HB 1011-FN - AS INTRODUCED

2024 SESSION

24-2021
09/08

HOUSE BILL ***1011-FN***

AN ACT relative to prohibiting male genital mutilation.

SPONSORS: Rep. Seidel, Hills. 29; Rep. Panek, Hills. 1; Rep. Love, Rock. 13

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill establishes a new crime of male genital mutilation and amends the definition of "abused child" to include any child subject to male genital mutilation.

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Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

24-2021
09/08

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to prohibiting male genital mutilation.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 New Section; Criminal Code; Sexual Assault and Related Offenses; Male Genital Mutilation. Amend RSA 632-A by inserting after section 10-d the following new section:

632-A:10-e Male Genital Mutilation.

I. A person is guilty of a class A felony if:

(a) The person knowingly physically or chemically removes, alters, or renders impotent, the whole or any part of the penis, testicles, or scrotum of a male minor, with the exception of the accepted practice of circumcision of the foreskin at birth with parental consent.

(b) The parent, guardian, or other person legally responsible or charged with the care or custody of a male minor allows the physical or chemical removal, alteration, or rendering impotent, in whole or in part, of such minor's penis, testicles, or scrotum, with the exception of the accepted practice of circumcision of the foreskin at birth with parental consent.

(c) The person knowingly removes or causes or permits the removal of a male minor from this state for the purpose of physical or chemical removal, alteration, or rendering impotent, in whole or in part, of such minor's penis, testicles, or scrotum, with the exception of the accepted practice of circumcision of the foreskin at birth with parental consent.

II. It shall not be a defense to prosecution for a violation of this section that the conduct described in paragraph I is required as a matter of custom, ritual, or religious practice, or that the minor on whom it is performed, or the minor's parent or legal guardian, consented to the procedure.

III. If the action described in paragraph I is performed by a licensed physician during a surgical procedure, it shall not be a violation of this section if the procedure is necessary to the physical health of the minor on whom it is performed.

IV. Any child subjected to conduct prohibited by paragraph I, but which is not justified pursuant to paragraph III, shall be considered an abused child pursuant to RSA 169-C:3, II.

2 Child Protection Act; Definitions. Amend RSA 169-C:3, II to read as follows:

II. "Abused child" means any child who has been:

(a) Sexually abused; or

(b) Intentionally physically injured; or

(c) Psychologically injured so that said child exhibits symptoms of emotional problems generally recognized to result from consistent mistreatment or neglect; or

(d) Physically injured by other than accidental means; or

(e) Subjected, by any person, to human trafficking as defined in RSA 633:7; or

(f) Subjected to an act prohibited by RSA 632-A:10-d ***or RSA 632-A:10-e***.

3 Effective Date. This act shall take effect January 1, 2025.

LBA
24-2021
10/23/23

HB 1011-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to prohibiting male genital mutilation.

FISCAL IMPACT: [X] State [X] County [X] Local [ ] None

Estimated State Impact - Increase / (Decrease)				
	FY 2024	**FY 2025**	**FY 2026**	**FY 2027**
Revenue	$0	$0	$0	$0
Revenue Fund	None			
Expenditures	Indeterminable			
Funding Source	General Fund			
Appropriations	$0	$0	$0	$0
Funding Source	None			

Estimated Political Subdivision Impact - Increase / (Decrease)				
	FY 2024	**FY 2025**	**FY 2026**	**FY 2027**
County Revenue	$0	$0	$0	$0
County Expenditures	Indeterminable			
Local Revenue	$0	$0	$0	$0
Local Expenditures	Indeterminable			

METHODOLOGY:

This bill adds, deletes, or modifies a criminal penalty, or changes statute to which there is a penalty for violation. Therefore, this bill may have an impact on the judicial and correctional systems, which could affect prosecution, incarceration, probation, and parole costs, for the state, as well as county and local governments. A summary of such costs can be found at: https://gencourt.state.nh.us/lba/Budget/Fiscal_Notes/JudicialCorrectionalCosts.pdf

The Department of Health and Human Services states the bill will have no fiscal impact on that department.

AGENCIES CONTACTED:

Department of Health and Human Services, Judicial Branch, Judicial Council, Department of Justice, Department of Corrections, New Hampshire Association of Counties, and New Hampshire Municipal Association