

House Bill 1325

By: Representatives Benfield of the 85th, Cooper of the 41st, Powell of the 29th, and Setzler of the 35th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 19 of the Official Code of Georgia Annotated, relating to domestic relations,
2 so as to provide for regulation of international marriage brokers or international
3 matchmaking organizations; to provide for legislative findings; to define terms; to require
4 that certain information be collected and provided to persons using such brokerage or
5 matchmaking services; to provide for a civil penalty; to provide for jurisdiction and venue;
6 to provide for enforcement; to provide for related matters; to repeal conflicting laws; and for
7 other purposes.

8

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10

SECTION 1.

11 The General Assembly finds that international marriage brokers are a growing industry in
12 Georgia whereby foreign nationals are introduced to Georgia citizens for the purpose of
13 facilitating marriage. The General Assembly further finds that this state has an interest in
14 ensuring that minors are not brought into the United States by international marriage brokers.
15 The General Assembly further finds that this state has an interest in providing foreign
16 nationals with information regarding the criminal and marital history of a prospective spouse,
17 the illegality of domestic violence in the United States, and the resources available in
18 Georgia to victims of family violence, sexual assault, and human trafficking.

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SECTION 2.

20 Title 19 of the Official Code of Georgia Annotated, relating to domestic relations, is
21 amended by adding a new chapter to read as follows:

22

"CHAPTER 16

23 19-16-1.

24 As used in this chapter, the term:

1 (1) 'Client' means a Georgia resident, including a lawful permanent resident of the United
2 States, who contracts with an international marriage broker for its services.

3 (2) 'Criminal history information' means:

4 (A) Any court ordered restriction on physical contact with another person, including
5 any temporary or permanent restraining order or civil protection order;

6 (B) Complete criminal history record information maintained by the Georgia Crime
7 Information Center based on the fingerprints or the consent of the client in accordance
8 with Code Section 35-3-34;

9 (C) A complete transcript of a background check conducted by the Federal Bureau of
10 Investigation based upon a submission of fingerprint impressions; and

11 (D) A complete transcript of a search for the client on the Georgia Bureau of
12 Investigation's website regarding the sexual offender registry.

13 (3) 'International marriage broker' means an international marriage broker or
14 international matchmaking organization which is a corporation, partnership, sole
15 proprietorship, or other legal entity, whether or not organized under the laws of the
16 United States or any state, that does business in the United States and for profit offers to
17 clients dating, matrimonial, matchmaking services, or social referrals involving citizens
18 of a foreign country or countries who are not residing in the United States, by:

19 (A) An exchange of names, telephone numbers, addresses, or statistics;

20 (B) Selection of photographs; or

21 (C) A social environment provided by such broker in a country other than the United
22 States.

23 The term shall not include a traditional matchmaking organization of a religious nature
24 that otherwise operates in compliance with the laws of the countries of the recruits of
25 such organization and the laws of the United States, any organization that does not charge
26 a fee to any party for the service provided, or an entity that provides dating services if the
27 entity's principal business does not provide international dating services between United
28 States citizens or United States residents and foreign nationals and the entity charges
29 comparable rates and offers comparable services to all individuals it serves regardless of
30 the individual's gender or country of citizenship.

31 (4) 'Marital history information' means:

32 (A) Current marital status;

33 (B) An accounting of previous marital relationships, how many and how the previous
34 marriages were terminated and the date of such of termination; and

35 (C) Whether the client has previously sponsored a person from a foreign country to
36 whom the client has been engaged or married.

1 (5) 'Recruit' means a person who is 18 years of age or older, not a citizen or resident of
2 Georgia or of the United States, and who is recruited by an international marriage broker
3 for the purpose of providing matrimonial services.

4 19-16-2.

5 Each international marriage broker shall:

- 6 (1) Obtain the client's criminal history information;
- 7 (2) Require the client to provide the client's marital history information, in writing and
8 signed by the client under penalty of perjury;
- 9 (3) Pay the costs incurred to obtain a certified translation of the client's criminal history
10 information and marital history information into the recruit's native language and provide
11 all of the information received to the recruit prior to referring any personal contact
12 information of the recruit to the client;
- 13 (4) Not provide any individual or entity, including, but not limited to, a client with the
14 personal contact information, photograph, or general information about the background
15 or interests of any recruit or any individual under the age of 18; and
- 16 (5) Provide the recruit with information in his or her native language that explains:
- 17 (A) The client's responses to questions regarding the client's criminal history
18 information and marital history information may not be accurate;
- 19 (B) The fiancée visa application process and marriage-based immigration status;
- 20 (C) The illegality of domestic violence in the United States;
- 21 (D) The assistance available to victims of family violence, sexual assault, and human
22 trafficking in this state;
- 23 (E) The availability of protective orders, free legal advice, immigration resources,
24 shelters, and the state-wide 24 hour domestic violence hotline; and
- 25 (F) The rights of victims of domestic violence, sexual assault, and human trafficking
26 in this state including, but not limited to, the right to petition for residence independent
27 of and without the knowledge, consent, or cooperation of the spouse.

28 19-16-3.

29 The State Commission on Family Violence shall issue materials which include the
30 information required by this Code section and each international marriage broker shall
31 provide such materials to the recruit.

32 19-16-4.

33 (a) Any international marriage broker who violates any provision of this chapter shall be
34 subject to a civil penalty not to exceed \$20,000.00 for each violation. Each violation of this

1 chapter shall constitute a separate offense. In determining the amount of the civil penalty,
2 the court shall consider:

3 (1) Any previous violations of this chapter by the international marriage broker;

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

6 (3) The demonstrated good faith of the international marriage broker; and

7 (4) The penalty necessary to deter future violations.

8 (b) For the purpose of venue under this chapter, any violation of this chapter shall be
9 considered to have been committed:

10 (1) In the county of the principal place of business in this state of the owner of an
11 international marriage broker;

12 (2) In any county in which any international marriage broker committed an act in
13 violation of any provision of this chapter;

14 (3) In any county in which any act was performed in furtherance of any transaction
15 which violated this chapter; and

16 (4) In any county from which, to which, or through which any use of an international
17 marriage broker was utilized.

18 (c) District attorneys shall conduct the civil prosecutions of violations of this chapter in
19 accordance with Code Section 15-18-6.

20 (d) Any person who suffers damages as a result of an international marriage broker's
21 actions or inaction in violation of this chapter has a cause of action against such
22 international marriage broker for damages and for any other relief a court of competent
23 jurisdiction deems appropriate, including, but not limited to, compensatory and punitive
24 damages and recovery of litigation expenses and reasonable attorney's fees."

25 **SECTION 3.**

26 All laws and parts of laws in conflict with this Act are repealed.