

HB

77

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FILE

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: CSHB 77(L&C)
(H) Publish Date: 3/1/07

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
Title Marriage Brokers and Advertisers RDU Statewide Support
Component Alaska Criminal Records and Identification
Sponsor Representative Kerttula Component No. 1190
Requester House Labor & Commerce

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2006) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Approximately 4,000 to 6,000 marriages throughout the nation are known to occur annually through international matchmaking services. Based on the state's less than one percent proportion of the national population, it is estimated that about 50 additional fingerprint based background checks per year would be submitted to the State Department of Public Safety Records and Identification Bureau as a result of implementing this legislation. The DPS is authorized under AS44.41.025 to charge fees for processing fingerprints through the Alaska automated fingerprint system, and for the processing of information requests. The additional fees generated would negate the anticipated costs associated with this legislation. Assuming just 50 additional fingerprints processed per year, the agency can absorb the increased workload with existing staffing.

Prepared by: Director David Schade Phone 269-0202
Division: Statewide Services Date/Time 2/6/07 4:30 PM
Approved by: Commissioner Walt Monegan Date 2/6/2007
Agency: Department of Public Safety

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: 2
 Bill Version: CSHB 77(L&C)
 (H) Publish Date: 3/1/07

Revision Date/Time (Note if correction): _____ Dept. Affected: Commerce
 Title Marriage Brokers and Advertisers RDU Corp, Bus & Prof Licensing (117)
 Component Corp, Bus & Prof Licensing
 Sponsor Kerttula
 Requester House Labor and Commerce Component No. 2360

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	*	*	*	*	*	*

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()	*	*	*	*	*	*
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	*	*	*	*	*	*

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation requires a person engaged in advertising services as a marriage broker to meet certain criteria and provide information before doing business in Alaska. All Occupational Licensing programs are required under AS 08.01.065 to cover costs with licensing fees. Approximately 500 marriage broker companies estimated to exist in the United States in 2005 brought approximately 8,000 to 12,000 women in to this country. At this time, we do not know what percentage of those businesses operate in Alaska, making it difficult to estimate costs and revenue that would result from implementing this legislation.

Prepared by: Chris Wyatt, Administrative Manager
 Division: Corporations, Business, and Professional Licensing
 Approved by: Emil Notti, Commissioner
 Agency: Commerce, Community, and Economic Development

Phone (907) 465-2572
 Date/Time 2/6/07 10:57 AM
 Date 2/6/2007

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: CSHB077-LAW-CFB-3-1
 Bill Version: CSHB 77
 () Publish Date: _____

Revision Date/Time (Note if correction): _____

Dept. Affected: Law

Title An Act relating to marriage brokers

RDU Civil

Component Commercial & Fair Business

Sponsor REPRESENTATIVE(s) KERTTULA, DOLL, Lynn

Requester House Finar.ce

Component No. _____

Expenditures/Revenues

(Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	***	***	***	***	***	***

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type-Do not abbreviate)						
TOTAL	***	***	***	***	***	***

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The bill would establish new statute to regulate the activities of marriage brokers and marriage advertisers in the State of Alaska. As currently written the bill would require the Department of Law to enforce the section and would authorize Law to institute civil action against persons who violate the statute. It is uncertain the extent to which such brokers are operating in the state but based on extrapolation of nationwide statistics it is estimated that fewer than 50 brokered marriages occur in Alaska annually. Although the number of such marriages is fairly small, the budget impact must be considered indeterminable since it is impossible to predict how many complaints or what level of enforcement may be required of a largely unregulated industry.

Prepared by: Robert Meiners, Acting Director

Division: Administrative Services Division

Phone 465-5427

Date/Time 3/14/07 12:04 PM

Approved by: Robert Meiners for Talis Colberg, Attorney General

Agency: Department of Law

Date 3/14/2007



Representative Beth Kerttula

Alaska State Legislature District 3

House Bill 77 Marriage Brokers And Advertisers Sponsor Statement

The International Marriage Brokers (IMB) industry has grown dramatically in recent years. It is now estimated that between 8,000 and 16,000 marriages a year take place between foreign women and American men as a result of marriage broker agency introductions. While there are no official national statistics on incidences of abuse in these arranged marriages, experts agree it is higher than the national average. One study of women in similar circumstances – immigrant women whose legal status depends on their spouse – found the rate of domestic violence to be as high as 77%.

HB 402 will require IMBs to provide several pieces of information to the foreign bride in their own languages. Marital history information must be provided and must include how many times the client has been married, how and when each marriage was terminated, and whether they have previously sponsored a foreign national for purposes of marriage. The required criminal justice information must be obtained by submitting the client's fingerprints for a national criminal history record check. This also includes a complete list of restraining orders and civil protective orders that involve the client.

The marriage broker is also required to provide information explaining that domestic violence is illegal in the U.S. and where to obtain assistance for victims. Information must also be provided regarding the rights of victims of domestic violence including the right to petition for residency status independent of the spouse. Violations of any of these requirements are subject to a civil penalty of up to \$20,000.

IMBs often pair men with women who are extremely vulnerable, have limited English language skills, have no other resources or contacts in the U.S., and are unfamiliar with the U.S. legal system. By requiring full disclosure, HB 402 will make IMBs responsible for providing accurate information to educate each potential bride as to the risks associated with this type of arranged marriage and what their options are if they are abused.



Representative Beth Kerttula

House Minority Leader

Sectional Analysis

HB 77 Marriage Brokers and Advertisers

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

Section 1.

- Adds new section to AS 08.02 (Business and Professions Misc. Provisions).
- Lists information that marriage brokers must provide to each of their clients in their native language, including a criminal justice report, a list of any restraining or civil protective orders and marital history
- Requires that brokers provide information explaining that domestic violence is illegal in the U.S. and where to obtain assistance for victims.
- Information must also be provided regarding the rights of victims of domestic violence, including the right to petition for residency status independent of the spouse.
- Violations of any of these requirements are subject to a civil penalty of up to \$20,000.
- Excludes organizations or persons engaging in traditional matchmaking of a cultural or religious nature.

Section 2.

