

AMENDED IN ASSEMBLY APRIL 19, 2005

AMENDED IN ASSEMBLY MARCH 29, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 634

Introduced by Assembly Member Lieber
(Coauthors: Assembly Members Bass, DeVore, Shirley Horton,
Levine, Liu, Oropeza, and Pavley)
(Coauthors: Senators Alquist and Speier)

February 17, 2005

An act to add ~~Part 5 (commencing with Section 600) to Division 3 of the Family Chapter 12.3 (commencing with Section 7750) to Division 3 of the Business and Professions Code~~, relating to international marriage brokers.

LEGISLATIVE COUNSEL'S DIGEST

AB 634, as amended, Lieber. International marriage brokers.

Existing law provides that marriage is a personal relation arising out of a civil contract between a man and a woman. Existing federal law prescribes the manner in which a United States citizen may marry a foreign national, as specified.

Under specified circumstances, this bill would require an international marriage broker, as defined, to provide information to a foreign recruit, as defined, in his or her language, consisting of a client's ~~criminal and~~ marital history information, ~~as specified~~, basic rights information, and information on domestic violence, *as specified. The bill would require every international marriage broker and client to be licensed by the Department of Consumer Affairs, and would prohibit licensure of a broker or client who has committed certain crimes. On and after July 1, 2006, the bill would further*

require the Department of Consumer Affairs and the Department of Justice to conduct criminal background checks on those brokers and clients, as specified. The bill would also require that the Department of Justice, the Speaker of the Assembly, and the Senate appoint a group to draft the basic rights information by June 30, 2006.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Part 5 (commencing with Section 600) is added~~
 2 ~~to Division 3 of the Family Code, to read:~~

3
 4 ~~PART 5. INTERNATIONAL MARRIAGE BROKERS~~

5
 6 ~~600. For purposes of this part:~~
 7 ~~SECTION 1. Chapter 12.3 (commencing with Section 7750)~~
 8 ~~is added to Division 3 of the Business and Professions Code, to~~
 9 ~~read:~~

10
 11 ~~CHAPTER 12.3. INTERNATIONAL MARRIAGE BROKERS~~

12
 13 ~~7750. For purposes of this part:~~
 14 ~~(a) “Basic rights information” means information about human~~
 15 ~~rights, immigration, and emergency assistance and resources, and~~
 16 ~~victim rights under California law with regard to domestic~~
 17 ~~violence. That information shall include, but not be limited to,~~
 18 ~~the following:~~

19 ~~(1) Emergency telephone numbers for law enforcement and~~
 20 ~~the fire department.~~

21 ~~(2) The fiancée visa application process and marriage-based~~
 22 ~~immigration status.~~

23 ~~(3) Immigration relief available to immigrant victims of~~
 24 ~~domestic violence, sexual assault, trafficking, and other crimes~~
 25 ~~under the federal Violence Against Women Act of 1994 (Title IV,~~
 26 ~~PL. 103-322) and Sections 101(a)(15)(T) and 101(a)(15)(U) of~~
 27 ~~the federal Immigration and Nationality Act (8 U.S.C. Sec. 1101~~
 28 ~~et seq.).~~

1 (4) *The legal rights of immigrant victims of abuse and other*
2 *crimes in immigration, criminal justice, family law, and other*
3 *matters.*

4 (5) *The illegality of domestic violence, sexual assault, and*
5 *child abuse in California and the United States.*

6 (6) *Information on the dynamics of domestic violence.*

7 (7) *Domestic violence and sexual assault services in*
8 *California and the United States, including, but not limited to,*
9 *the National Domestic Violence Hotline and the National Sexual*
10 *Assault Hotline.*

11 (8) *The obligation of parents to provide child support for*
12 *children.*

13 (b) “Client” means a person who is a resident of California
14 who contracts with an international marriage broker to meet
15 recruits.

16 ~~(e) “Criminal history information” means criminal history~~
17 ~~information obtained from a criminal background check.~~

18 ~~(d)~~

19 (c) (1) “International marriage broker” means any person,
20 corporation, partnership, sole proprietorship, or other legal entity
21 that does business in California and, *for a fee*, offers to California
22 residents dating, matrimonial, or social referral services
23 involving recruits by doing any of the following in-state:

24 (1)

25 (A) Exchanging names, telephone numbers, addresses, or
26 statistics.

27 (2)

28 (B) Selecting photographs.

29 (3)

30 (C) Providing a social environment for introducing clients to
31 recruits in a country other than the United States.

32 (2) “*International marriage broker*” does not include a
33 *traditional matchmaking organization of a religious nature that*
34 *operates on a nonprofit basis and otherwise operates in*
35 *compliance with the laws of this state.*

36 ~~(e)~~

37 (d) “Marital history information” means a declaration of a
38 person’s current marital status, the number of times that person
39 has been married, and whether any marriage occurred as a result
40 of receiving services from an international marriage broker.

