

KNOWINGLY [REMOVING] [PERMITTING THE REMOVAL OF] A CHILD LESS THAN 18 YEARS OF AGE FROM THE STATE FOR THE PURPOSE OF MUTILATING THE CHILD'S FEMALE GENITALS. FELONY.

GENERAL CRIMINAL VOLUME

JUNE 2020

N.C. Gen. Stat. § 14-28.1

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210.98 KNOWINGLY [REMOVING] [PERMITTING THE REMOVAL OF] A CHILD LESS THAN 18 YEARS OF AGE FROM THE STATE FOR THE PURPOSE OF MUTILATING THE CHILD'S FEMALE GENITALS. FELONY.

*NOTE WELL: Pursuant to N.C. Gen. Stat. § 14-28.1(e), a surgical operation is not a violation of this section if the operation either: (1) is necessary to the health of the person on whom it is performed and it is performed by a person licensed in the State as a medical practitioner; or (2) is performed on a person in labor who has just given birth and is performed for medical purposes connected with that labor or birth by a person licensed in the state as a medical practitioner or certified nurse midwife, or a person in training to become licensed as a medical practitioner or certified nurse midwife.*

*NOTE WELL: N.C. Gen. Stat. § 14-28.1(f) provides that it is not a defense to prosecution under this section that the person on whom the circumcision, excision, or infibulation is performed, or any other person, believes that the circumcision, excision, or infibulation is required as a matter of custom or ritual, or that the person on whom the circumcision, excision, or infibulation is performed consented to the circumcision, excision, or infibulation.*

The defendant has been charged with knowingly [removing] [permitting the removal of] a child less than 18 years of age from the State for the purpose of mutilating the child's female genitals.

For you to find the defendant guilty of this offense, the State must prove three things beyond a reasonable doubt:

First, that the defendant was a [parent of] [person providing care to] [person providing supervision to] to a child less than 18 years of age;

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Second, that the defendant [removed] [permitted the removal of] that child from the state for the purpose of having the child's [labia majora] [labia minora] (or) [clitoris] removed [in whole] (or) [in any part];

And Third, that the defendant did so knowingly.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant was a [parent of] [person providing care to] [person providing supervision to] a child less than 18 years of age; that the defendant [removed] [permitted the removal of] that child from the state for the purpose of having the child's [labia majora] [labia minora] (or) [clitoris] removed [in whole] (or) [in any part] and that the defendant did so knowingly, it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.