

# HOUSE BILL 1568

C2, D4

8lr3352

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By: **Delegates Haddaway, Aumann, Bates, Beidle, Benson, Braveboy, Carter, V. Clagett, Doory, Dumais, Eckardt, Frush, Gaines, Glenn, Griffith, Gutierrez, Harrison, Healey, Hecht, Hixson, Howard, Ivey, James, Jones, Kaiser, Kirk, Krebs, Krysiak, Kullen, Lee, Levi, Love, McComas, McIntosh, Mizeur, Montgomery, Nathan-Pulliam, Pena-Melnyk, Pendergrass, Robinson, Shewell, Stifler, Stocksdale, V. Turner, Valderrama, and Walkup**

Introduced and read first time: February 27, 2008

Assigned to: Rules and Executive Nominations

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## 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:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Business Regulation**

2 **SUBTITLE 4. INTERNATIONAL MARRIAGE BROKERS.**

3 **19–401.**

4 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
5 INDICATED.

6 (B) “BASIC RIGHTS INFORMATION” MEANS INFORMATION APPLICABLE  
7 TO A NONCITIZEN, INCLUDING INFORMATION ABOUT HUMAN RIGHTS,  
8 IMMIGRATION, AND EMERGENCY ASSISTANCE AND RESOURCES.

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

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

16 (E) “CRIMINAL HISTORY RECORD INFORMATION” MEANS CRIMINAL  
17 HISTORY RECORD INFORMATION AS DESCRIBED IN § 10–201(D) OF THE  
18 CRIMINAL PROCEDURE ARTICLE THAT IS OBTAINED FROM THE CENTRAL  
19 REPOSITORY.

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

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

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

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

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

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

7 (G) "MARITAL HISTORY INFORMATION" MEANS A DECLARATION OF AN  
8 INDIVIDUAL'S CURRENT MARITAL STATUS, THE NUMBER OF TIMES THE  
9 INDIVIDUAL HAS BEEN MARRIED, THE NUMBER OF DOMESTIC VIOLENCE  
10 PROTECTIVE ORDERS ISSUED AGAINST THE INDIVIDUAL, AND WHETHER ANY  
11 PREVIOUS MARRIAGE OCCURRED AS A RESULT OF RECEIVING SERVICES FROM  
12 AN INTERNATIONAL MARRIAGE BROKER.

13 (H) "RECRUIT" MEANS AN INDIVIDUAL WHO IS NOT A CITIZEN OR  
14 RESIDENT OF THE UNITED STATES AND WHO IS RECRUITED BY AN  
15 INTERNATIONAL MARRIAGE BROKER FOR THE PURPOSE OF PROVIDING DATING,  
16 MATRIMONIAL, OR SOCIAL REFERRAL SERVICES.

17 **19-402.**

18 (A) AN INTERNATIONAL MARRIAGE BROKER SHALL NOTIFY EACH  
19 RECRUIT THAT CRIMINAL HISTORY RECORD INFORMATION AND MARITAL  
20 HISTORY INFORMATION OF CLIENTS AND BASIC RIGHTS INFORMATION ARE  
21 AVAILABLE FROM THE ORGANIZATION ON REQUEST.

22 (B) THE NOTICE REQUIRED IN SUBSECTION (A) OF THIS SECTION MUST  
23 BE:

24 (1) IN THE RECRUIT'S NATIVE LANGUAGE; AND

25 (2) DISPLAYED IN A MANNER THAT:

26 (I) SEPARATES THE CRIMINAL HISTORY RECORD  
27 INFORMATION, THE MARITAL HISTORY INFORMATION, AND THE BASIC RIGHTS  
28 INFORMATION FROM ANY OTHER INFORMATION; AND

29 (II) IS HIGHLY NOTICEABLE.

30 **19-403.**

31 (A) AN INTERNATIONAL MARRIAGE BROKER SHALL PROVIDE TO A  
32 RECRUIT:

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

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

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

10           (2) THE INTERNATIONAL MARRIAGE BROKER SHALL PAY THE  
11 COSTS INCURRED TO TRANSLATE THE INFORMATION.

12 **19-404.**

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

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

18           (2) PROVIDE THE CRIMINAL HISTORY RECORD INFORMATION TO  
19 THE INTERNATIONAL MARRIAGE BROKER; AND

20           (3) PROVIDE THE INDIVIDUAL'S OWN MARITAL HISTORY  
21 INFORMATION TO THE INTERNATIONAL MARRIAGE BROKER.

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

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

31           (1) RECEIVED THE REQUESTED CRIMINAL HISTORY RECORD  
32 INFORMATION;

1                   (2)    RECEIVED THE REQUESTED MARITAL HISTORY INFORMATION;  
2    AND

3                   (3)    PROVIDED THE INFORMATION TO THE RECRUIT.

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

7    **19-405.**

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

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

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

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

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    **19-406.**

30           AN INTERNATIONAL MARRIAGE BROKER SHALL BE DEEMED TO BE DOING  
31   BUSINESS IN THE STATE IF IT CONTRACTS FOR SERVICES WITH A MARYLAND

1 RESIDENT OR IS CONSIDERED TO BE DOING BUSINESS UNDER OTHER LAWS OF  
2 THE STATE.

3 **19-407.**

4 (A) A PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS  
5 GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT  
6 EXCEEDING \$12,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

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

8 (1) ANY PREVIOUS VIOLATIONS OF THIS SUBTITLE BY THE  
9 INTERNATIONAL MARRIAGE BROKER;

10 (2) THE SERIOUSNESS OF THE VIOLATION, INCLUDING THE  
11 NATURE, CIRCUMSTANCES, AND EXTENT OF THE VIOLATION;

12 (3) THE DEMONSTRATED GOOD FAITH OF THE INTERNATIONAL  
13 MARRIAGE BROKER; AND

14 (4) THE NECESSITY OF DETERRING FUTURE VIOLATIONS.

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