires it.

**EFFECTIVE DATE:** October 1, 2026, and the provision on the civil statute of limitations applies to cases filed on or after that date.

### **§ 2 — PROCEDURES TO TAKE TESTIMONY OF CHILD VICTIM**

For criminal FGM cases involving children age 12 or younger, the act applies special procedures that under existing law already apply to cases involving assault, sexual assault, or abuse of children of that same age.

#### *Videotaped Testimony*

Under these procedures, the court, upon the motion of either party's attorney,

## OLR PUBLIC ACT SUMMARY

may order that the child's testimony be taken (in the judge's presence) in a room other than the courtroom. The testimony can be shown simultaneously in the courtroom via closed circuit television or videotaped for later showing before the court.

The judge and the attorneys may question the child. Generally, the only people allowed in the room with the child (other than the camera operator) are the judge, the defendant, both sides' attorneys, and any person who would contribute to the child's welfare and well-being. But the court can exclude the defendant (or order the defendant to be screened from the child's sight and hearing) if the state proves, by clear and convincing evidence, that his or her presence would intimidate or inhibit the child so much that there is a compelling need to exclude the defendant in order to ensure that the child's testimony is reliable.

If the court excludes the defendant, it must ensure that the child cannot see or hear the defendant, but that the defendant can see and hear the child testify. The defendant also must be able to consult privately and at all times with his or her attorney during the testimony.

### *Other Procedures*

Under these procedures, the court may also take the following steps when the child is testifying, upon the motion of either party's attorney:

1. prohibit anyone from entering or leaving the courtroom during that time;
2. have an adult the child knows and is comfortable with sit close to her while she testifies, as long as that person does not screen the child from the sight of the defendant or trier of fact (judge or jury);
3. allow the child to use anatomically correct dolls; and
4. require the attorneys to ask their questions and pose objections while seated and to ask questions and pose objections in a non-intimidating manner.

## BACKGROUND

### *Related Federal Law*

Federal law makes it a crime to knowingly perform FGM on a minor when one of certain conditions were met to establish a link to interstate or foreign commerce (for example, the victim or defendant crossed state or U.S. borders for the procedure, or payment for the procedure was sent through interstate or foreign commerce). The federal law contains a similar definition for FGM as this act and allows similar exceptions (18 U.S.C. § 116).