

HOUSE BILL 65

C2, D4

(PRE-FILED)

0lr0474

CF 0lr0475

By: **Delegates Haddaway, Aumann, Bates, Beidle, Benson, Braveboy, V. Clagett, Doory, Dumais, Eckardt, Frush, Gaines, Glenn, Harrison, Healey, Hecht, Ivey, Jameson, Kaiser, Kirk, Krebs, Krysiak, Kullen, Lee, Love, McComas, McIntosh, Montgomery, Nathan-Pulliam, Pena-Melnyk, Pendergrass, Shewell, Stifler, Stocksdale, V. Turner, and Valderrama**

Requested: August 12, 2009

Introduced and read first time: January 13, 2010

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **International Marriage Brokers – Regulation**

3 FOR the purpose of requiring an international marriage broker to provide certain
4 information to a recruit; requiring a client of an international marriage broker
5 to provide certain information to the international marriage broker and to
6 affirm that certain information is accurate and complete; requiring an
7 international marriage broker to request certain criminal history records checks
8 from the Criminal Justice Information System Central Repository; requiring the
9 Central Repository to process certain State and national criminal history
10 records checks on submission of certain information and fees; prohibiting an
11 international marriage broker from providing services to a certain client or
12 recruit until certain information is received and provided to a recruit;
13 prohibiting an international marriage broker from further dissemination of
14 certain information; authorizing an international marriage broker to disclose
15 certain information only after obtaining certain written consent; providing that
16 a certain international marriage broker shall be deemed to be doing business in
17 the State; establishing penalties for violating this Act; requiring the court to
18 consider certain factors in determining a certain penalty; defining certain
19 terms; and generally relating to international marriage brokers.

20 BY adding to

21 Article – Business Regulation

22 Section 19–601 through 19–607 to be under the new subtitle “Subtitle 6.
23 International Marriage Brokers”

24 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2004 Replacement Volume and 2009 Supplement)

2 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
3 MARYLAND, That the Laws of Maryland read as follows:

4 **Article – Business Regulation**

5 **SUBTITLE 6. INTERNATIONAL MARRIAGE BROKERS.**

6 **19-601.**

7 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
8 INDICATED.

9 (B) “BASIC RIGHTS INFORMATION” MEANS INFORMATION APPLICABLE
10 TO A NONCITIZEN, INCLUDING INFORMATION ABOUT HUMAN RIGHTS,
11 IMMIGRATION, AND EMERGENCY ASSISTANCE AND RESOURCES.

12 (C) “CENTRAL REPOSITORY” MEANS THE CRIMINAL JUSTICE
13 INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF
14 PUBLIC SAFETY AND CORRECTIONAL SERVICES ESTABLISHED UNDER § 10-213
15 OF THE CRIMINAL PROCEDURE ARTICLE.

16 (D) “CLIENT” MEANS AN INDIVIDUAL WHO IS A CITIZEN OR RESIDENT
17 OF THE UNITED STATES AND THE STATE OF MARYLAND AND WHO USES THE
18 SERVICES OF AN INTERNATIONAL MARRIAGE BROKER TO MEET RECRUITS.

19 (E) “CRIMINAL HISTORY RECORD INFORMATION” MEANS CRIMINAL
20 HISTORY RECORD INFORMATION AS DESCRIBED IN § 10-201 OF THE CRIMINAL
21 PROCEDURE ARTICLE THAT IS OBTAINED FROM THE CENTRAL REPOSITORY.

22 (F) (1) “INTERNATIONAL MARRIAGE BROKER” MEANS A
23 CORPORATION, PARTNERSHIP, SOLE PROPRIETORSHIP, OR OTHER LEGAL
24 ENTITY THAT DOES BUSINESS IN THE UNITED STATES AND OFFERS TO
25 MARYLAND RESIDENTS DATING, MATRIMONIAL, OR SOCIAL REFERRAL
26 SERVICES INVOLVING RECRUITS BY:

27 (I) EXCHANGING NAMES, TELEPHONE NUMBERS,
28 ADDRESSES, PHOTOGRAPHS, OR STATISTICS OR OTHERWISE FACILITATING
29 COMMUNICATION BETWEEN A CLIENT AND A RECRUIT; OR

30 (II) PROVIDING A SOCIAL ENVIRONMENT FOR INTRODUCING
31 CLIENTS TO RECRUITS IN PERSON.

