

HOUSE BILL 43

C2, D4

8lr0383

(PRE-FILED)

By: **Delegate Benson**

Requested: July 6, 2007

Introduced and read first time: January 9, 2008

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 notice to its recruits and to provide certain information to a recruit on request;
5 requiring a client of an international marriage broker to obtain and provide
6 certain information to the international marriage broker and to affirm that
7 certain information is accurate and complete; requiring the Central Repository
8 to process certain state and national criminal history records checks on
9 submission of certain information and fees; prohibiting an international
10 marriage broker from providing further services to a certain client or recruit
11 until certain information is received and provided to a recruit; prohibiting an
12 international marriage broker from further dissemination of certain
13 information; establishing penalties for violating this Act; requiring the court to
14 consider certain factors in determining a certain penalty; defining certain
15 terms; and generally relating to international marriage brokers.

16 BY adding to

17 Article - Business Regulation

18 Section 19-401 through 19-407 to be under the new subtitle "Subtitle 4.
19 International Marriage Brokers"

20 Annotated Code of Maryland

21 (2004 Replacement Volume and 2007 Supplement)

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

24 **Article - Business Regulation**

25 **SUBTITLE 4. INTERNATIONAL MARRIAGE BROKERS.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **19-401.**

2 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
3 INDICATED.

4 (B) "BASIC RIGHTS INFORMATION" MEANS INFORMATION APPLICABLE
5 TO A NONCITIZEN, INCLUDING INFORMATION ABOUT HUMAN RIGHTS,
6 IMMIGRATION, AND EMERGENCY ASSISTANCE AND RESOURCES.

7 (C) "CENTRAL REPOSITORY" MEANS THE CRIMINAL JUSTICE
8 INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF
9 PUBLIC SAFETY AND CORRECTIONAL SERVICES ESTABLISHED UNDER § 10-213
10 OF THE CRIMINAL PROCEDURE ARTICLE.

11 (D) "CLIENT" MEANS AN INDIVIDUAL WHO IS A RESIDENT OF THE
12 UNITED STATES AND THE STATE OF MARYLAND AND WHO CONTRACTS WITH AN
13 INTERNATIONAL MARRIAGE BROKER TO MEET RECRUITS.

14 (E) "CRIMINAL HISTORY RECORD INFORMATION" MEANS CRIMINAL
15 HISTORY RECORD INFORMATION AS DESCRIBED IN § 10-201(D) OF THE
16 CRIMINAL PROCEDURE ARTICLE THAT IS OBTAINED FROM THE CENTRAL
17 REPOSITORY.

18 (F) (1) "INTERNATIONAL MARRIAGE BROKER" MEANS A
19 CORPORATION, PARTNERSHIP, SOLE PROPRIETORSHIP, OR OTHER LEGAL
20 ENTITY THAT DOES BUSINESS IN THE UNITED STATES AND OFFERS TO
21 MARYLAND RESIDENTS DATING, MATRIMONIAL, OR SOCIAL REFERRAL
22 SERVICES INVOLVING RECRUITS BY:

23 (I) EXCHANGING NAMES, TELEPHONE NUMBERS,
24 ADDRESSES, PHOTOGRAPHS OR STATISTICS OR OTHERWISE FACILITATING
25 COMMUNICATION BETWEEN A CLIENT AND A RECRUIT; OR

26 (II) PROVIDING A SOCIAL ENVIRONMENT FOR INTRODUCING
27 CLIENTS TO RECRUITS IN A COUNTRY OTHER THAN THE UNITED STATES.

28 (2) "INTERNATIONAL MARRIAGE BROKER" DOES NOT INCLUDE:

29 (I) A TRADITIONAL MARRIAGE BROKER OF A RELIGIOUS
30 NATURE THAT OPERATES ON A NONPROFIT BASIS AND OTHERWISE OPERATES IN
31 COMPLIANCE WITH THE LAWS OF THE COUNTRIES IN WHICH IT OPERATES,
32 INCLUDING THE LAWS OF THE UNITED STATES; OR

1 (II) AN ORGANIZATION THAT DOES NOT CHARGE A FEE TO
2 ANY PARTY FOR THE SERVICES PROVIDED.

3 (G) “MARITAL HISTORY INFORMATION” MEANS A DECLARATION OF AN
4 INDIVIDUAL’S CURRENT MARITAL STATUS, THE NUMBER OF TIMES THE
5 INDIVIDUAL HAS BEEN MARRIED, THE NUMBER OF DOMESTIC VIOLENCE
6 PROTECTIVE ORDERS ISSUED AGAINST THE INDIVIDUAL, AND WHETHER ANY
7 PREVIOUS MARRIAGE OCCURRED AS A RESULT OF RECEIVING SERVICES FROM
8 AN INTERNATIONAL MARRIAGE BROKER.

9 (H) “RECRUIT” MEANS AN INDIVIDUAL WHO IS NOT A CITIZEN OR
10 RESIDENT OF THE UNITED STATES AND WHO IS RECRUITED BY AN
11 INTERNATIONAL MARRIAGE BROKER FOR THE PURPOSE OF PROVIDING DATING,
12 MATRIMONIAL, OR SOCIAL REFERRAL SERVICES.

