AN ACT
RELATING TO THE CHILD PROTECTION ACT; AMENDING SECTION 18-1506B, IDAHO CODE, TO PROVIDE FOR THE CRIME OF GENITAL MUTILATION IN CERTAIN INSTANCES, TO REMOVE A PROVISION REGARDING A PENALTY, TO REMOVE A PROVISION REGARDING THE REMOVAL OF A CHILD FROM THIS STATE, TO REVISE AN EXEMPTION, TO PROVIDE CERTAIN EXEMPTIONS, TO REVISE A PENALTY, TO DEFINE A TERM, TO PROVIDE SEVERABILITY, AND TO PROVIDE LEGISLATIVE INTENT; AMENDING SECTION 19-5307, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 18-1506B, Idaho Code, be, and the same is hereby amended to read as follows:

18-1506B. FEMALE GENITAL MUTILATION OF A CHILD -- EXCLUSIONS -- PENALTIES -- DEFINITION. (1) Except as provided in subsection (4)(3) of this section, whoever knowingly authorizes or commits any procedure that circumcises, excises, or infibulates the whole or any part of the labia majora, labia minora, or clitoris of a child shall be guilty of a felony.

(2) Except as provided in subsection (4) of this section, whoever knowingly gives permission for, or permits on a child, any act prohibited by subsection (1) of this section shall be guilty of a felony.

(3) Except as provided in subsection (4) of this section, whoever knowingly removes or causes, permits, or facilitates the removal of a child from this state for the purpose of facilitating any act prohibited by subsection (1) of this section shall be guilty of a felony.

(2) Except as provided in subsection (4) of this section, any medical practitioner who knowingly engages in any of the following practices upon a child for the purpose of attempting to alter the appearance of or affirm the child's perception of the child's sex if that perception is inconsistent with the child's biological sex shall be guilty of a felony:

(a) Performing surgeries that sterilize or mutilate, or artificially construct tissue with the appearance of genitalia that differs from the child's biological sex, including castration, vasectomy, hysterec-
omy, oophorectomy, metoidioplasty, orchiectomy, penectomy, phal-
loplasty, clitoroplasty, vaginoplasty, vulvoplasty, ovariectomy, or
reconstruction of the fixed part of the urethra with or without metoidi-
oplasty, phalloplasty, scrotoplasty, or the implantation of erection or testicular prostheses;

(b) Performing a mastectomy;

(c) Administering or supplying the following medications that induce profound morphologic changes in the genitals of a child or induce trans-
sient or permanent infertility:

   (i) Puberty-blocking medication to stop or delay normal puberty;
(ii) Supraphysiological doses of testosterone to a female; or

(iii) Supraphysiological doses of estrogen to a male; or

(d) Removing any otherwise healthy or nondiseased body part or tissue.

(4) A surgical operation or medical intervention shall not be a violation of this section if the operation or intervention is:

(a) Necessary to the health of the person on whom it is performed and is performed by a person licensed in the place of its performance as a medical practitioner, except that a medical intervention that results in the impairment and mutilation of the reproductive organs and parts of a child is never necessary to the health of the child on whom it is performed if it is for the sole purpose of attempting to alter the appearance of or affirm the child's perception of the child's sex if that perception is inconsistent with the child's biological sex; or

(b) Performed on a person in labor or who has just given birth and is performed for medical purposes connected with that labor or birth by a person licensed in the place it is performed as a medical practitioner, midwife, or person in training to become such a practitioner or midwife.

(4) The provisions of subsection (2) of this section shall not apply to a person acting in accordance with the good faith medical decision of a parent or guardian of a child born with a medically verifiable genetic disorder of sex development, including:

(a) A child with external biological sex characteristics that are ambiguous and irresolvable, such as a child born having 46, XX chromosomes with virilization, 46, XY chromosomes with undervirilization, or with both ovarian and testicular tissue;

(b) When a physician has otherwise diagnosed a disorder of sexual development in which the physician has determined through genetic testing that the child does not have the normal sex chromosome structure, sex steroid hormone production, or sex steroid hormone action for a male or female; or

(c) The treatment of any infection, injury, disease, or disorder that has been caused or exacerbated by the performance of gender transition procedures, whether or not the procedures were performed in accordance with state and federal law.

(5) In applying subsection (4)(3)(a) of this section, no account shall be taken of the effect on the person on whom the operation is to be performed or any belief on the part of that person, or any other person, that the operation is required as a matter of custom or ritual.

(6) Any person convicted of a violation of this section shall be guilty of a felony and shall be imprisoned in the state prison for a term of not more than life ten (10) years.

(7) For the purposes of this section, "child" means any person under eighteen (18) years of age.

(8) For the purposes of this section, "sex" means the immutable biological and physiological characteristics, specifically the chromosomes and internal and external reproductive anatomy, genetically determined at conception and generally recognizable at birth, that define an individual as male or female.

(9) The provisions of this act are hereby declared to be severable, and if any provision of this act or the application of such provision to any
person or circumstance is declared invalid for any reason, such declaration
shall not affect the validity of the remaining portions of this section.