1 **(2) “INTERNATIONAL MARRIAGE BROKER” DOES NOT INCLUDE:**

2 **(I) A TRADITIONAL MARRIAGE BROKER THAT OPERATES ON**
3 **A NONPROFIT BASIS AND OTHERWISE OPERATES IN COMPLIANCE WITH THE**
4 **LAWS OF THE COUNTRIES IN WHICH IT OPERATES, INCLUDING THE LAWS OF THE**
5 **UNITED STATES;**

6 **(II) AN ORGANIZATION THAT DOES NOT CHARGE A FEE**
7 **BASED ON GENDER OR COUNTRY OF ORIGIN TO ANY PARTY FOR THE SERVICES**
8 **PROVIDED; OR**

9 **(III) AN ONLINE DATING SERVICE.**

10 **(G) “MARITAL HISTORY INFORMATION” MEANS A DECLARATION OF AN**
11 **INDIVIDUAL’S CURRENT MARITAL STATUS, THE NUMBER OF TIMES THE**
12 **INDIVIDUAL HAS BEEN MARRIED, THE NUMBER OF DOMESTIC VIOLENCE**
13 **PROTECTIVE ORDERS ISSUED AGAINST THE INDIVIDUAL, AND WHETHER ANY**
14 **PREVIOUS MARRIAGE OCCURRED AS A RESULT OF RECEIVING SERVICES FROM**
15 **AN INTERNATIONAL MARRIAGE BROKER.**

16 **(H) “RECRUIT” MEANS AN INDIVIDUAL WHO IS NOT A CITIZEN OR**
17 **RESIDENT OF THE UNITED STATES AND WHO USES THE SERVICES OF OR IS**
18 **RECRUITED BY AN INTERNATIONAL MARRIAGE BROKER FOR DATING,**
19 **MATRIMONIAL, OR SOCIAL REFERRAL SERVICES.**

20 **19-602.**

21 **(A) (1) AN INTERNATIONAL MARRIAGE BROKER SHALL PROVIDE**
22 **EACH RECRUIT WITH CRIMINAL HISTORY RECORD INFORMATION AND MARITAL**
23 **HISTORY INFORMATION OF ITS CLIENT AND BASIC HUMAN RIGHTS**
24 **INFORMATION BEFORE ANY INFORMATION ABOUT A RECRUIT IS GIVEN TO THE**
25 **CLIENT.**

26 **(2) THE HUMAN RIGHTS INFORMATION PROVIDED UNDER**
27 **PARAGRAPH (1) OF THIS SUBSECTION MAY BE PREPARED BY AN ORGANIZATION**
28 **THAT IS NOT AFFILIATED WITH THE INTERNATIONAL MARRIAGE BROKER.**

29 **(B) THE INFORMATION REQUIRED IN SUBSECTION (A) OF THIS SECTION**
30 **MUST BE:**

31 **(1) IN THE RECRUIT’S NATIVE LANGUAGE; AND**

32 **(2) DISPLAYED IN A MANNER THAT:**

1 (I) SEPARATES THE CRIMINAL HISTORY RECORD
2 INFORMATION, THE MARITAL HISTORY INFORMATION, AND THE BASIC RIGHTS
3 INFORMATION FROM ANY OTHER INFORMATION; AND

4 (II) IS HIGHLY NOTICEABLE.

5 (C) THE INTERNATIONAL MARRIAGE BROKER SHALL PAY THE COSTS
6 INCURRED TO TRANSLATE THE INFORMATION.

7 **19-603.**

8 (A) IN ACCORDANCE WITH FEDERAL LAW, A CLIENT SHALL:

9 (1) PROVIDE TWO COMPLETE SETS OF THE CLIENT'S LEGIBLE
10 FINGERPRINTS THAT MEET THE REQUIREMENTS OF § 19-604(C)(1) OF THIS
11 SUBTITLE TO THE INTERNATIONAL MARRIAGE BROKER;

12 (2) PROVIDE THE CLIENT'S OWN MARITAL HISTORY INFORMATION
13 TO THE INTERNATIONAL MARRIAGE BROKER;

14 (3) PROVIDE THE CLIENT'S OWN STATE AND FEDERAL CRIMINAL
15 HISTORY TO THE INTERNATIONAL MARRIAGE BROKER; AND

16 (4) NOTIFY THE INTERNATIONAL MARRIAGE BROKER IF THE
17 CLIENT HAS PREVIOUSLY SPONSORED AN INTERNATIONAL SPOUSE.

18 (B) THE INTERNATIONAL MARRIAGE BROKER SHALL REQUIRE THE
19 CLIENT TO AFFIRM THAT THE MARITAL HISTORY INFORMATION IS COMPLETE
20 AND ACCURATE AND INCLUDES INFORMATION REGARDING MARRIAGES,
21 ANNULMENTS, DISSOLUTIONS, AND THE NUMBER OF DOMESTIC VIOLENCE
22 PROTECTIVE ORDERS ISSUED AGAINST THE CLIENT THAT OCCURRED IN THIS
23 STATE, IN ANOTHER STATE, OR IN A FOREIGN COUNTRY.

