

SENATE BILL 129

C2, D4

(0lr0475)

ENROLLED BILL

— Finance/Economic Matters —

Introduced by **Senators Pugh, Conway, Forehand, Jacobs, Jones, Kelley, King, and Kramer** Kramer, Middleton, Astle, Exum, Garagiola, and Klausmeier

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

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~~ conduct a certain criminal history
8 records ~~checks from the Criminal Justice Information System Central~~
9 ~~Repository; requiring the Central Repository to process certain State and~~
10 ~~national criminal history records checks on submission of certain information~~
11 ~~and fees~~ check; prohibiting an international marriage broker from providing
12 ~~services~~ certain information to a certain client or recruit until certain
13 information is received and provided to a recruit; prohibiting an international

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 marriage broker from further dissemination of certain information; authorizing
 2 an international marriage broker to disclose certain information only after
 3 obtaining certain written consent; providing that a certain international
 4 marriage broker shall be deemed to be doing business in the State; establishing
 5 penalties for violating this Act; requiring the court to consider certain factors in
 6 determining a certain penalty; requiring the Department of Labor, Licensing,
 7 and Regulation, in consultation with the Department of Public Safety and
 8 Correctional Services, to report on and make certain recommendations relating
 9 to registering and licensing international marriage brokers; defining certain
 10 terms; and generally relating to international marriage brokers.

11 BY adding to
 12 Article – Business Regulation
 13 Section 19–601 through ~~19–606~~ 19–607 to be under the new subtitle “Subtitle 6.
 14 International Marriage Brokers”
 15 Annotated Code of Maryland
 16 (2004 Replacement Volume and 2009 Supplement)

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

19 **Article – Business Regulation**

20 **SUBTITLE 6. INTERNATIONAL MARRIAGE BROKERS.**

21 **19–601.**

22 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
 23 INDICATED.

24 (B) “BASIC RIGHTS INFORMATION” MEANS INFORMATION APPLICABLE
 25 TO A NONCITIZEN, INCLUDING INFORMATION ABOUT HUMAN RIGHTS,
 26 IMMIGRATION, AND EMERGENCY ASSISTANCE AND RESOURCES.

27 ~~(C) “CENTRAL REPOSITORY” MEANS THE CRIMINAL JUSTICE~~
 28 ~~INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF~~
 29 ~~PUBLIC SAFETY AND CORRECTIONAL SERVICES ESTABLISHED UNDER § 10–213~~
 30 ~~OF THE CRIMINAL PROCEDURE ARTICLE.~~

31 ~~(D)~~ (C) “CLIENT” MEANS AN INDIVIDUAL WHO IS A CITIZEN OR
 32 RESIDENT OF THE UNITED STATES AND THE STATE OF MARYLAND AND WHO
 33 USES THE SERVICES OF AN INTERNATIONAL MARRIAGE BROKER TO MEET
 34 RECRUITS.

1 ~~(F)~~ (D) “CRIMINAL HISTORY RECORD INFORMATION” MEANS
 2 CRIMINAL HISTORY RECORD INFORMATION AS DESCRIBED IN § 10-201 OF THE
 3 CRIMINAL PROCEDURE ARTICLE ~~THAT IS OBTAINED FROM THE CENTRAL~~
 4 ~~REPOSITORY.~~

5 ~~(F)~~ (E) (1) “INTERNATIONAL MARRIAGE BROKER” MEANS A
 6 CORPORATION, PARTNERSHIP, SOLE PROPRIETORSHIP, OR OTHER LEGAL
 7 ENTITY THAT DOES BUSINESS IN THE UNITED STATES AND OFFERS TO
 8 MARYLAND RESIDENTS DATING, MATRIMONIAL, OR SOCIAL REFERRAL
 9 SERVICES INVOLVING RECRUITS BY:

10 (I) EXCHANGING NAMES, TELEPHONE NUMBERS,
 11 ADDRESSES, PHOTOGRAPHS, OR STATISTICS OR OTHERWISE FACILITATING
 12 COMMUNICATION BETWEEN A CLIENT AND A RECRUIT; OR

13 (II) PROVIDING A SOCIAL ENVIRONMENT FOR INTRODUCING
 14 CLIENTS TO RECRUITS IN ~~A COUNTRY OTHER THAN THE UNITED STATES~~
 15 PERSON.

