

HOUSE BILL NO. 77

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES KERTTULA AND DOLL, Lynn

Introduced: 1/16/07

Referred: Labor and Commerce, Finance

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 a new section to read:

5 **Sec. 08.02.100. Marriage brokers and advertisers; dating and social**
6 **referral services; criminal justice information.** (a) Except as provided in (f) of this
7 section, a person may not provide or advertise services as a marriage broker in the
8 state unless the person

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

11 (A) a complete criminal justice information report;

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

14 (C) a complete marital history;

1 (2) provides information to each recruit in the recruit's native language
2 that explains

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

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

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

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

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

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

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

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

28 (1) is currently married;

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

30 (A) how many times;

31 (B) how each marriage was terminated;

1 (C) when each marriage was terminated; and

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

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

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

13 (1) any previous violation of AS 08.02.100;

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

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

18 (4) the potential for deterrence.

19 (f) Nothing in this section prohibits a person or organization from engaging in
20 traditional matchmaking of a cultural or religious nature that is not for profit and that
21 is otherwise consistent with international, federal, state, and local laws.

22 (g) In this section,

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

26 (2) "marriage broker or advertiser" means a person who engages by
27 Internet or other electronic means, in writing, or in person, in negotiating with,
28 advertising to, publicizing to, or contracting with a state resident, for services related
29 to marriage, engagement, dating, or another social referral with a person who resides
30 outside of the United States;

31 (3) "recruit" means a person who resides outside of the United States

1 and who is contacted by or who contacts a marriage broker or advertiser for the
2 purpose of providing or acquiring marriage, engagement, dating, or another social
3 referral service.

4 * **Sec. 2.** AS 12.62.400 is amended by adding a new paragraph to read:

5 (15) a position involving marriage brokering or advertising or dating or
6 social referral services under AS 08.02.100.