24 (C) THE INTERNATIONAL MARRIAGE BROKER MAY NOT PROVIDE ANY
25 SERVICES TO THE CLIENT OR THE RECRUIT UNTIL THE INTERNATIONAL
26 MARRIAGE BROKER HAS:

27 (1) RECEIVED THE REQUESTED CRIMINAL HISTORY RECORD
28 INFORMATION IN ACCORDANCE WITH § 19-604 OF THIS SUBTITLE;

29 (2) RECEIVED THE REQUESTED MARITAL HISTORY INFORMATION;
30 AND

31 (3) PROVIDED THE INFORMATION TO THE RECRUIT.

1 (D) INFORMATION OBTAINED BY THE INTERNATIONAL MARRIAGE
2 BROKER UNDER THIS SECTION SHALL BE CONFIDENTIAL AND MAY NOT BE USED
3 FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT WAS DISSEMINATED.

4 **19-604.**

5 (A) THE INTERNATIONAL MARRIAGE BROKER SHALL REQUEST WITH
6 REFERENCE TO A CLIENT STATE AND NATIONAL CRIMINAL HISTORY RECORDS
7 CHECKS FROM THE CENTRAL REPOSITORY ON A FORM APPROVED BY THE
8 DIRECTOR OF THE CENTRAL REPOSITORY.

9 (B) FOR EACH REQUEST FOR STATE AND NATIONAL CRIMINAL HISTORY
10 RECORDS CHECKS UNDER SUBSECTION (A) OF THIS SECTION, THE CENTRAL
11 REPOSITORY SHALL PROCESS THE STATE AND NATIONAL CRIMINAL HISTORY
12 RECORDS CHECKS AND FORWARD TO THE INTERNATIONAL MARRIAGE BROKER
13 AND THE CLIENT A PRINTED STATEMENT LISTING ANY CONVICTIONS AND PLEAS
14 OF GUILTY OR NOLO CONTENDERE TO ANY CRIMINAL CHARGE.

15 (C) AN INTERNATIONAL MARRIAGE BROKER SHALL SUBMIT TO THE
16 CENTRAL REPOSITORY:

17 (1) TWO COMPLETE SETS OF THE CLIENT'S LEGIBLE
18 FINGERPRINTS TAKEN AT ANY DESIGNATED STATE OR LOCAL LAW
19 ENFORCEMENT OFFICE IN THE STATE OR OTHER LOCATION APPROVED BY THE
20 SECRETARY ON FORMS APPROVED BY THE DIRECTOR OF THE CENTRAL
21 REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF
22 INVESTIGATION;

23 (2) THE MANDATORY PROCESSING FEE REQUIRED BY THE
24 FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY
25 RECORDS CHECK; AND

26 (3) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THE
27 CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO MARYLAND CRIMINAL
28 HISTORY RECORDS.

29 **19-605.**

30 AN INTERNATIONAL MARRIAGE BROKER MAY DISCLOSE INFORMATION ON
31 A RECRUIT ONLY AFTER OBTAINING CONSENT FROM THE RECRUIT, WRITTEN IN
32 THE RECRUIT'S NATIVE LANGUAGE.

33 **19-606.**

1 **AN INTERNATIONAL MARRIAGE BROKER SHALL BE DEEMED TO BE DOING**
2 **BUSINESS IN THE STATE IF IT CONTRACTS FOR SERVICES WITH A MARYLAND**
3 **RESIDENT OR IS CONSIDERED TO BE DOING BUSINESS UNDER OTHER LAWS OF**
4 **THE STATE.**

5 **19-607.**

6 **(A) A PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS**
7 **GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT**
8 **EXCEEDING \$12,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH, IN**
9 **ADDITION TO ANY PENALTY IMPOSED UNDER FEDERAL LAW.**

10 **(B) IN DETERMINING THE PENALTY, THE COURT SHALL CONSIDER:**

11 **(1) ANY PREVIOUS VIOLATIONS OF THIS SUBTITLE BY THE**
12 **INTERNATIONAL MARRIAGE BROKER;**

13 **(2) THE SERIOUSNESS OF THE VIOLATION, INCLUDING THE**
14 **NATURE, CIRCUMSTANCES, AND EXTENT OF THE VIOLATION;**

15 **(3) THE DEMONSTRATED GOOD FAITH OF THE INTERNATIONAL**
16 **MARRIAGE BROKER; AND**

17 **(4) THE NECESSITY OF DETERRING FUTURE VIOLATIONS.**

18 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
19 **October 1, 2010.**