- Amends AS 12.62.400 (National criminal history record checks for employment, licensing, and other noncriminal justice purposes).
- Adds a new paragraph for a position involving marriage brokering.

SEATTLE POST-INTELLIGENCER

<http://seattlepi.nwsourc.com/local/brid02.shtml>

Mail-order bride's dream of a better life ends in death

Friday, February 2, 2001

By **LEWIS KAMB AND ROBERT L. JAMIESON Jr.**
SEATTLE POST-INTELLIGENCER REPORTERS

She was a beautiful young woman on the cusp of a new life, blossoming into adulthood with the looks of a model and a vivacious personality.

All she wanted was to see the world and escape a life of poverty in a destitute city in the former Soviet bloc.

He was a middle-aged man with his youthful looks long gone, holding onto advanced degrees in business and the bitter memories of a failed first marriage.

All he wanted was to forge a new life, and to salvage what good remained of an old one.

Together, they would seem an unlikely pairing: two people separated by thousands of miles and nearly two decades in age, physical opposites from different generations, cultures and experiences.

Yet, they would end up in matrimony -- thanks to a correspondence service, the persistence of a man's romantic pursuits and the promise of the American dream.

But a dream can be fragile, sometimes deceiving. And this one would literally die.

Anastasia Solovieva, a beloved daughter and gifted classical pianist who traveled from Russia to marry a man she met through letters, is dead at 20.

Her husband, Indle C. King Jr., a short, rotund man with a shiny pate and a soft-spoken manner, sits in a cell at the Snohomish County Jail, covered by a blanket of suspicion.

"My heart grieves for the loss of my dear wife, and for the pain felt by her wonderful parents," he said during a brief jailhouse interview last week. "Stasia was beautiful, intelligent and robbed of a bright future."

One floor above, in a ward for "special needs inmates," a young man with a long criminal record paints a much different story.

In statements to investigators, Daniel Kristopher Larson, 20, a convicted child molester and former boarder at King's Mountlake Terrace home, has implicated both himself and King in Solovieva's slaying.

Although Larson's jailhouse confessions have changed, his words have become a key piece of evidence in a delicate case still evolving.

Last week, prosecutors allowed a court deadline to lapse, meaning a first-degree murder charge and \$1 million cash-only bail against King, 39, was dropped.

In 1993, King's classified ad paid off, when, via mail correspondence, he met Ekaterina Kazakova, a young Russian woman who dreamed of a life in America.

Eventually, King became an American sponsor to help her obtain a visa for study in the United States, and soon the two were married.

Standing 5-feet 9-inches, with porcelain skin and long, dark hair, Ekaterina "Katya" Kazakova was a stunning beauty who King often boasted about. One day, he brought his new bride to class.

"He was extremely proud of her," Mack-McGarry said. "And you could just tell she was young and very excited to be here in the United States, and to be with him."

But their relationship soured.

In December 1995, Kazakova alleged that King "hit her in the head with his fist ... threw her head against the wall and continuously pounded (her) head against the wall," according to Ohio court records.

Kazakova would later seek a court order protecting her from King. The two divorced in 1997, and King, then in dire financial straits, returned to the Northwest.

He lived in an apartment in suburban Seattle and formed his own business venture -- King Capital Management Co. He later took a warehouse job at Costco.

He also began searching for another Russian bride and met Solovieva, then 18, by corresponding with Russian women.

Solovieva's parents, Alevtina and Anatolyi, feared the impoverished environs were oppressing her free-spirited nature.

Solovieva, who had made some modeling contacts, started looking at matchmaking catalogs.

A new life vanished

When Solovieva met King, it was not love at first sight, the young woman's friends say.

But Solovieva was drawn to King's professorial mien -- something that also attracted her parents to him. And through letters and visits, he wooed the family.

Following a brief courtship and meetings in Kyrgyzstan, the couple returned to Seattle and married in April 1998.

The Kings moved into a new, two-story home at the end of a short street in Mountlake Terrace.

King continued working at Costco and in his private business ventures, and he began renting out rooms in the spacious gray house.

Solovieva enrolled at the UW and took a job at Ivar's.

"She was a dedicated employee," said co-worker Natasha Jankauskas. "And she had a sense of humor that just made your day better."

In early letters home, Solovieva wrote to her parents about how much she enjoyed her life in America. She was making fantastic new friends, getting A's in school and soaking up all the city had to offer.

Outwardly, things seemed to be working between the newlyweds.

"Everything seemed pretty normal between them," said Ken Doran, a Bothell firefighter who lived across the street.

About a year into the marriage, however, police were summoned to the King home for a domestic incident. Solovieva showed officers scratches across her stomach and breasts.

She said the scratches were caused by King, but she later recanted, according to a police report on the incident.

Solovieva also began spilling her frustrations into a diary, according to a knowledgeable source who has read the journal's entries. She wrote about despising any intimate contact with King; and confided in her writings about secret meetings with other men -- trysts that King came to suspect.

His jealousy soon would lead King to begin following his wife and become increasingly controlling of her, friends said.

Returning home from work one afternoon in July, King stopped by an Albertson's and stole two bananas and a 12-pack of Coke, according to a police report.

Police soon tracked him down at his Mountlake Terrace home, where an officer confronted him about the incident.

"King said that he is in a financial bind right now because his wife is divorcing him, so he has to steal to survive," a police report noted.

In court records, King wrote down "0" as his monthly income.

By that time, Solovieva had already confided a secret to her best friend in America, Tatyana Boland, a UW classmate and fellow Russian mail-order bride living in Seattle.

Solovieva told Boland that she had begun an affair with a Russian businessman who had come to where she was working. She said she was "madly in love" with him and arranged trysts disguised as business meetings, co-workers said.

By August, Solovieva had secretly opened a safety deposit box at a bank near the UW campus. When leasing the box, she expressed concern to a bank employee about others gaining access.

"Anastasia then told (the bank employee) that she was planning on leaving her husband ... and that she feared it would get ugly," according to court records.

Excerpts from Anastasia's diary, later recovered by investigators and translated from Russian, said that King "threatened me with death if I were to leave him," and "made inquiries in Kyrgyzstan concerning hiring hitmen," according to court documents.

