

By: McCall

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

(2) "Criminal history record information" has the meaning assigned by Section 411.082, Government Code.

(3) "International matchmaking organization" means a corporation, partnership, sole proprietorship, or other legal entity that does business in the state and for a fee offers to clients dating, matrimonial, or social referral services involving recruits by:

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

(B) selecting photographs; or

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

(4) "Marital history information" means a declaration of a person's current marital status, the number of times the person has been married, and whether any marriage occurred as a result of

1 receiving services from an international matchmaking organization.

2 (5) "Recruit" means a person who is not a citizen or
3 resident of the United States and who is recruited by an
4 international matchmaking organization for the purpose of
5 providing dating, matrimonial, or social referral services.

6 SECTION 2. NOTICE OF AVAILABILITY OF CRIMINAL HISTORY
7 INFORMATION AND MARITAL HISTORY INFORMATION. (a) An international
8 matchmaking organization shall notify each recruit that criminal
9 history record information and marital history information of its
10 clients is available on request.

11 (b) The notice under Subsection (a) of this section must be:

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

13 (2) displayed in a manner that:

14 (A) separates the criminal history record
15 information and marital history information from any other
16 information;

17 (B) is highly noticeable; and

18 (C) is in lettering not less than one-quarter of
19 an inch high.

20 SECTION 3. PROVIDING CRIMINAL HISTORY INFORMATION AND
21 MARITAL HISTORY INFORMATION. (a) An international matchmaking
22 organization shall disseminate to a recruit, on request, the
23 criminal history record information and marital history
24 information of a client.

25 (b) The international matchmaking organization shall
26 provide the information to the recruit in the recruit's native
27 language.

1 SECTION 4. OBTAINING CRIMINAL HISTORY RECORD INFORMATION
2 AND MARITAL HISTORY INFORMATION. (a) An international matchmaking
3 organization that receives a request for criminal history record
4 information and marital history information from a recruit shall
5 notify the client of the request.

6 (b) On receiving notification, the client shall:

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

9 (2) provide the criminal history record information to
10 the international matchmaking organization; and

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

13 (c) The international matchmaking organization shall
14 require the client to affirm that the marital history information
15 is complete and accurate and includes information regarding
16 marriages, annulments, and dissolutions that occurred in another
17 state or a foreign country.

18 (d) The international matchmaking organization may not
19 provide any further services to the client or the recruit until the
20 organization has:

21 (1) obtained the requested criminal history record
22 information and marital history information; and

23 (2) provided the information to the recruit.

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

27 (b) In determining the amount of the civil penalty, the

1 court shall consider:

2 (1) any previous violations of this Act by the
3 international matchmaking organization;

4 (2) the seriousness of the violation, including the
5 nature, circumstances, extent, and gravity of the violation;

6 (3) the demonstrated good faith of the international
7 matchmaking organization; and

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

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

13 (d) A penalty collected under this section by the attorney
14 general shall be deposited in the state treasury to the credit of
15 the general revenue fund. A penalty collected under this section by
16 a district or county attorney shall be deposited to the credit of
17 the general fund of the county in which the suit was heard.

18 SECTION 6. EXEMPTION. This Act does not apply to:

19 (1) a traditional matchmaking organization of a
20 religious nature that otherwise operates in compliance with the
21 laws of the countries in which the organization has recruits and the
22 laws of the United States; or

23 (2) an organization that does not charge a fee to any
24 person for the services provided.

25 SECTION 7. EFFECTIVE DATE. This Act takes effect September
26 1, 2003.