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

17 (I) A TRADITIONAL MARRIAGE BROKER ~~OF A RELIGIOUS~~
 18 ~~NATURE~~ THAT OPERATES ON A NONPROFIT BASIS AND OTHERWISE OPERATES IN
 19 COMPLIANCE WITH THE LAWS OF THE COUNTRIES IN WHICH IT OPERATES,
 20 INCLUDING THE LAWS OF THE UNITED STATES; OR

21 (II) ~~AN ORGANIZATION THAT DOES NOT CHARGE A FEE~~
 22 ~~BASED ON GENDER OR COUNTRY OF ORIGIN TO ANY PARTY FOR THE SERVICES~~
 23 ~~PROVIDED~~ ENTITY THAT PROVIDES DATING SERVICES IF ITS PRINCIPAL
 24 BUSINESS IS NOT TO PROVIDE INTERNATIONAL DATING SERVICES BETWEEN
 25 MARYLAND RESIDENTS AND FOREIGN NATIONALS AND IT CHARGES
 26 COMPARABLE RATES AND OFFERS COMPARABLE SERVICES TO ALL INDIVIDUALS
 27 IT SERVES REGARDLESS OF THE INDIVIDUAL’S GENDER OR COUNTRY OF
 28 CITIZENSHIP.

29 (G) “MARITAL HISTORY INFORMATION” MEANS A DECLARATION OF AN
 30 INDIVIDUAL’S CURRENT MARITAL STATUS, THE NUMBER OF TIMES THE
 31 INDIVIDUAL HAS BEEN MARRIED, THE NUMBER OF DOMESTIC VIOLENCE
 32 PROTECTIVE ORDERS ISSUED AGAINST THE INDIVIDUAL, AND WHETHER ANY
 33 PREVIOUS MARRIAGE OCCURRED AS A RESULT OF RECEIVING SERVICES FROM
 34 AN INTERNATIONAL MARRIAGE BROKER.

35 (H) “RECRUIT” MEANS AN INDIVIDUAL WHO IS NOT A CITIZEN OR
 36 RESIDENT OF THE UNITED STATES AND WHO USES THE SERVICES OF OR IS

1 RECRUITED BY AN INTERNATIONAL MARRIAGE BROKER FOR DATING,
2 MATRIMONIAL, OR SOCIAL REFERRAL SERVICES.

3 19-602.

4 (A) (1) AN INTERNATIONAL MARRIAGE BROKER SHALL PROVIDE
5 EACH RECRUIT WITH CRIMINAL HISTORY RECORD INFORMATION AND MARITAL
6 HISTORY INFORMATION OF ITS CLIENT AND BASIC HUMAN RIGHTS
7 INFORMATION BEFORE ~~ANY~~ PERSONAL CONTACT INFORMATION ABOUT A
8 RECRUIT IS GIVEN TO THE CLIENT.

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

12 (B) THE INFORMATION REQUIRED IN SUBSECTION (A) OF THIS SECTION
13 MUST BE:

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

15 (2) DISPLAYED IN A MANNER THAT:

16 (I) SEPARATES THE CRIMINAL HISTORY RECORD
17 INFORMATION, THE MARITAL HISTORY INFORMATION, AND THE BASIC RIGHTS
18 INFORMATION FROM ANY OTHER INFORMATION; AND

19 (II) IS HIGHLY NOTICEABLE.

20 (C) THE INTERNATIONAL MARRIAGE BROKER SHALL PAY THE COSTS
21 INCURRED TO TRANSLATE THE INFORMATION.

22 19-603.

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

24 ~~(1) PROVIDE TWO COMPLETE SETS OF THE CLIENT'S LEGIBLE~~
25 ~~FINGERPRINTS THAT MEET THE REQUIREMENTS OF § 19-604(C)(1) OF THIS~~
26 ~~SUBTITLE TO THE INTERNATIONAL MARRIAGE BROKER; AND~~

27 ~~(2)~~ (1) PROVIDE THE CLIENT'S OWN MARITAL HISTORY
28 INFORMATION TO THE INTERNATIONAL MARRIAGE BROKER; AND

29 ~~(3)~~ (2) PROVIDE THE CLIENT'S OWN STATE AND FEDERAL
30 CRIMINAL HISTORY TO THE INTERNATIONAL MARRIAGE BROKER; AND

1 ~~(4) (3) (2)~~ NOTIFY THE INTERNATIONAL MARRIAGE BROKER IF THE
 2 CLIENT HAS PREVIOUSLY SPONSORED AN INTERNATIONAL SPOUSE.

3 (B) THE INTERNATIONAL MARRIAGE BROKER SHALL REQUIRE THE
 4 CLIENT TO AFFIRM THAT THE MARITAL HISTORY INFORMATION IS COMPLETE
 5 AND ACCURATE AND INCLUDES INFORMATION REGARDING MARRIAGES,
 6 ANNULMENTS, DISSOLUTIONS, AND THE NUMBER OF DOMESTIC VIOLENCE
 7 PROTECTIVE ORDERS ISSUED AGAINST THE CLIENT THAT OCCURRED IN THIS
 8 STATE, IN ANOTHER STATE, OR IN A FOREIGN COUNTRY.

