

House Bill 1433

By: Representatives Benfield of the 85th, Powell of the 29th, and Drenner of the 86th

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 cause of action; to provide for related matters; to
6 repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

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

18 **SECTION 2.**

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

21 "CHAPTER 16

22 19-16-1.

23 As used in this chapter, the term:

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

26 (2) 'Criminal history information' means:

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

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

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

34 (D) A complete transcript of a search for the client on any publicly available criminal
 35 or civil registry, including, but not limited to, the state sexual offender registry
 36 maintained by the Georgia Bureau of Investigation;

37 (E) Any disciplinary actions imposed by a military tribunal; and

38 (F) Any court ordered requirement or voluntary agreement that the client attend a
 39 family violence intervention program, anger management program, or other similar
 40 program.

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

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

48 (B) Selection of photographs; or

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

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

59 (4) 'Marital history information' means:

60 (A) Current marital status;

- 61 (B) An accounting of previous marital relationships, how many and how the previous
62 marriages were terminated and the date of such of termination; and
63 (C) Whether the client has previously sponsored a person from a foreign country to
64 whom the client has been engaged or married.
65 (5) 'Personal contact information' means, but shall not be limited to, the recruit's name,
66 address, telephone number, and e-mail address.
67 (6) 'Recruit' means a person who is 18 years of age or older, not a citizen or resident of
68 Georgia or of the United States, and who is recruited by an international marriage broker
69 for the purpose of providing matrimonial services.

70 19-16-2.

71 (a) Each international marriage broker shall:

- 72 (1) Obtain the client's criminal history information;
73 (2) Require the client to provide the client's criminal history information, in writing and
74 signed by the client under penalty of perjury;
75 (3) Require the client to provide the client's marital history information, in writing and
76 signed by the client under penalty of perjury;
77 (4) Pay the costs incurred to obtain a certified translation of the client's criminal history
78 information and marital history information into the recruit's native language;
79 (5) Disseminate all of the client's criminal history information and marital information
80 received to the recruit not later than the thirtieth day after receipt of such information and
81 prior to referring any personal contact information of the recruit to the client or providing
82 further services to the recruit or to the client;
83 (6) Not provide any individual or entity, including, but not limited to, a client with the
84 personal contact information, photograph, or general information about the background
85 or interests of any recruit or any individual under the age of 18;
86 (7) Provide the recruit with information in his or her native language that explains:
87 (A) The client's responses to questions regarding the client's criminal history
88 information and marital history information may not be accurate;
89 (B) The fiancée visa application process and marriage-based immigration status;
90 (C) The illegality of domestic violence in the United States;
91 (D) The assistance available to victims of family violence, sexual assault, and human
92 trafficking in this state;
93 (E) The availability of protective orders, free legal advice, immigration resources,
94 shelters, and the state-wide 24 hour domestic violence hotline; and

95 (F) The rights of victims of domestic violence, sexual assault, and human trafficking
96 in this state including, but not limited to, the right to petition for residence independent
97 of and without the knowledge, consent, or cooperation of the spouse; and

98 (8) Obtain the written consent of the recruit to provide the recruit's personal contact
99 information to a client and maintain records reflecting such consent.

100 (b) The information provided pursuant to paragraphs (1), (2), and (3) of subsection (a) of
101 this Code section shall have been obtained by the international marriage broker within six
102 months of the date the international marriage broker provides such information to the
103 recruit, and if more than six months have elapsed since obtaining such information, the
104 international marriage broker shall obtain updated information on and from the client.

105 19-16-3.

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

109 19-16-4.

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

115 **SECTION 3.**

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