Solovieva also was seeking immigration advice from UW experts.

When investigators asked Larson about King's visits, Larson said he knew only what King had told him: The couple had argued in Moscow. Solovieva stayed behind while King came home, according to court documents.

But under further questioning, "Larson ... said that he knew that Anastasia was dead and that Indle had showed him where he buried her," according to court documents. "He related that Indle had told him that he had killed Anastasia by strangling her."

That afternoon, Larson led investigators to a wooded lot on the Tulalip Indian Reservation where they found Solovieva's body under a mattress.

Investigators soon arrested King on murder charges, but Larson later changed his account.

He now says that he had killed Anastasia at the direction of his landlord, claiming the two of them had a homosexual relationship that Solovieva had recently discovered.

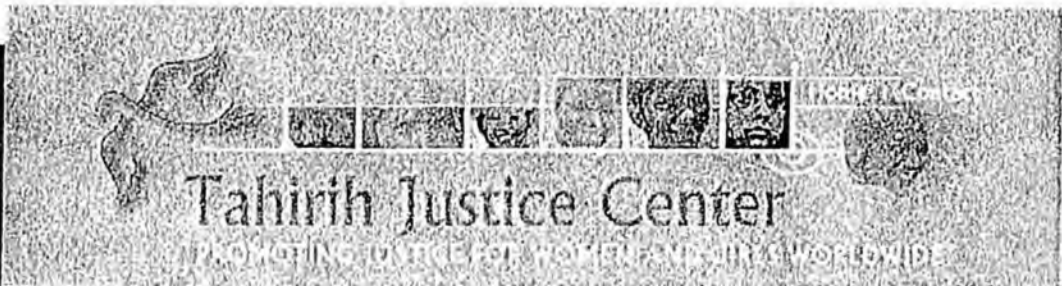
"Mr. Larson told detectives he had strangled Anastasia on September 22, 2000, at the request and direction of (King)," according to court records. "(King) had laid on his wife's chest in order to prevent her from moving while Mr. Larson was strangling her with a necktie."

Those comments are contained in perjury charging papers against King. Bail was set at \$200,000, and King remains in the Snohomish County Jail.

"I don't know, of course, where her soul is right now," Alevtina Solovieva said this week through tears and a translator, "but her body demands burial."

P-I reporter Robert Jamieson can be reached at 206-448-8125 or robertjamieson@seattle-pi.com P-I reporter Lewis Kamb can be reached at 425-497-1128 or lewiskamb@seattle-pi.com

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Monday, February 6th, 2006

Campaign to Stop Exploitation by International Marriage Brokers:

- About
- In Action
- Center News
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- How To Help

The International Marriage Brokers (IMB) industry has grown dramatically in recent years. This growth is a reflection of demands by American men for "traditional wives," and concurrent worsening economic situations for women, particularly in Eurasia. Many of the men who use IMBs intentionally seek women who do not speak English and who were raised in cultures in which a married woman is expected to be subservient. Some of these men are violent predators who return to IMBs repeatedly to find their next victim. These women, unfamiliar with the US legal system and given, at best, incomplete information about their legal rights, can find themselves in grave danger. This rapidly growing industry is essentially unregulated.

The urgency of this problem became clear when the Tahirih Justice Center worked with a Ukrainian woman who suffered brutal abuse by a husband with whom she was paired through a Maryland-based IMB. The woman's efforts to seek help from the IMB president were futile; she minimized the abuse and assured the woman that such behavior was a "normal" part of American culture. She also gave her inaccurate information regarding her legal rights, leaving her with the clear impression that she had no choice but to endure the abuse or risk deportation—which is not true.

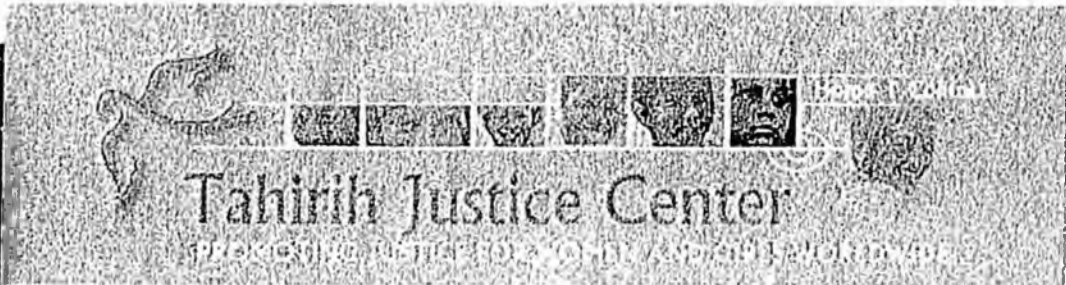
The new data we have compiled shows that the number of such marriages has at least doubled since an often-cited 1999 INS report. It is now estimated that 8,000-16,000 marriages a year—a number that reflects one third to one half of all foreign fiancés who enter the US—take place between foreign women and American men as a result of "marriage broker" agency introductions.^[1] While no official national statistics exist on the incidence of abuse in such marriages, experts agree it is "higher in this population than for the nation as a whole."^[2] One study of women in an analogous circumstance—immigrant women whose legal status depends on their US citizen or legal permanent resident spouse—found the rate of domestic violence to be as high as 77%.^[3]

Newsflash:

- [Newsweek Article Highlights TJC and Mail-Order Bride Abuse: Click here for the article.](#)
- [International Marriage Broker \(IMB\) Held Liable for Negligence and Fraud: Case Summary](#)
- [Tahirih Justice Center and Arnold & Porter Win Landmark Case on Behalf of a Ukrainian IMB Recruit: Press Release](#)

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Friday, January 27th, 2006

International Marriage Broker Held Liable for Negligence and Fraud

Fox v. Encounters International (D. Md. 02-1563)

- About
- In Action
- Center News
- Resource Center
- How To Help

Summary

On November 18, 2004, Nataliya Fox, a Ukrainian woman, won a landmark victory in a Maryland federal district court against Encounters International ("EI"), an international marriage broker ("IMB," also known as a "mail-order bride" agency) that had arranged her marriage to a violent American man. A unanimous jury held EI liable for failing to tell Nataliya—as they were legally required to do—about a federal law that allows foreign nationals to escape abusive marriages without fear of automatic deportation, and for actively misleading her about her legal options. The jury also found EI liable for misrepresenting that it screened male clients when it did not; and publicizing Nataliya's marriage to Mr. Fox as an EI "success" story, without her permission, even after she fled to a domestic violence shelter. EI and its President were ordered to pay Nataliya \$433,500 in damages, \$341,500 of which were punitive damages assessed for their egregious violations of their duty of care to Nataliya.