1 ~~(f)~~

2 (e) “Recruit” means a person who is not a citizen or resident of
3 the United States and who is recruited by an international
4 marriage broker for the purpose of providing dating,
5 matrimonial, or social referral services.

6 ~~601.7751.~~ Prior to the release of any contact information of a
7 recruit, an international marriage broker shall first obtain his or
8 her consent to the release of that information.

9 ~~602.~~ Any client who applies for a foreign fiancée visa for a
10 recruit shall undergo a criminal background check, and shall,
11 prior to making that application, provide his or her criminal
12 history information and marital history information to the
13 international marriage broker for purposes of Section 603.

14 ~~603. (a)~~ Pursuant to Section 602, an international marriage
15 broker shall provide the recruit with the criminal history
16 information and marital history information of the client and
17 basic rights information.

18 7752. Any client who applies for a foreign fiancée visa for a
19 recruit shall provide his or her marital history information to the
20 international marriage broker for the purposes of Section 7755.

21 7753. Any international marriage broker that applies for a
22 license pursuant to Section 7754 shall submit his or her
23 fingerprints to the Department of Consumer Affairs, and any
24 client who contracts with an international marriage broker for
25 services shall submit his or her fingerprints to the international
26 marriage broker for purposes of submission to the Department of
27 Consumer Affairs, and all of the following shall apply:

28 (a) The Department of Consumer Affairs shall submit to the
29 Department of Justice the fingerprint images of the broker or the
30 client and related information required by the Department of
31 Justice for the purposes of obtaining information as to the
32 existence and content of a record of state or federal convictions
33 and state or federal arrests and information as to the existence
34 and content of a record of state or federal arrests for which the
35 Department of Justice establishes that the person is free on bail
36 or on his or her recognizance pending trial or appeal.

37 (b) When received, the Department of Justice shall forward to
38 the Federal Bureau of Investigation requests for federal
39 summary criminal history information received pursuant to this
40 section. The Department of Justice shall review the information

1 returned from the Federal Bureau of Investigation and thereafter
2 compile and disseminate a response to the Department of
3 Consumer Affairs.

4 (c) The Department of Justice shall provide a response to the
5 Department of Consumer Affairs pursuant to paragraph (1) of
6 subdivision (p) of Section 11105 of the Penal Code.

7 (d) The Department of Consumer Affairs shall request from
8 the Department of Justice subsequent arrest notification service,
9 as provided pursuant to Section 11105.2 of the Penal Code, for
10 that broker or client.

11 (e) The Department of Justice shall charge a fee sufficient to
12 cover the cost of processing the requests described in this
13 section.

14 (f) This section shall become operative on July 1, 2006.

15 7754. (a) (1) The Department of Consumer Affairs shall
16 promulgate regulations that require every international marriage
17 broker and every client to apply for, and receive a license from,
18 the department in order to provide the services described in
19 paragraph (1) of subdivision (c) of Section 7750, or, if the client,
20 prior to any contact with a recruit. The department shall charge
21 a fee sufficient to cover the costs of that licensing, which shall be
22 a higher fee for the broker.

23 (2) Each international marriage broker shall renew its license
24 with the department every two years. Each client shall renew his
25 or her license with the department every time he or she applies
26 or reapplies for a foreign fiancée visa for a recruit. The
27 department shall charge a renewal fee sufficient to cover the
28 costs of that renewal, which shall be a higher fee for the broker.

29 (b) The Department of Consumer Affairs shall further
30 promulgate regulations that would disqualify for licensure, as
31 described in subdivision (a), any broker or client who has
32 committed crimes of a violent or sexual nature, or crimes against
33 children, thereby prohibiting an international marriage broker
34 from conducting business in this state, or from contracting with
35 that client.

36 7755. (a) An international marriage broker shall provide the
37 recruit with the marital information of the client and the basic
38 rights information.

1 (b) The information in subdivision (a) shall be provided in the
2 recruit’s native language and displayed in a manner that
3 comports with the following:

4 ~~(1) Separates the criminal history information, the marital~~
5 ~~history information, and the basic rights information from any~~
6 ~~other information.~~

7 *(1) Separates the marital history information and the basic*
8 *rights information from any other information.*

9 (2) Is easily accessible and highly visible.

10 (c) An international marriage broker shall refrain from
11 providing any further services to the recruit or client until the
12 broker has obtained and provided the recruit the information
13 described in subdivisions (a) and (b).

14 *7756. (a) On or before June 30, 2006, a group composed of*
15 *the following members shall draft the basic rights information:*

16 *(1) One member appointed by the Department of Justice.*

17 *(2) Two members appointed by the Speaker of the Assembly.*

18 *(3) Two members appointed by the Senate.*

19 *(b) Those members shall include immigration experts and*
20 *members of groups advocating on behalf of victims of domestic*
21 *violence.*

22 *(c) Those members shall serve at the pleasure of their*
23 *respective appointing authority, without compensation.*