

By: McCall

H.B. No. 177

Substitute the following for H.B. No. 177:

By: Solomons

C.S.H.B. No. 177

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of certain international matchmaking organizations; providing a civil penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. DEFINITIONS. In this Act:

(1) "Basic rights information" means information applicable to a noncitizen, including information about human rights, immigration, and emergency assistance and resources.

(2) "Client" means a person who is a resident of the United States and who contracts with an international matchmaking organization to meet recruits.

(3) "Criminal history record information" means criminal history record information obtained from the Department of Public Safety under Subchapter F, Chapter 411, Government Code, and from the Federal Bureau of Investigation under Section 411.087, Government Code.

(4) "International matchmaking organization" means a corporation, partnership, sole proprietorship, or other legal entity that does business in the United States and offers to Texas residents dating, matrimonial, or social referral services involving recruits by:

(A) exchanging names, telephone numbers, addresses, or statistics;

(B) selecting photographs; or

1 (C) providing a social environment for
2 introducing clients to recruits in a country other than the United
3 States.

4 (5) "Marital history information" means a declaration
5 of a person's current marital status, the number of times the person
6 has been married, and whether any marriage occurred as a result of
7 receiving services from an international matchmaking organization.

8 (6) "Recruit" means a person who is not a citizen or
9 resident of the United States and who is recruited by an
10 international matchmaking organization for the purpose of
11 providing dating, matrimonial, or social referral services.

12 SECTION 2. NOTICE OF AVAILABILITY OF CRIMINAL HISTORY,
13 MARITAL HISTORY, AND BASIC RIGHTS INFORMATION. (a) An
14 international matchmaking organization shall provide each recruit
15 with the criminal history record information and marital history
16 information of its clients and with basic rights information.

17 (b) The information under Subsection (a) of this section
18 must be:

19 (1) in the recruit's native language; and

20 (2) displayed in a manner that:

21 (A) separates the criminal history record
22 information, the marital history information, and the basic rights
23 information from any other information; and

24 (B) is highly noticeable.

25 SECTION 3. PROVIDING CRIMINAL HISTORY, MARITAL HISTORY, AND
26 BASIC RIGHTS INFORMATION. (a) An international matchmaking
27 organization shall disseminate to a recruit the criminal history

1 record information and marital history information of a client and
2 the basic rights information not later than the 30th day after the
3 date the international matchmaking organization receives the
4 criminal history record information and the marital history
5 information from the client.

6 (b) The international matchmaking organization shall
7 provide the information to the recruit in the recruit's native
8 language. The international matchmaking organization shall pay the
9 costs incurred to translate the information.

10 SECTION 4. OBTAINING CRIMINAL HISTORY RECORD INFORMATION
11 AND MARITAL HISTORY INFORMATION. (a) The client shall:

12 (1) obtain a copy of the person's own criminal history
13 record information;

14 (2) provide the criminal history record information to
15 the international matchmaking organization; and

16 (3) provide to the international matchmaking
17 organization the person's own marital history information.

18 (b) The international matchmaking organization shall
19 require the client to affirm that the marital history information
20 is complete and accurate and includes information regarding
21 marriages, annulments, and dissolutions that occurred in another
22 state or a foreign country.

23 (c) The international matchmaking organization may not
24 provide any further services to the client or the recruit until the
25 organization has:

26 (1) obtained the requested criminal history record
27 information and marital history information; and

1 (2) provided the information to the recruit.

2 SECTION 5. CIVIL PENALTY. (a) An international
3 matchmaking organization that violates this Act is subject to a
4 civil penalty not to exceed \$20,000 for each violation.

5 (b) In determining the amount of the civil penalty, the
6 court shall consider:

7 (1) any previous violations of this Act by the
8 international matchmaking organization;

9 (2) the seriousness of the violation, including the
10 nature, circumstances, extent, and gravity of the violation;

11 (3) the demonstrated good faith of the international
12 matchmaking organization; and

13 (4) the amount necessary to deter future violations.

14 (c) The attorney general or the appropriate district or
15 county attorney may bring an action under this section in the name
16 of the state in a district court of Travis County or of a county in
17 which any part of the violation occurs.

18 (d) A penalty collected under this section by the attorney
19 general or a district or county attorney shall be deposited in the
20 state treasury to the credit of the compensation to victims of crime
21 fund under Article 56.34, Code of Criminal Procedure.

22 SECTION 6. EFFECTIVE DATE. This Act takes effect September
23 1, 2003.