Significance of the Case

1.) The case marks the first time that an IMB has been held accountable for violating its obligations under federal law to tell a woman it recruited about legal protections that would allow her to escape domestic violence without facing automatic deportation. EI not only withheld this information from Nataliya, but misled her by saying that she would be deported if she left her abusive husband.

The jury found that Nataliya's reliance on the misrepresentations that EI made to her was reasonable and that her lack of accurate information prolonged her abuse.

When Nataliya came to EI, she did not speak English well and knew little of U.S. laws and customs. The President of EI, a Russian woman, assured Nataliya that EI would provide immigration advice and services, counseling, and assistance in understanding and adjusting to American culture.

When Nataliya confided to the President of EI that Mr. Fox went into wild rages and beat her, the President told her that this was "normal," that American men were prone to violence, and that Nataliya should learn to defer to her husband. Additionally, the President told her that she had to stay in the marriage or would be deported. Since Nataliya did not know that domestic violence is a crime in the U.S. (it is not in Ukraine), and knew no one else in the U.S. upon whom she could rely for legal advice, she resigned herself to living with the abuse. The violence escalated. After a particularly vicious episode in which Mr. Fox's violence sent Nataliya to the emergency room, she finally learned of other options from an emergency room nurse and escaped. The jury found that EI's deliberate decision to withhold vital information from Nataliya about a law designed to protect her and her child, and EI's intentional misrepresentations about her legal options, violated EI's duty of care to Nataliya.

2.) The case is also the first time that an IMB has been held liable for failing to screen its male clients for a violent or criminal history despite having said that it screened the men. Although there is currently no legal requirement to screen men, EI publicly stated that it took that extra step and did screen its clients. Nataliya was told that Mr. Fox was "the best of the best," "financially and

mentally stable," and "serious about family." In fact, Mr. Fox had a history of domestic violence, and his abuse of Nataliya grew much worse after she became pregnant. EI's "screening" process involved chatting with Mr. Fox and taking his \$1850 membership fee. The process clearly was not intended to screen out clients with a violent past, and it did not do so in this case.

3.) The case is the first time an IMB has been found liable for using a woman's name and photo, and falsifying her personal story, to promote its business without her permission. Incredibly, EI continued to tout her marriage to Mr. Fox as a "success" story even after EI knew that Nataliya had fled to a battered women's shelter, Mr. Fox had flown to Haiti to obtain a divorce, and even throughout the trial.

The Broader Issue

Encounters International is part of a growing industry that profits from arranging marriages between American men and foreign women. These women often do not speak English, have no other resources or contacts in the United States other than the agency, and are unfamiliar with the United States legal system. These agencies have served as an easy, unregulated pipeline for predatory abusers to find their next victims. The IMB industry may be responsible for annually bringing to the U.S. between one-third and one-half of all foreign fiancé(e)s, according to estimates in a 1999 study commissioned by the Immigration and Naturalization Service. Today, upwards of 14,000 women may enter the country each year to begin "mail-order marriages."

Some successful marriages undoubtedly result from matches arranged by IMBs. However, it is becoming increasingly clear that many IMBs (1) explicitly market their services to men seeking a domineering relationship with a promised docile, powerless woman, (2) ignore the violent histories of their male clients, (3) mislead women in abusive relationships into believing they must stay in the relationship or face deportation (without their children), and (4) repeatedly pair violent men with new foreign women who are unaware of the men's history.

While justice was done in this case, current laws are inadequate to provide women with the information they need about their potential U.S. husbands, and about the rights and resources available to domestic violence victims in this country, so that they can protect themselves and their children from abuse.



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Miller-Muro predicts more lawsuits. "Our work on this issue has really just begun," she says. But Nataliya Fox hopes to put it all behind her. James Fox divorced her in 2001, then married another (Russian) Internet bride. Nataliya now lives in Virginia with her daughter, and works as a civil engineer. She also has a new boyfriend. She met him the old-fashioned way—in person.

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URL: <http://www.msnbc.msn.com/id/6884657/site/newsweek/>



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**Fact Sheet
on
State Anti-Trafficking Laws
from
National Institute on State Policy on Trafficking of Women and Girls
A Program of the
Center for Women Policy Studies
July 2005**

State Legislative Initiatives

The Center for Women Policy Studies works with state legislators to develop legislative initiatives:

- to make trafficking a state felony offense with appropriately harsh punishments for traffickers and protections for the women and girls who have been trafficked into our communities; we urge states to pass criminalization statutes and also to provide for victim protection and assistance programs;
- to create statewide interagency task forces on human trafficking, with a mandate to determine the nature and extent of trafficking in each state and make recommendations for legislative, policy, and programmatic initiatives;
- to regulate "bride trafficking" by commercial "international marriage brokers" (also called "mail order bride" or "international matchmaking" organizations) that operate in the state; and,
- to regulate sex tourism by travel services providers that operate in the state.

The following summary of all state laws addressing trafficking in persons is current as of July 2005 and will be revised following the 2006 state legislative sessions. States are listed below in alphabetical order rather than in order of passage of the legislation.

We honor the sponsors of these bills for their leadership and commitment and have listed them at the end of the Fact Sheet.

Summary of State Anti-Trafficking Laws

Criminalization Statutes

Legislatures in Arizona, Arkansas, Florida, Illinois, Kansas, Louisiana, Minnesota, Missouri, New Jersey, Texas, and Washington have enacted laws to make trafficking a state felony offense. Similar legislation is pending in Alaska, California, Delaware, Indiana, Maine, Montana, New Mexico, New York, Oregon, Pennsylvania, South Carolina, and Wisconsin.