13 **19-402.**

14 (A) AN INTERNATIONAL MARRIAGE BROKER SHALL NOTIFY EACH
15 RECRUIT THAT CRIMINAL HISTORY RECORD INFORMATION AND MARITAL
16 HISTORY INFORMATION OF CLIENTS AND BASIC RIGHTS INFORMATION ARE
17 AVAILABLE FROM THE ORGANIZATION ON REQUEST.

18 (B) THE NOTICE REQUIRED IN SUBSECTION (A) OF THIS SECTION MUST
19 BE:

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

21 (2) DISPLAYED IN A MANNER THAT:

22 (I) SEPARATES THE CRIMINAL HISTORY RECORD
23 INFORMATION, THE MARITAL HISTORY INFORMATION, AND THE BASIC RIGHTS
24 INFORMATION FROM ANY OTHER INFORMATION; AND

25 (II) IS HIGHLY NOTICEABLE.

26 **19-403.**

27 (A) AN INTERNATIONAL MARRIAGE BROKER SHALL PROVIDE TO A
28 RECRUIT:

29 (1) BASIC RIGHTS INFORMATION REQUESTED BY THE RECRUIT AS
30 SOON AS POSSIBLE; AND

1 **(2) CRIMINAL HISTORY RECORD INFORMATION OR MARITAL**
2 **HISTORY INFORMATION REQUESTED BY THE RECRUIT WITHIN 30 DAYS AFTER**
3 **THE INTERNATIONAL MARRIAGE BROKER RECEIVES THE INFORMATION FROM**
4 **THE CLIENT.**

5 **(B) (1) THE INTERNATIONAL MARRIAGE BROKER SHALL PROVIDE**
6 **THE INFORMATION DESCRIBED IN SUBSECTION (A) OF THIS SECTION TO THE**
7 **RECRUIT IN THE RECRUIT'S NATIVE LANGUAGE.**

8 **(2) THE INTERNATIONAL MARRIAGE BROKER SHALL PAY THE**
9 **COSTS INCURRED TO TRANSLATE THE INFORMATION.**

10 **19-404.**

11 **(A) IF A RECRUIT REQUESTS INFORMATION UNDER § 19-402 OF THIS**
12 **SUBTITLE, THE CLIENT SHALL:**

13 **(1) OBTAIN A COPY OF THE INDIVIDUAL'S OWN CRIMINAL**
14 **HISTORY RECORD INFORMATION IN ACCORDANCE WITH § 19-405 OF THIS**
15 **SUBTITLE;**

16 **(2) PROVIDE THE CRIMINAL HISTORY RECORD INFORMATION TO**
17 **THE INTERNATIONAL MARRIAGE BROKER; AND**

18 **(3) PROVIDE THE INDIVIDUAL'S OWN MARITAL HISTORY**
19 **INFORMATION TO THE INTERNATIONAL MARRIAGE BROKER.**

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

26 **(C) THE INTERNATIONAL MARRIAGE BROKER MAY NOT PROVIDE ANY**
27 **FURTHER SERVICES TO THE CLIENT OR THE RECRUIT UNTIL THE**
28 **INTERNATIONAL MARRIAGE BROKER HAS:**

29 **(1) RECEIVED THE REQUESTED CRIMINAL HISTORY RECORD**
30 **INFORMATION;**

31 **(2) RECEIVED THE REQUESTED MARITAL HISTORY INFORMATION;**
32 **AND**

1 **(3) PROVIDED THE INFORMATION TO THE RECRUIT.**

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

5 **19-405.**

6 **(A) A CLIENT OF AN INTERNATIONAL MARRIAGE BROKER SHALL APPLY**
7 **TO THE CENTRAL REPOSITORY FOR STATE AND NATIONAL CRIMINAL HISTORY**
8 **RECORDS CHECKS ON A FORM APPROVED BY THE DIRECTOR OF THE CENTRAL**
9 **REPOSITORY.**

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

16 **(C) AN INDIVIDUAL APPLYING FOR STATE AND NATIONAL CRIMINAL**
17 **HISTORY RECORDS CHECKS SHALL SUBMIT TO THE CENTRAL REPOSITORY:**

18 **(1) A COMPLETE SET OF LEGIBLE FINGERPRINTS TAKEN AT ANY**
19 **DESIGNATED STATE OR LOCAL LAW ENFORCEMENT OFFICE IN THE STATE OR**
20 **OTHER LOCATION APPROVED BY THE SECRETARY;**

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

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

27 **19-406.**

28 **AN INTERNATIONAL MARRIAGE BROKER SHALL BE DEEMED TO BE DOING**
29 **BUSINESS IN THE STATE IF IT CONTRACTS FOR SERVICES WITH A MARYLAND**
30 **RESIDENT OR IS CONSIDERED TO BE DOING BUSINESS UNDER OTHER LAWS OF**
31 **THE STATE.**

32 **19-407.**

1 (A) **A PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS**
2 **GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT**
3 **EXCEEDING \$10,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.**

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

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

7 (2) **THE SERIOUSNESS OF THE VIOLATION, INCLUDING THE**
8 **NATURE, CIRCUMSTANCES, AND EXTENT OF THE VIOLATION;**

9 (3) **THE DEMONSTRATED GOOD FAITH OF THE INTERNATIONAL**
10 **MARRIAGE BROKER; AND**

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

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2008.