9 (C) THE INTERNATIONAL MARRIAGE BROKER MAY NOT PROVIDE ANY
 10 ~~SERVICES~~ PERSONAL CONTACT INFORMATION TO THE CLIENT OR THE RECRUIT,
 11 INCLUDING THE LAST NAME, PHONE NUMBER, ADDRESS, OR ELECTRONIC MAIL
 12 ADDRESS OF THE CLIENT OR THE RECRUIT, UNTIL THE INTERNATIONAL
 13 MARRIAGE BROKER HAS:

14 (1) RECEIVED THE ~~REQUESTED CRIMINAL HISTORY RECORD~~
 15 ~~INFORMATION IN ACCORDANCE WITH~~ FROM THE CRIMINAL HISTORY RECORDS
 16 CHECK REQUIRED UNDER § 19-604 OF THIS SUBTITLE;

17 (2) RECEIVED THE REQUESTED MARITAL HISTORY INFORMATION;
 18 AND

19 (3) PROVIDED THE INFORMATION TO THE RECRUIT.

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

23 **19-604.**

24 ~~(A) THE AT THE TIME AN INTERNATIONAL MARRIAGE BROKER~~
 25 ~~CONTRACTS FOR SERVICES WITH A CLIENT, PRIOR TO THE RELEASE OF ANY~~
 26 ~~PERSONAL CONTACT INFORMATION TO THE CLIENT OR THE RECRUIT, THE~~
 27 ~~INTERNATIONAL MARRIAGE BROKER SHALL REQUEST WITH REFERENCE TO A~~
 28 ~~CLIENT CONDUCT A STATE AND NATIONAL CRIMINAL HISTORY RECORDS~~
 29 ~~CHECKS FROM THE CENTRAL REPOSITORY ON A FORM APPROVED BY THE~~
 30 ~~DIRECTOR OF THE CENTRAL REPOSITORY CHECK OF THE CLIENT, INCLUDING A~~
 31 SEARCH OF THE SEX OFFENDER REGISTRY.

32 ~~(B) FOR EACH REQUEST FOR STATE AND NATIONAL CRIMINAL HISTORY~~
 33 ~~RECORDS CHECKS UNDER SUBSECTION (A) OF THIS SECTION, THE CENTRAL~~
 34 ~~REPOSITORY SHALL PROCESS THE STATE AND NATIONAL CRIMINAL HISTORY~~

~~1 RECORDS CHECKS AND FORWARD TO THE INTERNATIONAL MARRIAGE BROKER
2 AND THE CLIENT A PRINTED STATEMENT LISTING ANY CONVICTIONS AND PLEAS
3 OF GUILTY OR NOLO CONTENDERE TO ANY CRIMINAL CHARGE.~~

~~4 (C) AN INTERNATIONAL MARRIAGE BROKER SHALL SUBMIT TO THE
5 CENTRAL REPOSITORY;~~

~~6 (1) TWO COMPLETE SETS OF THE CLIENT'S LEGIBLE
7 FINGERPRINTS TAKEN AT ANY DESIGNATED STATE OR LOCAL LAW
8 ENFORCEMENT OFFICE IN THE STATE OR OTHER LOCATION APPROVED BY THE
9 SECRETARY ON FORMS APPROVED BY THE DIRECTOR OF THE CENTRAL
10 REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF
11 INVESTIGATION;~~

~~12 (2) THE MANDATORY PROCESSING FEE REQUIRED BY THE
13 FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY
14 RECORDS CHECK; AND~~

~~15 (3) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THE
16 CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO MARYLAND CRIMINAL
17 HISTORY RECORDS.~~

~~18 19-605.~~

19 AN INTERNATIONAL MARRIAGE BROKER MAY DISCLOSE PERSONAL
20 CONTACT INFORMATION ON A RECRUIT ONLY AFTER OBTAINING CONSENT
21 FROM THE RECRUIT, WRITTEN IN THE RECRUIT'S NATIVE LANGUAGE.

~~22 19-605. 19-606.~~

23 AN INTERNATIONAL MARRIAGE BROKER SHALL BE DEEMED TO BE DOING
24 BUSINESS IN THE STATE IF IT CONTRACTS FOR SERVICES WITH A MARYLAND
25 RESIDENT OR IS CONSIDERED TO BE DOING BUSINESS UNDER OTHER LAWS OF
26 THE STATE.

~~27 19-606. 19-607.~~

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

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

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

3 **(2) THE SERIOUSNESS OF THE VIOLATION, INCLUDING THE**
4 **NATURE, CIRCUMSTANCES, AND EXTENT OF THE VIOLATION;**

5 **(3) THE DEMONSTRATED GOOD FAITH OF THE INTERNATIONAL**
6 **MARRIAGE BROKER; AND**

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

8 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1,
9 2010, the Department of Labor, Licensing, and Regulation, in consultation with the
10 Department of Public Safety and Correctional Services, shall:

11 (a) report on the feasibility of registering or licensing international
12 marriage brokers;

13 (b) recommend whether to implement a registration or licensing
14 scheme through legislation; and

15 (c) provide draft legislation to implement any recommended
16 registration or licensing scheme.

17 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2010.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.