(10) The legislature finds and declares that:
(a) Biological sex is an objectively defined category that has obvious,
immutable, and distinguishable characteristics.
(b) Gender dysphoria among children rarely persists into adulthood,
with peer-reviewed research revealing that as many as ninety-eight per-
cent (98%) of gender dysphoric boys and as many as eighty-eight percent
(88%) of gender dysphoric girls ultimately identify with their biologi-
cal sex after passing through puberty.
(c) Some healthcare providers now routinely administer puberty block-
ers to prepubescent and pubescent children notwithstanding scientific
evidence that children who remain on puberty blockers may never recover
lost development and despite known sterility and additional concerns
about reduced IQ and future osteoporosis.
(d) Some healthcare providers now routinely administer cross-sex hor-
mones to pubescent children notwithstanding scientific evidence that
such therapies cause irreversible sterility and likely increase risks
of other medical conditions, including cancer, cardiovascular disease,
blood clots, osteoporosis, and obesity.
(e) Some healthcare providers now refer pubescent adolescents for sex
reassignment surgeries that permanently mutilate healthy reproductive
organs and other body parts.
(f) The world professional association for transgender health, a pro-
fessional organization that publishes the standards of care for treat-
ing gender dysphoria, has altogether removed its age recommendations
for adolescent sex reassignment surgeries, including but not limited to
surgical castration, mastectomies, hysterectomies, and genital recon-
struction, despite the known harms and experimental nature of perform-
ing such surgeries on gender dysphoric children.
(g) Recent science suggests that medical interventions like surgeries
and cross-sex hormones do not significantly improve long-term health
outcomes for patients struggling with gender dysphoria and that suicide
rates, psychiatric morbidities, and mortality rates remain markedly
elevated above the background population after inpatient gender reas-
ignment procedures have been performed.
(h) No long-term randomized studies evaluate the efficacy or safety of
the use of puberty blockers for the purpose of treating gender dyspho-
ria, and no randomized clinical trials have been conducted on the effi-
cacy or safety of the use of cross-sex hormones in adults or children for
the purpose of treating gender dysphoria.
(i) These experimental, irreversible, and medically unnecessary phar-
maceutical and surgical interventions violate the Hippocratic oath,
taken by physicians for millennia, to "do no harm."
(j) Therefore, the state of Idaho has a compelling government interest
in protecting the health and safety of its minor children from such med-
ical interventions for the purpose of attempting to affirm or change a
child's gender expression.

SECTION 2. That Section 19-5307, Idaho Code, be, and the same is hereby
amended to read as follows:
19-5307. FINES IN CASES OF CRIMES OF VIOLENCE. (1) Irrespective of any penalties set forth under state law, and in addition thereto, the court, at the time of sentencing or such later date as deemed necessary by the court, may impose a fine not to exceed five thousand dollars ($5,000) against any defendant found guilty of any felony listed in subsections (2) and (3) of this section.

The fine shall operate as a civil judgment against the defendant and shall be entered on behalf of the victim named in the indictment or information, or the family of the victim in cases of homicide or crimes against children, and shall not be subject to any distribution otherwise required in section 19-4705, Idaho Code. The clerk of the district court may collect the fine in the same manner as other fines imposed in criminal cases are collected and shall remit any money collected in payment of the fine to the victim named in the indictment or information or to the family of the victim in a case of homicide or crimes against minor children, provided that none of the provisions of this section shall be construed as modifying the provisions of chapter 6, title 11, Idaho Code, chapter 10, title 55, Idaho Code, or section 72-802, Idaho Code. A fine created under this section shall be a separate written order in addition to any other sentence the court may impose.

The fine contemplated in this section shall be ordered solely as a punitive measure against the defendant and shall not be based upon any requirement of showing of need by the victim. The fine shall not be used as a substitute for an order of restitution as contemplated in section 19-5304, Idaho Code, nor shall such an order of restitution or order of compensation entered in accordance with section 72-1018, Idaho Code, be offset by the entry of such fine.

A defendant may appeal a fine created under this section in the same manner as any other aspect of a sentence imposed by the court. The imposition of a fine created under this section shall not preclude the victim from seeking any other legal remedy; provided that in any civil action brought by or on behalf of the victim, the defendant shall be entitled to offset the amount of any fine imposed pursuant to this section against any award of punitive damages.

(2) The felonies for which a fine created under this section may be imposed are those described in:

Section 18-805, Idaho Code (Aggravated arson);
Section 18-905, Idaho Code (Aggravated assault);
Section 18-907, Idaho Code (Aggravated battery);
Section 18-909, Idaho Code (Assault with intent to commit a serious felony);
Section 18-911, Idaho Code (Battery with intent to commit a serious felony);
Section 18-913, Idaho Code (Felonious administration of drugs);
Section 18-918, Idaho Code (Felony domestic violence);
Section 18-923, Idaho Code (Attempted strangulation);
Section 18-1501, Idaho Code (Felony injury to children);
Section 18-1506, Idaho Code (Sexual abuse of a child under the age of sixteen);
Section 18-1506A, Idaho Code (Ritualized abuse of a child);
Section 18-1506B, Idaho Code (Female genital mutilation of a child);
Section 18-1507, Idaho Code (Sexual exploitation of a child);
Section 18-1508, Idaho Code (Lewd conduct with a child under the age of sixteen);
Section 18-1508A, Idaho Code (Sexual battery of a minor child sixteen or seventeen years of age);
Section 18-4001, Idaho Code (Murder);
Section 18-4006, Idaho Code (Felony manslaughter);
Section 18-4014, Idaho Code (Administering poison with intent to kill);
Section 18-4015, Idaho Code (Assault with intent to murder);
Section 18-4502, Idaho Code (First degree kidnapping);
Section 18-5001, Idaho Code (Mayhem);
Section 18-5501, Idaho Code (Poisoning food, medicine or wells);
Section 18-6101, Idaho Code (Rape);
Section 18-6501, Idaho Code (Robbery).
(3) Notwithstanding the provisions of section 18-306(4) and (5), Idaho Code, the fine created under this section may also be imposed up to five thousand dollars ($5,000) for attempts of the felonies described in:
Section 18-4001, Idaho Code (Murder);
Section 18-6101, Idaho Code (Rape).

SECTION 3. This act shall be in full force and effect on and after January 1, 2024.