Arizona: SB 1372 establishes the first degree felony of sex trafficking of a minor under the age of 15 and the second degree felony of attempted sex trafficking of a minor. The bill further establishes two class 2 felonies: sex trafficking; and, trafficking of persons for forced labor or services, and one class 4 felony: unlawfully obtaining labor or services. Additionally, the court is required to order victim restitution. **Effective Date:** August 12, 2005.

Arkansas: HB 2979 establishes the class A felony of trafficking in persons for the purposes of involuntary servitude, peonage, debt bondage, slavery, marriage, adoption or sexual conduct. The bill also creates the class A felony of benefiting financially from trafficking. **Effective Date:** August 11, 2005.

Florida: SB 1962 establishes the first degree felony of sex trafficking for parents, legal guardians, or other persons having custody of a minor who sell, transfer custody, or offer to sell or transfer custody of the minor for the purpose of sex trafficking or prostitution. The bill further establishes two second degree felonies: obtaining forced labor; and, sex trafficking and human trafficking for anyone who knowingly participates in trafficking for purposes of forced labor or prostitution. Any sex trafficking activity that results in death or is committed against a person who is under the age of 14 is considered a first degree felony. **Effective Date:** October 1, 2004.

Illinois: HB 1469 establishes the felony offenses of involuntary servitude, involuntary servitude of a minor, and trafficking of persons for forced labor or services. Such factors as causing or threatening physical harm; destroying, concealing, removing, confiscating or possessing any actual or purported immigration document; and, using intimidation can be used to determine the severity of the charge. The trafficker's behavior – including commission of sexual assault, extreme violence, or bodily injury – and the number of victims can be considered in sentencing. In addition to sentencing, the court must order restitution to the victim and the forfeiture of any assets obtained as a result of the involuntary servitude or trafficking offenses. **Effective Date:** January 1, 2006.

Kansas: SB 72 establishes the level 2 felony offense of trafficking and the level 1 felony offense of aggravated trafficking. Trafficking is defined as aggravated if it includes kidnapping or attempted kidnapping; the sexual gratification of the defendant or another person; death of the victim; or, trafficking of a person under the age of 18. **Effective Date:** July 1, 2005.

Louisiana: HB 56 establishes the crime of human trafficking, which is punishable by a maximum fine of \$10,000 and a maximum sentence of 10 years in prison. If the trafficking is committed for the purposes of commercial sexual activity, the maximum fine is \$15,000 and the maximum prison sentence is 20 years. Trafficking of a minor carries a maximum fine of \$25,000 and a prison sentence of five to 25 years. **Effective Date:** August 15, 2005.

Minnesota: HB 1 establishes the felonies of labor trafficking; sex trafficking, and unlawful conduct with respect to documents in furtherance of labor or sex trafficking. Labor trafficking is punishable by up to 15 years in prison or a \$30,000 fine, or both. Depending on the age of the victim, sex trafficking is punishable by a maximum prison sentence of either 15 or 20 years. The document offense carries a maximum punishment of five years in prison, a \$10,000 fine, or both. **Effective Date:** August 1, 2005.

Missouri: HB 1487 makes changes to the laws regarding crimes against persons, establishing: a class A felony of sexual trafficking of a child; class B felonies of abusing an individual through forced labor and of trafficking for either forced labor or sexual exploitation; and, a class D felony of contributing to human trafficking through the misuse of documentation. As part of the sentencing for a human trafficking offense, the court must order the perpetrator to pay restitution to the victim. Victims of any one of these five crimes also shall be afforded the rights and protections provided in the federal *Trafficking Victims Protection Act of 2000*. **Effective Date:** August 28, 2004.

New Jersey: AB 2730 establishes the first degree felony offense of human trafficking for the purposes of engaging in sexual activity or providing labor or services. The maximum punishment for a trafficking offense is 20 years without parole, or up to life in prison with the possibility of parole after 20 years. The court also must sentence the perpetrator to make restitution to the victim and may order forfeiture of any assets related to the trafficking violation. The Office of Victim-Witness Advocacy or the county prosecutor's office must ensure that the trafficked individual obtains assistance in receiving any available benefits or services to trafficking victims. **Effective Date:** April 26, 2005.

Texas: HB 2096 establishes the first degree felony of trafficking or transporting of persons who are younger than 14 at the time of the offense or if the commission of the offense results in the death of the person who is trafficked. Otherwise, the offense is a second degree felony. According to the Texas Criminal Justice Policy Council, the punishment range for a first degree felony offense is five to 99 years imprisonment; the range for a second degree felony offense is two to 20 years imprisonment. **Effective Date:** September 1, 2003.

Washington: HB 1175 establishes the class A felony offenses of first and second degree sex trafficking and labor trafficking in the state of Washington. Under standard sentencing guidelines, a first degree offense carries a maximum punishment of 14 years in prison; in the second degree, the maximum sentence is nine years. Such factors as the age of the victim and whether the victim was kidnapped or killed are considered in determining the severity of the charge. Victims of trafficking also may sue for damages and for the cost of bringing the suit; a civil fine of up to \$250,000 may also be levied by the court. **Effective Date:** July 27, 2003.

Statewide Interagency Task Forces on Human Trafficking

State task forces have been established by statute in Colorado, Connecticut, and Washington. Idaho passed a resolution to authorize the creation of a legislative committee to study human trafficking in that state. Minnesota's Commissioner of Public Safety is required by statute to conduct an annual trafficking study and submit a report of the findings to the legislature.

California took a different approach. In 2004, at the request of Assemblywoman Sally Lieber, Assembly Speaker Fabian Nunez created the **Select Committee on Human Trafficking in California**, which held informational hearings in the state that were co-sponsored by the California Commission on the Status of Women, the California Women's Law Center, and the California Women's Legislative Caucus.

In addition, advocacy efforts are underway in several states – led by state women’s organizations, violence against women programs and providers, and anti-trafficking groups – to study the nature and extent of trafficking in the state and make policy recommendations.

