

# SENATE BILL 129

C2, D4

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CF HB 65

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By: **Senators Pugh, Conway, Forehand, Jacobs, Jones, Kelley, King, ~~and Kramer~~ Kramer, Middleton, Astle, Exum, Garagiola, and Klausmeier**

Introduced and read first time: January 15, 2010

Assigned to: Finance

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Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: February 24, 2010

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## 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 to a certain client or recruit until certain information is received and  
13 provided to a recruit; prohibiting an international marriage broker from further  
14 dissemination of certain information; authorizing an international marriage  
15 broker to disclose certain information only after obtaining certain written  
16 consent; providing that a certain international marriage broker shall be deemed  
17 to be doing business in the State; establishing penalties for violating this Act;  
18 requiring the court to consider certain factors in determining a certain penalty;  
19 requiring the Department of Labor, Licensing, and Regulation, in consultation  
20 with the Department of Public Safety and Correctional Services, to report on  
21 and make certain recommendations relating to registering and licensing  
22 international marriage brokers; defining certain terms; and generally relating  
23 to international marriage brokers.

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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.



1 BY adding to  
 2 Article – Business Regulation  
 3 Section 19–601 through ~~19–606~~ 19–607 to be under the new subtitle “Subtitle 6.  
 4 International Marriage Brokers”  
 5 Annotated Code of Maryland  
 6 (2004 Replacement Volume and 2009 Supplement)

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

9 **Article – Business Regulation**

10 **SUBTITLE 6. INTERNATIONAL MARRIAGE BROKERS.**

11 **19–601.**

12 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
 13 INDICATED.

14 (B) “BASIC RIGHTS INFORMATION” MEANS INFORMATION APPLICABLE  
 15 TO A NONCITIZEN, INCLUDING INFORMATION ABOUT HUMAN RIGHTS,  
 16 IMMIGRATION, AND EMERGENCY ASSISTANCE AND RESOURCES.

17 ~~(C) “CENTRAL REPOSITORY” MEANS THE CRIMINAL JUSTICE~~  
 18 ~~INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF~~  
 19 ~~PUBLIC SAFETY AND CORRECTIONAL SERVICES ESTABLISHED UNDER § 10–213~~  
 20 ~~OF THE CRIMINAL PROCEDURE ARTICLE.~~

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

25 ~~(E)~~ (D) “CRIMINAL HISTORY RECORD INFORMATION” MEANS  
 26 CRIMINAL HISTORY RECORD INFORMATION AS DESCRIBED IN § 10–201 OF THE  
 27 CRIMINAL PROCEDURE ARTICLE ~~THAT IS OBTAINED FROM THE CENTRAL~~  
 28 ~~REPOSITORY.~~

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

1 (I) EXCHANGING NAMES, TELEPHONE NUMBERS,  
2 ADDRESSES, PHOTOGRAPHS, OR STATISTICS OR OTHERWISE FACILITATING  
3 COMMUNICATION BETWEEN A CLIENT AND A RECRUIT; OR

4 (II) PROVIDING A SOCIAL ENVIRONMENT FOR INTRODUCING  
5 CLIENTS TO RECRUITS IN ~~A COUNTRY OTHER THAN THE UNITED STATES~~  
6 PERSON.

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

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

12 (II) AN ORGANIZATION THAT DOES NOT CHARGE A FEE  
13 BASED ON GENDER OR COUNTRY OF ORIGIN TO ANY PARTY FOR THE SERVICES  
14 PROVIDED.

15 (G) "MARITAL HISTORY INFORMATION" MEANS A DECLARATION OF AN  
16 INDIVIDUAL'S CURRENT MARITAL STATUS, THE NUMBER OF TIMES THE  
17 INDIVIDUAL HAS BEEN MARRIED, THE NUMBER OF DOMESTIC VIOLENCE  
18 PROTECTIVE ORDERS ISSUED AGAINST THE INDIVIDUAL, AND WHETHER ANY  
19 PREVIOUS MARRIAGE OCCURRED AS A RESULT OF RECEIVING SERVICES FROM  
20 AN INTERNATIONAL MARRIAGE BROKER.

21 (H) "RECRUIT" MEANS AN INDIVIDUAL WHO IS NOT A CITIZEN OR  
22 RESIDENT OF THE UNITED STATES AND WHO USES THE SERVICES OF OR IS  
23 RECRUITED BY AN INTERNATIONAL MARRIAGE BROKER FOR DATING,  
24 MATRIMONIAL, OR SOCIAL REFERRAL SERVICES.

25 19-602.

26 (A) (1) AN INTERNATIONAL MARRIAGE BROKER SHALL PROVIDE  
27 EACH RECRUIT WITH CRIMINAL HISTORY RECORD INFORMATION AND MARITAL  
28 HISTORY INFORMATION OF ITS CLIENT AND BASIC HUMAN RIGHTS  
29 INFORMATION BEFORE ANY INFORMATION ABOUT A RECRUIT IS GIVEN TO THE  
30 CLIENT.

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

34 (B) THE INFORMATION REQUIRED IN SUBSECTION (A) OF THIS SECTION  
35 MUST BE:

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

2 (2) DISPLAYED IN A MANNER THAT:

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

6 (II) IS HIGHLY NOTICEABLE.

