

SENATE BILL NO. 258

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY SENATOR DAVIS

Introduced: 1/30/06

Referred: Labor and Commerce, Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to marriage brokers and advertisers and to dating and social referral
2 services."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 08.02 is amended by adding new sections to read:

5 **Sec. 08.02.100. Marriage brokers and advertisers; dating and social**
6 **referral services; criminal justice information.** (a) A person may not provide or
7 advertise services as a marriage broker in the state unless the person

8 (1) requires each client to provide in writing, verified under penalty of
9 perjury,

10 (A) a complete criminal justice information report;

11 (B) a complete list of restraining orders and civil protective
12 orders, if any, issued by any court that involve the client;

13 (C) a complete marital history;

14 (2) provides information to each recruit in the recruit's native language

1 that explains

2 (A) the requirements and information provided under (1) of this
3 subsection, with a notice that the information has not been verified for
4 accuracy;

5 (B) the fiance or fiancée visa application process and marriage-
6 based immigration status under federal law;

7 (C) that domestic violence is illegal in the United States and the
8 penalties that attach under state and federal law;

9 (D) that assistance is available to victims of domestic violence,
10 including protective orders, free legal advice, and shelter services;

11 (E) the emergency and assistance procedures, including the 911
12 system, the national domestic violence hotline, the national sexual assault
13 hotline, and the state assistance telephone numbers; and

14 (F) the rights of victims of domestic violence, sexual assault,
15 human trafficking, and related crimes in the United States and in the state,
16 including the right to petition for residency status independent of, and without
17 the knowledge, consent, or cooperation of, the spouse.

18 (b) The criminal justice information required under (a)(1) of this section must
19 be obtained by submitting the client's fingerprints and the required fees under
20 AS 12.62.160 to the Department of Public Safety for criminal justice information and
21 a national criminal history record check under AS 12.62.400. The Department of
22 Public Safety shall submit the fingerprints to the Federal Bureau of Investigation for a
23 national criminal history record check. The information obtained shall be submitted to
24 the marriage broker or advertiser for compliance with this section.

25 (c) The marital history report required under (a)(1) of this section must include
26 whether the client

27 (1) is currently married;

28 (2) has previously been married and, if so,

29 (A) how many times;

30 (B) how each marriage was terminated;

31 (C) when each marriage was terminated; and

1 (3) has previously sponsored a foreign national for purposes of
2 marriage or engagement to be married.

3 (d) The Department of Law shall enforce this section and may institute a civil
4 action against a person who violates this section.

5 (e) A person who violates the requirements of this section is subject to a civil
6 penalty not to exceed \$20,000 for each violation. A penalty collected under this
7 section shall be deposited in the general fund and accounted for separately. The
8 legislature may appropriate money collected under this section to the crime victim
9 compensation fund created in AS 18.67.162 to be used to compensate victims of
10 violent crime under AS 18.67. In determining the amount of the civil penalty, the court
11 shall consider

12 (1) any previous violation of AS 08.02.100;

13 (2) the seriousness of the violation, including the nature,
14 circumstances, extent, and consequences of the violation;

15 (3) any evidence of good faith on the part of the marriage broker or
16 advertiser; and

17 (4) the potential for deterrence.

18 (f) In this section,

19 (1) "client" means a person who resides in this state and contracts with
20 or otherwise agrees to employ a marriage broker or advertiser for services related to
21 marriage, engagement, dating, or another social referral;

22 (2) "marriage broker or advertiser" means a person who engages in
23 negotiating, advertising, publicizing, or contracting, by Internet or other electronic
24 means, in writing, or in person, for services to state residents related to marriage,
25 engagement, dating, or another social referral;

26 (3) "recruit" means a person who resides outside of the United States
27 and who is contacted by or who contacts a marriage broker or advertiser for the
28 purpose of providing or acquiring marriage, engagement, dating, or another social
29 referral service.