Colorado: HB 1143 creates an interagency task force on trafficking in persons to: collect and organize data on the nature and extent of trafficking in the state; investigate collaborative models for protecting victims; measure and evaluate the progress of the state in preventing trafficking, protecting victims, and prosecuting traffickers; identify available federal, state, and local programs that provide services to victims; evaluate approaches to increase public awareness of trafficking; analyze existing criminal statutes for their adequacy in addressing trafficking and make recommendations; and, consult with governmental and non-governmental organizations in developing recommendations. The task force is required to report its findings and recommendations to the Judiciary Committees of the House and Senate by January 15, 2007. **Effective Date:** April 5, 2005.

Connecticut: HB 5358 establishes an interagency task force on trafficking in persons to: collect data on the nature of trafficking in the state and evaluate the state’s progress on trafficking; identify available federal, state, and local programs that provide services to trafficking victims; evaluate approaches to increase public awareness of trafficking; analyze and make recommendations regarding existing state criminal statutes’ ability to address trafficking; and, make recommendations on preventing trafficking, assisting victims, and prosecuting traffickers. The task force is required to report its findings and recommendations to the General Assembly by January 1, 2006. **Effective Date:** October 1, 2004.

Idaho: HCR 18 authorizes the Legislative Council to appoint a legislative committee to complete a study on human trafficking. The co-chairs of the committee will appoint non-legislative members of the committee. The committee shall: collect data and present findings on the nature and extent of human trafficking in Idaho; identify available federal, state and local programs that provide services to victims; analyze and make recommendations regarding the ability of existing criminal statutes to address trafficking; and, make recommendations regarding the prevention of trafficking, the prosecution of offenses, and victim assistance. The committee is required to report its findings and recommendations to the Legislature, the Governor, and the Idaho Supreme Court by January 1, 2006. **Adopted:** April 1, 2005.

Minnesota: HB 1 appropriates money for an annual statewide human trafficking assessment, which will be led by the Commissioner of the Department of Public Safety with the assistance of government agencies and nongovernmental organizations. The study will include: the numbers of arrests, prosecutions, and successful convictions of traffickers; statistics on the number of trafficking victims, including demographics, method of recruitment, and method of discovery; trafficking routes and patterns; method of transportation; and, social factors that contribute to and foster trafficking, especially trafficking of women and children. The Commissioner must submit the first report to the Legislature by September 1, 2006. **Effective Date:** July 1, 2005.

Washington: HB 2381 created the *Washington State Task Force Against the Trafficking of Persons* in 2002 to: measure and evaluate the progress of the state in trafficking prevention activities; identify available federal, state, and local programs that provide services to victims of

trafficking; and, make recommendations on methods to provide a coordinated system of support and assistance to victims of trafficking. **Effective Date:** June 13, 2002. The *Task Force* expired on March 1, 2003 but was extended until June 30, 2004 (HB 1090). **Effective Date:** May 14, 2003.

HR 4707 recognizes and honors the Office of Crime Victims Advocacy and the *Washington State Task Force Against the Trafficking of Persons* for its accomplishments in leading the country in taking action against human trafficking. **Adopted:** March 4, 2004.

**International Marriage Brokers/International Matchmaking Organizations (IMOs)
Regulation of "Bride Trafficking" by Commercial Enterprises**

Legislatures in **Hawaii, Missouri, Texas, and Washington** have passed laws to regulate "international matchmaking organizations" (IMOs) that operate in the state.

Hawaii: **HB 135** allows persons living abroad who use for-profit matchmaking services to gain access to criminal conviction and marital history information from prospective spouses residing in the United States ("clients"). Each IMO must notify all foreign women ("recruits") in their native language that criminal history records and marital history information about any Hawaii resident is available upon request. The IMO also must disseminate this information upon request in the recruit's native language and refrain from providing any further services that facilitate interaction between the recruit and the client until the information has been submitted to the IMO. The punishment for a violation of the law is a fine of up to \$500 and up to 30 days imprisonment. **Effective Date:** January 1, 2004.

Missouri: **HB 353** requires IMOs to notify each potential recruit that the criminal history information and marital history information of clients are available, upon request, in the recruit's own language. Basic rights information -- including information about human rights, immigration, emergency assistance and resources, and the legal rights of and resources for victims of domestic violence -- also must be made available to recruits. The IMO must distribute this information no later than 30 days after receiving it, and IMOs that fail to provide the information or willfully provide incomplete or false information are guilty of a class D felony. **Effective Date:** August 28, 2005.

Texas: **HB 177** requires IMOs to provide each foreign recruit with the criminal history record information and marital history information of the IMO's clients and with basic rights information in the recruit's native language. The IMO must disseminate this information no later than the 30th day after the date it receives the information from the client and must pay the costs incurred to translate this information into the recruit's native language. The IMO may not provide any further services to the client or recruit until it has obtained the requested information from the client and provided it to the recruit. An IMO that violates the law is subject to a civil penalty not to exceed \$20,000 for each violation. **Effective Date:** September 1, 2003.

Washington: **SB 6412** requires IMOs to provide information to foreign women, upon request, on state background checks and personal histories of Washington residents seeking to meet foreign women (potential recruits). The IMO must notify all potential recruits that background check and personal history information is available upon request. Once the resident

is notified of the recruit's request for background information, the IMO must refrain from providing any further services that facilitate future interaction between the recruit and the resident until the IMO has obtained the requested information from the resident. **Effective Date:** September 1, 2002. The language of the bill was slightly amended in 2003 (HB 1826). **Effective Date:** July 27, 2003.

Sex Tourism

Hawaii: HB 2020 makes it a class C felony to knowingly sell or offer to sell travel services that include or facilitate travel for the purpose of engaging in prostitution. It authorizes the suspension or revocation of travel agency registration for engaging in these acts. The bill emphasizes that prostitution and sex tourism contribute to the trafficking of persons, and seeks to discourage sex tourism as a way to reduce the demand for sex trafficking. **Effective Date:** May 19, 2004.