7 (C) THE INTERNATIONAL MARRIAGE BROKER SHALL PAY THE COSTS  
8 INCURRED TO TRANSLATE THE INFORMATION.

9 19-603.

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

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

14 ~~(2)~~ (1) PROVIDE THE CLIENT'S OWN MARITAL HISTORY  
15 INFORMATION TO THE INTERNATIONAL MARRIAGE BROKER;

16 ~~(3)~~ (2) PROVIDE THE CLIENT'S OWN STATE AND FEDERAL  
17 CRIMINAL HISTORY TO THE INTERNATIONAL MARRIAGE BROKER; AND

18 ~~(4)~~ (3) NOTIFY THE INTERNATIONAL MARRIAGE BROKER IF  
19 THE CLIENT HAS PREVIOUSLY SPONSORED AN INTERNATIONAL SPOUSE.

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 SERVICES TO THE CLIENT OR THE RECRUIT UNTIL THE INTERNATIONAL  
28 MARRIAGE BROKER HAS:

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

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 19-604.

8           ~~(A) THE AT THE TIME AN INTERNATIONAL MARRIAGE BROKER~~  
9 ~~CONTRACTS FOR SERVICES WITH A CLIENT, THE INTERNATIONAL MARRIAGE~~  
10 ~~BROKER SHALL REQUEST WITH REFERENCE TO A CLIENT CONDUCT A STATE~~  
11 ~~AND NATIONAL CRIMINAL HISTORY RECORDS CHECKS FROM THE CENTRAL~~  
12 ~~REPOSITORY ON A FORM APPROVED BY THE DIRECTOR OF THE CENTRAL~~  
13 ~~REPOSITORY CHECK OF THE CLIENT, INCLUDING A SEARCH OF THE SEX~~  
14 ~~OFFENDER REGISTRY.~~

15           ~~(B) FOR EACH REQUEST FOR STATE AND NATIONAL CRIMINAL HISTORY~~  
16 ~~RECORDS CHECKS UNDER SUBSECTION (A) OF THIS SECTION, THE CENTRAL~~  
17 ~~REPOSITORY SHALL PROCESS THE STATE AND NATIONAL CRIMINAL HISTORY~~  
18 ~~RECORDS CHECKS AND FORWARD TO THE INTERNATIONAL MARRIAGE BROKER~~  
19 ~~AND THE CLIENT A PRINTED STATEMENT LISTING ANY CONVICTIONS AND PLEAS~~  
20 ~~OF GUILTY OR NOLO CONTENDERE TO ANY CRIMINAL CHARGE.~~

21           ~~(C) AN INTERNATIONAL MARRIAGE BROKER SHALL SUBMIT TO THE~~  
22 ~~CENTRAL REPOSITORY;~~

23           ~~(1) TWO COMPLETE SETS OF THE CLIENT'S LEGIBLE~~  
24 ~~FINGERPRINTS TAKEN AT ANY DESIGNATED STATE OR LOCAL LAW~~  
25 ~~ENFORCEMENT OFFICE IN THE STATE OR OTHER LOCATION APPROVED BY THE~~  
26 ~~SECRETARY ON FORMS APPROVED BY THE DIRECTOR OF THE CENTRAL~~  
27 ~~REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF~~  
28 ~~INVESTIGATION;~~

29           ~~(2) THE MANDATORY PROCESSING FEE REQUIRED BY THE~~  
30 ~~FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY~~  
31 ~~RECORDS CHECK; AND~~

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

1 **19-605.**

2 **AN INTERNATIONAL MARRIAGE BROKER MAY DISCLOSE INFORMATION ON**  
3 **A RECRUIT ONLY AFTER OBTAINING CONSENT FROM THE RECRUIT, WRITTEN IN**  
4 **THE RECRUIT'S NATIVE LANGUAGE.**

5 ~~**19-605.**~~ **19-606.**

6 **AN INTERNATIONAL MARRIAGE BROKER SHALL BE DEEMED TO BE DOING**  
7 **BUSINESS IN THE STATE IF IT CONTRACTS FOR SERVICES WITH A MARYLAND**  
8 **RESIDENT OR IS CONSIDERED TO BE DOING BUSINESS UNDER OTHER LAWS OF**  
9 **THE STATE.**

10 ~~**19-606.**~~ **19-607.**

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

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

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

18 **(2) THE SERIOUSNESS OF THE VIOLATION, INCLUDING THE**  
19 **NATURE, CIRCUMSTANCES, AND EXTENT OF THE VIOLATION;**

20 **(3) THE DEMONSTRATED GOOD FAITH OF THE INTERNATIONAL**  
21 **MARRIAGE BROKER; AND**

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

23 **SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1,**  
24 **2010, the Department of Labor, Licensing, and Regulation, in consultation with the**  
25 **Department of Public Safety and Correctional Services, shall:**

26 **(a) report on the feasibility of registering or licensing international**  
27 **marriage brokers;**

28 **(b) recommend whether to implement a registration or licensing**  
29 **scheme through legislation; and**

30 **(c) provide draft legislation to implement any recommended**  
31 **registration or licensing scheme.**

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.