



# Ohio Prosecuting Attorneys Association

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Senate Bill 214  
Proponent Testimony  
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Chair Bacon, Vice-Chair Dolan, Ranking Member Thomas and members of the Senate Judiciary Committee, thank you for the opportunity to offer proponent testimony on Senate Bill 214, a bill to specifically prohibit female genital mutilation.

As was mentioned during sponsor testimony, female genital mutilation has been banned under federal law since 1996. Under the federal law, violators are fined or imprisoned up to five years, or both. Senate Bill 214 would give our state prosecutors some additional clarity in prosecuting these cases under state law. Most importantly, the bill would prevent offenders from defending their actions based on the consent of the minor, parent, or guardian, or cultural or ritual necessity, arguments that currently present hurdles to successful prosecutions.

While we are generally supportive of Senate Bill 214, our support is contingent on one change. Currently, female genital mutilation would be charged as felonious assault for knowingly causing serious physical harm to the victim. Felonious assault is a felony of the second degree, punishable by two to eight years in prison. Senate bill 214 would make female genital mutilation a felony of the fifth degree, punishable by only six to twelve months in prison. Because the proposed offense of female genital mutilation is more specific than the general offense of felonious assault, it is likely that a prosecutor would have to charge such an act under the female genital mutilation statute, thereby reducing the possible penalty. We therefore recommend increasing the penalty for a violation of division (A)(1) of proposed R.C. 2903.32 from a felony of the fifth degree to a felony of the second degree. This will maintain the penalty for what an act of female genital mutilation would receive under current law. It will also more closely align the bill with the punishment under federal law.

Thank you again for the opportunity to testify. I would be happy to answer any questions.