Sponsors

Criminalization Statutes

Arizona

SB 1372 Sponsors: Senators Jarrett, Aguirre, Bee, Blendu, Gould, L. Gray, Huppenthal, Johnson, R. Miranda, Waring, Arzberger, Brotherton, R. Burns, Chevront, J. Garcia, Hellon, R. Rios, Soltero, Verschoor; Representatives Anderson, Nelson, Paton, Pearce, Pierce, Burges, C. Gray, Lopes, McClure, P. Rios, Robson.

Related bill HB 2539 Sponsors: Representatives Paton, Alvarez, J. Burns, Farnsworth, Lopez, McClure, Pearce, Rosati, Biggs, Gallardo, Hershberger, Meza, Pierce, Sinema, Tully; Senator Bee.

Related bill SB 1357 Sponsors: Senators Bee, Jarrett, Waring, Harper, Tibshraeny, Verschoor; Representative Paton.

Related bill HB 2657 Sponsors: Representatives Gallardo, L. Lopez, Lujan, Sinema, A. Aguirre, Alvarez, Bedford, Chase, Downing, M. Garcia, Davis, Meza, Reagan.

Related bill HB 2708 Sponsors: Representatives Sinema, A. Aguirre, Chase, Alvarez, Bradley, Gallardo, M. Garcia, Kirkpatrick, Lujan, Meza, Tom.

Arkansas

HB 2979 Sponsor: Representative Elliott.

Florida

SB 1962 Sponsors: Senators Wasserman Schultz, Smith, Aronberg, Haridopolos. **Related bill**

HB 865 Sponsors: Representatives Gannon, Brandenburg, Bullard, Fiorentino, A. Gibson, Harrell, Hasner, Holloway, Joyner, Kravitz, Stargel, Zapata.

Related bill HB 1977 Sponsors: Representatives Barreiro, Bucher, Fiorentino, Gannon, Joyner, Kallinger, Kottkamp, Rich, Roberson, Sobel.

Illinois

HB 1469 Sponsors: Representatives Chavez, Bailey, Soto, Mendoza, Gordon, Delgado, Berrios, Jefferson, Churchill, Daniels, Saviano, McAuliffe, Sullivan Jr., Stephens, Rose, Myers, Lang, D'Amico, Giles, Davis, Flowers, Mautino, Reis, Mitchell, Poe, Brauer, Leitch, Bost, Winters, Tenhouse, Pihos, Krause, Burke, Osterman, Franks, Younge, Granberg, Kelly, Reitz, Molaro,

Schock, Smith, Beiser, McGuire, Verschoore Ryg, Munson, Bellock, Mulligan, Washington, Hamos, Nekritz, Acevedo, Howard, Patterson, Lyons, Bradley, Colvin, Jakobsson, May, Dunkin, Graham, Froehlich, Moffitt, Millner, Lyons, Fritchey, Miller, Rita, Turner, Coulson, Pritchard, Mathias, Meyer; Senators Cullerton, Collins, Martinez, Haine, Althoff.

Related bill SB 477 Sponsors: Senators Cullerton, Haine, Dillard, Raoul, Sandoval, Harmon, Collins; Representatives Mathias, Froehlich, Chavez, Bailey, Delgado, Franks, LaVia, Soto.

Kansas

SB 72 Sponsor: Senator Journey. SB 151 (amendment to SB 72) Sponsor: Senator Jordan.

Related bill HB 2004 Sponsor: Representative Ju. Morrison.

Louisiana

HB 56 Sponsors: Representatives Katz, Doerge, St. Germain, Winston, Scalise, Alexander, Badon, Baldone, Barrow, Baudoin, Bruce, Burns, Cravins, Curtis, Dartez, Dorsey, Dove, Downs, Durand, Erdey, Fannin, Farrar, Frith, Gallot, Glover, Greene, Hammett, Hebert, Hill, Hunter, Hutter, Jackson, Jefferson, Johns, Kennard, Kenney, LaBruzzo, LaFonta, Lancaster, McDonald, Montgomery, Morrell, Morrish, Pierre, Pitre, M. Powell, T. Powell, Quezaire, Schneider, Smiley, G. Smith, Strain, Thompson, Townsend, Trahan, Tucker, Waddell, Walker, Walsworth, White, Wooton.

Senator Broome filed the motion to vote on the House bill in the Senate.

Minnesota

HB 1 Sponsors: Representatives Smith, Zellers, Meslow, Gazelka, Brod, Lesch, Severson, Cybart, Peppin, Emmer, Gunther, Ruth, Penas, Abeler, Paulsen, Beard, Holberg, P. Nelson, Hoppe, Finstad, Bradley, Erickson, Dill, Kohls, Demmer, Sykora, Tingelstad, Lanning, Wilkin, Samuelson, J. Johnson, Magnus, Simpson, Garofalo, Cornish. Companion bill SB 609 Sponsors: Senators Ranum, Kleis, Fischbach, Reiter, Ruud.

SB 1689 (amendment to HB 1) Sponsors: Senators Pappas, Foley, McGinn, Ranum, Limmer.

Companion bill HB 1760 Sponsors: Representatives Tingelstad, Knoblach, Clark, Thao, Smith, Murphy, Loeffler, Abeler, Gunther, Mariani, Ellison, Holberg, R. Johnson, Walker, Hornstein, Larson, Dorman, Soderstrom, Meslow, Brod, McNamara, Moe, Liebling, Kahn, Greiling.

Missouri

HB 1487 Sponsor: Representative Tom Self.

SB 1210 (amendment to HB 1487) Sponsors: Senators Bray, Bland, Champion, Coleman, Days, Steelman, Yeckel.

New Jersey

AB 2730 Sponsors: Assemblymembers Stender, Cohen, Chivukula, Greenstein, Green, Diegnan, Mayer, Eagler, Connors, Payne, Gusciora.

Related bill SB 1848 Sponsors: Senators Gill, Inverso, Lance, Kyrillos, Kean, Connors, Allen, Turner. Related bill AB 3213 Sponsor: Assemblymember Baroni. Related bill SB 1877

Sponsors: Senators Inverso, Lance, Kyrillos, Kean, Connors.

