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State of Minnesota
HOUSE OF REPRESENTATIVES

**EIGHTY-FIFTH
SESSION**

HOUSE FILE No. 1627

March 5, 2007

Authored by Hilstrom, Kahn, Tingelstad and Lillie

The bill was read for the first time and referred to the Committee on Public Safety and Civil Justice

1.1 A bill for an act
1.2 relating to public safety; regulating international marriage brokers; proposing
1.3 coding for new law in Minnesota Statutes, chapter 325E.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. **[325E.65] INTERNATIONAL MARRIAGE BROKERS.**

1.6 Subdivision 1. **Definitions.** (a) For purposes of this section, the terms defined in this
1.7 subdivision have the meanings given them.

1.8 (b) "Basic rights information" means information about human rights, immigration,
1.9 and emergency assistance and resources and victim rights under Minnesota law with
1.10 regard to domestic violence, as prepared under subdivision 2.

1.11 (c) "Client" means a person who is a resident of this state who contracts with an
1.12 international marriage broker to meet recruits.

1.13 (d) "Criminal history information" means a criminal background check obtained
1.14 from the Bureau of Criminal Apprehension, including information in its possession and a
1.15 search of the National Criminal Records Repository using a set of classifiable fingerprints
1.16 provided by the client to a law enforcement agency.

1.17 (e) "International marriage broker" means a corporation, partnership, sole
1.18 proprietorship, or other legal entity, whether or not organized under the laws of the United
1.19 States or any state, that does business in the United States and for profit offers to residents
1.20 of this state, dating, matrimonial, matchmaking, or social referral services involving
1.21 citizens of a foreign country or countries who are not residing in the United States, by:

1.22 (1) an exchange of names, telephone numbers, addresses, or statistics;

1.23 (2) selection of photographs; or

2.1 (3) a social environment provided by the organization in a country other than the
 2.2 United States.

2.3 The term does not include a traditional matchmaking organization of a religious
 2.4 nature that otherwise operates in compliance with the laws of the countries of the foreign
 2.5 recruits of such organization and the laws of the United States or that does not charge a
 2.6 fee to any party for the service provided.

2.7 (f) "Marital history information" means a signed written statement by a person of
 2.8 the person's current marital status, the number of times the person has been married,
 2.9 how each previous marriage ended, and whether the person has previously sponsored a
 2.10 foreign national to whom the person has been engaged or married. The statement must be
 2.11 signed by the person under penalty of perjury.

2.12 (g) "Recruit" means a person who is not a citizen or resident of the United States
 2.13 and who is recruited by an international marriage broker for the purpose of providing
 2.14 dating, matrimonial, or social referral services.

2.15 Subd. 2. **Preparation of basic rights information.** (a) The commissioner of public
 2.16 safety shall prepare a form providing the basic rights information defined in subdivision 1,
 2.17 paragraph (b).

2.18 (b) The commissioner shall consult with:

2.19 (1) the Minnesota Department of Human Rights;

2.20 (2) a statewide organization that provides civil legal services to women and children;

2.21 (3) a statewide human rights and social justice advocacy organization;

2.22 (4) the statewide coalition against domestic violence;

2.23 (5) the statewide coalition against sexual assault;

2.24 (6) a statewide organization that serves the needs of immigrant and refugee women
 2.25 and children from diverse ethnic communities; and

2.26 (7) the state immigrant and refugee coalition.

2.27 Subd. 3. **Release of recruit contact information; consent required.** Prior to the
 2.28 release of any contact information of a recruit, an international marriage broker shall first
 2.29 obtain the recruit's consent to the release of that information.

2.30 Subd. 4. **Information required.** (a) Prior to any application by a client for a foreign
 2.31 fiance or fiancée visa for a recruit, the international marriage broker shall obtain:

2.32 (1) basic rights information;

2.33 (2) criminal history information regarding the client; and

2.34 (3) marital history information regarding the client.

2.35 (b) The international marriage broker shall obtain the criminal history information
 2.36 directly from the Department of Public Safety.

3.1 Subd. 5. **Information provided to recruit.** (a) An international marriage broker
3.2 shall provide the recruit with the information required to be collected under subdivision 4.

3.3 (b) The international marriage broker shall, at its expense, provide or obtain a
3.4 competent and accurate translation of the information listed in paragraph (a) into the
3.5 recruit's native language and displayed in a manner that conforms with the following:

3.6 (1) separates the criminal history information, marital history information, and basic
3.7 rights information from any other information; and

3.8 (2) is easily accessible and highly visible.

3.9 (c) An international marriage broker shall refrain from providing any further
3.10 services to the recruit or client until the broker has obtained and provided the recruit the
3.11 information described in paragraphs (a) and (b).

3.12 Subd. 6. **Out-of-state business entity or assumed name filing required.** An
3.13 international marriage broker shall comply with section 303.03, 322B.883, 323A.1102, or
3.14 333.02, whichever applies, with regard to filing the appropriate documents in the Office of
3.15 the Secretary of State, prior to doing business in the state.

3.16 Subd. 7. **Retention of records.** An international marriage broker shall retain
3.17 records showing compliance with this section and shall promptly provide access to those
3.18 records to the attorney general or to a county attorney of a county in which a client lives,
3.19 upon request.

3.20 Subd. 8. **Jurisdiction.** An international marriage broker is deemed to be doing
3.21 business in this state if it contracts for services with a state resident or is considered to be
3.22 doing business in the state under any other law of the state.

3.23 Subd. 9. **Enforcement.** (a) An international marriage broker that violates
3.24 this section is subject to a civil penalty not to exceed \$20,000 for each violation. In
3.25 determining the amount of the civil penalty, the court shall consider:

3.26 (1) any previous violations of this act by the international marriage broker;

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

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

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

3.31 (b) The attorney general or the appropriate county attorney may bring an action
3.32 under this section in the name of the state in a district court of a county in which any part
3.33 of the violation occurs. A penalty collected under this section by the attorney general or a
3.34 county attorney must be distributed in the same manner as proceeds of forfeiture under
3.35 section 609.5315, subdivision 5b.

- 4.1 **EFFECTIVE DATE.** This section is effective August 1, 2007, except that
- 4.2 subdivision 2 is effective the day following final enactment.