

HOUSE BILL 65

C2, D4

(PRE-FILED)

0lr0474
CF SB 129

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

Committee Report: Favorable with amendments
House action: Adopted
Read second time: February 10, 2010

CHAPTER _____

1 AN ACT concerning

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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 check 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~~; prohibiting an international marriage broker from providing services
12 to a certain client or recruit until certain information is received and provided to
13 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;

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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 defining certain terms; and generally relating to international marriage
2 brokers.

3 BY adding to
4 Article – Business Regulation
5 Section 19–601 through 19–607 to be under the new subtitle “Subtitle 6.
6 International Marriage Brokers”
7 Annotated Code of Maryland
8 (2004 Replacement Volume and 2009 Supplement)

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

11 Article – Business Regulation

12 SUBTITLE 6. INTERNATIONAL MARRIAGE BROKERS.

13 19–601.

14 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
15 INDICATED.

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

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

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

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

3

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

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

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

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

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

~~(III) AN ONLINE DATING SERVICE.~~

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

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

19-602.

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

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

1 (B) THE INFORMATION REQUIRED IN SUBSECTION (A) OF THIS SECTION
2 MUST BE:

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

4 (2) DISPLAYED IN A MANNER THAT:

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

8 (II) IS HIGHLY NOTICEABLE.

9 (C) THE INTERNATIONAL MARRIAGE BROKER SHALL PAY THE COSTS
10 INCURRED TO TRANSLATE THE INFORMATION.

11 19-603.

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

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

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

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

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

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

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

4 (2) RECEIVED THE REQUESTED MARITAL HISTORY INFORMATION;
5 AND

6 (3) PROVIDED THE INFORMATION TO THE RECRUIT.

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

10 19-604.

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

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

24 (C) ~~AN INTERNATIONAL MARRIAGE BROKER SHALL SUBMIT TO THE~~
25 ~~CENTRAL REPOSITORY;~~

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

32 (2) ~~THE MANDATORY PROCESSING FEE REQUIRED BY THE~~
33 ~~FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY~~
34 ~~RECORDS CHECK; AND~~

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

4 **19-605.**

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

8 **19-606.**

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

13 **19-607.**

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

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

19 (1) ANY PREVIOUS VIOLATIONS OF THIS SUBTITLE BY THE
20 INTERNATIONAL MARRIAGE BROKER;

21 (2) THE SERIOUSNESS OF THE VIOLATION, INCLUDING THE
22 NATURE, CIRCUMSTANCES, AND EXTENT OF THE VIOLATION;

23 (3) THE DEMONSTRATED GOOD FAITH OF THE INTERNATIONAL
24 MARRIAGE BROKER; AND

25 (4) THE NECESSITY OF DETERRING FUTURE VIOLATIONS.

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