Texas

HB 2096 Sponsors: Representatives Pickett, Lucio. HB 869 (amendment to HB 2096)

Sponsors: Representatives Burnam, Peña, Wohlgemuth, Keel, Riddle, Chavez, Christian, Guillen, Hupp, Madden, Menendez, Seaman, Telford, Truitt, Wong.

Companion bill SB 1953 Sponsors: Senators Van de Putte, Armbrister, Averitt, Barrientos, Bivins, Brimer, Carona, Deuell, Duncan, R. Ellis, Estes, Fraser, Gallegos, Harris, Hinojosa, Jackson, Janek, Lindsay, Lucio, Madia, Nelson, Ogden, Ratliff, Shapiro, Shapleigh, Staples, Wentworth, West, Whitmire, Williams, Zaffirini.

Washington

HB 1175 Sponsors: Representatives Veloria, Roach, O'Brien, Conway, Clements, Lantz, Linville, Moeller, Delvin, Benson, Darneille, Kenney, Kessler, Simpson, Chase, McMahan, Upthegrove.

Companion bill SB 5670 Sponsors: Senators Fraser, Kohl-Welles, Brandland, Kline, Hargrove, Esser, Thibaudeau, Jacobsen, Prentice, B. Sheldon, Winsley.

Statewide Interagency Task Forces on Human Trafficking

Colorado

HB 1143 Sponsors: Representatives Borodkin, T. Carroll, Curry, Frangas, Lindstrom, Madden, Marshall, Merrifield, Pommer, Todd, Benefield, Berens, Boyd, Cloer, Green, Harvey, Hesley, M. May, McFadyen, McGihon, Riesberg, Romanoff, Solano.

Senators Fitz-Gerald, Bacon, Gordon, Groff, Grossman, Hanna, Isgar, Jones, Sandoval, Shaffer, Tapia, Tochtrop, Tupa, Veiga, Williams, Windels.

Connecticut

HB 5358 Sponsors: Representatives Stillman, Berger, Boucher, Conway, Crisco, Currey, Godfrey, Gonzalez, Googins, Guerrero, Kerensky, Leone, Lewis, Malone, Martinez, Nafis, Peters, Prague, Roy, Sullivan, Tereyak, Thompson, Willis, Winkler.

Senators Crisco, Sullivan, Prague, Ciotto.

Idaho

HCR 18 Sponsors: State Affairs Committee members -- Representatives Deal, Smylie, Stevenson, Ellsworth, Black, Edmunson, Miller, Ring, Snodgrass, Jones, Garrett, Loertscher, Anderson, Andrus, H. T. Shepherd, Smith, Pasley-Stuart.

Contacts: Representatives Boe, Pasley-Stuart, Miller, Field, Wills.

Minnesota

HB 1 Sponsors: Representatives Smith, Zellers, Meslow, Gazelka, Brod, Lesch, Severson, Cybart, Peppin, Emmer, Gunther, Ruth, Penas, Abeler, Paulsen, Beard, Holberg, P. Nelson, Hoppe, Finstad, Bradley, Erickson, Dill, Kohls, Demmer, Sykora, Tingelstad, Lanning, Wilkin, Samuelson, J. Johnson, Magnus, Simpson, Garofalo, Cornish.

Companion bill SB 609 Sponsors: Senators Ranum, Kleis, Fischbach, Reiter, Ruud.

SB 1689 (amendment to HB 1) Sponsors: Senators Pappas, Foley, McGinn, Ranum,

Limmer. Companion bill HB 1760 Sponsors: Tingelstad, Knobloch, Clark, Thao, Smith, Murphy, Loeffler, Abeler, Gunther, Mariani, Ellison, Holberg, R. Johnson, Walker, Hornstein, Larson, Dorman, Soderstrom, Meslow, Brod, McNamara, Moe, Liebling, Kahn, Greiling.

Washington

HB 2381 Sponsors: Representatives Veloria, Van Loven, Kenney, Dunshee, Romero, O'Brien, Darneille, Schual-Berke, Chase, Tokuda, Upthegrove, Edwards, Santos, Kagi, Haigh.

Companion bill SB 6407 Sponsors: Senators Costa, Kohl-Welles, Kline, Kastama, Thibaudeau.

HB 1090 Sponsors: Representatives Veloria, Roach, O'Brien, Bush, Lantz, Clements, Linville, Kenney, Boldt, Sullivan, Upthegrove, Chase, Darneille, Hudgins, Edwards.

HR 4707 Sponsor: Representative Veloria.

International Marriage Brokers/International Matchmaking Organizations (IMOs)

Hawaii

HB 135 Sponsors: Representatives Lee, Sonson, Arakaki, Luke, Morita, Leong, Karamatsu, Abinsay, Shimabukuro, Thielen, Ching, Kawakami, Marumoto, Finnegan, Kahikina, Hale, Pendleton.

Companion bill SB 875 Sponsors: Senators Chun Oakland, Baker, Fukunaga.

Missouri

HB 353 Sponsors: Representatives Lipke, Page, J. Brown, Nieves.

SB 437 (amendment to HB 353) Sponsor: Senator Bray.

Texas

HB 177 Sponsors: Representatives McCall, Castro. Senator West.

Washington

SB 6412 Sponsors: Senators Kohl-Welles, Costa, Prentice, Winsley, Long, Keiser, Benton.

Related bill HB 2667 Sponsors: Representatives Veloria, Darneille, Haigh, Delvin, Tokuda, Chase, Santos.

HB 1826 Sponsors: Representatives Veloria, McMahan, O'Brien, Kenney, Boldt, Mielke, Santos, Hudgins, Upthegrove, Simpson, Conway.

Companion bill SB 5532 Sponsors: Senators Kohl-Welles, Benton, Fraser, Prentice, Carlson, Keiser, Winsley, Schmidt.

Sex Tourism

Hawaii

HB 2020 Sponsors: Representatives Arakaki, Chang, Evans, Hale, Karamatsu, Kawakami, Lee, Leong, Luke, Magaoay, Marumoto, Morita, Shimabukuro, Thielen.

Companion bill SB 2227 Sponsors: Senators Chun Oakland, Baker, Fukunaga, Kim.