

By: McCall, Castro (Senate Sponsor - West) H.B. No. 177
(In the Senate - Received from the House April 25, 2003;
April 28, 2003, read first time and referred to Committee on
International Relations and Trade; May 19, 2003, reported
favorably by the following vote: Yeas 4, Nays 0; May 19, 2003, sent
to printer.)

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

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

(5) "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
receiving services from an international matchmaking organization.

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

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

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

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

(2) displayed in a manner that:

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

(B) is highly noticeable.

SECTION 3. PROVIDING CRIMINAL HISTORY, MARITAL HISTORY, AND
BASIC RIGHTS INFORMATION. (a) An international matchmaking
organization shall disseminate to a recruit the criminal history
record information and marital history information of a client and
the basic rights information not later than the 30th day after the
date the international matchmaking organization receives the
criminal history record information and the marital history
information from the client.

(b) The international matchmaking organization shall

provide the information to the recruit in the recruit's native language. The international matchmaking organization shall pay the costs incurred to translate the information.

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

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

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

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

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

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

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

(2) provided the information to the recruit.

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

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

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

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

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

(4) the amount necessary to deter future violations.

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

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

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

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