

House Bill 2781

Sponsored by Representative GELSER; Representatives BARTON, BERGER, GARRETT, KENY-GUYER, OLSON, TOMEI

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires international matchmaking organization doing business in this state to provide criminal history record information and personal history information about client, and basic rights information, to noncitizen, nonresident recruit.

Makes violation punishable by maximum of one year's imprisonment, \$6,250 fine, or both.

Permits person injured by violation to bring action for damages within two years after violation or discovery of violation. Authorizes court to award attorney fees in certain circumstances.

A BILL FOR AN ACT

1
2 Relating to international matchmaking organizations.

3 **Be It Enacted by the People of the State of Oregon:**

SECTION 1. As used in sections 1 to 5 of this 2013 Act:

4
5 (1) **"Basic rights information" means information appropriate for a noncitizen, including**
6 **information about domestic violence resources, human rights, immigration and emergency**
7 **assistance, that is prepared by an international matchmaking organization or an organiza-**
8 **tion not affiliated with an international matchmaking organization.**

9 (2) **"Client" means an individual who is a resident of this state and who uses an inter-**
10 **national matchmaking organization for dating, matrimonial or social referral services.**

11 (3) **"Criminal history record information" means information about a client's criminal**
12 **record as determined under section 3 of this 2013 Act.**

13 (4)(a) **"International matchmaking organization" means a corporation, partnership,**
14 **business, individual or other legal entity that does business in the United States and offers**
15 **to residents of this state dating, matrimonial or social referral services with recruits by**
16 **providing clients with the personal contact information of recruits or otherwise facilitating**
17 **communication between clients and recruits, or by providing a social environment for in-**
18 **troducing clients to recruits.**

19 (b) **"International matchmaking organization" does not include:**

20 (A) **A traditional marriage broker that operates on a nonprofit basis in compliance with**
21 **the laws of the countries in which the broker operates, including the laws of the United**
22 **States;**

23 (B) **An entity that provides dating services, if the entity's principal business is not to**
24 **provide to residents of this state dating services with recruits and if the entity charges**
25 **comparable rates and offers comparable services to all individuals it serves, regardless of the**
26 **individual's gender or country of citizenship or residence; or**

27 (C) **An organization that does not charge a fee to any person for dating, matrimonial or**
28 **social referral services.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (5) "Personal history information" means a declaration under oath by a client regarding:

2 (a) The client's marital status;

3 (b) The number of previous marriages, annulments and dissolutions of marriage the cli-
4 ent has had and the state, territory of the United States or country in which the marriage,
5 annulment or dissolution occurred;

6 (c) Whether any previous marriage occurred after receiving services from an interna-
7 tional matchmaking organization;

8 (d) All substantiated allegations of child abuse or neglect against the client, regardless
9 of the state, territory of the United States or country in which the allegations were made
10 or investigated;

11 (e) All protective, restraining and stalking orders that have been issued against the cli-
12 ent, regardless of the state, territory of the United States or country in which the orders
13 were issued;

14 (f) All orders of a court of bankruptcy discharging the client as a petitioner in a bank-
15 ruptcy proceeding;

16 (g) All aliases used by the client at any time; and

17 (h) All past or current court orders for spousal or child support arrearages, regardless
18 of the state, territory of the United States or country in which the orders were issued.

19 (6) "Recruit" means a person who is not a citizen or resident of the United States and
20 who is recruited by, or uses the services of, an international matchmaking organization.

21 **SECTION 2.** (1) An international matchmaking organization doing business in this state
22 shall provide each recruit with the following before personal contact information of the re-
23 cruit is given to a client:

24 (a) Criminal history record information about the client;

25 (b) Personal history information about the client; and

26 (c) Basic rights information.

27 (2) The international matchmaking organization shall provide basic rights information to
28 a recruit:

29 (a) When the organization first contacts the recruit;

30 (b) When the recruit arrives in the United States; and

31 (c) Six months after the recruit arrives in the United States.

32 (3) The information provided under subsections (1) and (2) of this section must be:

33 (a) In the recruit's native language; and

34 (b) Displayed in a clearly conspicuous manner that separates the criminal history record
35 information, the personal history information and the basic rights information from any
36 other information.

37 (4) The international matchmaking organization shall pay the costs incurred in translat-
38 ing and providing the information required under subsections (1) and (2) of this section.

39 (5) Information obtained by an international matchmaking organization under sections 2
40 or 3 of this 2013 Act is confidential and may not be used for any purpose other than that for
41 which it was obtained or disseminated.

42 (6) An international matchmaking organization is deemed to be doing business in this
43 state if it enters into a contract with a resident of this state or is considered to be doing
44 business in this state under any other provision of state law.

45 **SECTION 3.** (1) Upon the request of an international matchmaking organization, and in

1 compliance with procedures adopted by the Department of State Police under ORS 181.555,
2 the department shall:

3 (a) Furnish to the authorized staff of the organization information about a client that the
4 department has in its possession, including but not limited to criminal offender information,
5 and information to which the department has access, including but not limited to informa-
6 tion in the Law Enforcement Data System established under ORS 181.730;

7 (b) Conduct international and nationwide criminal records checks of the client through
8 the Federal Bureau of Investigation by use of the client's fingerprints; and

9 (c) Transmit the information obtained under this subsection to the authorized staff of
10 the organization.

11 (2) The department may not transfer the fingerprint card used to conduct a criminal
12 records check on a client to the authorized staff of an international matchmaking organiza-
13 tion and shall destroy the client's fingerprint card or return the fingerprint card to the cli-
14 ent. The department may not keep a record of the client's fingerprints.

15 (3) The department may charge a fee for providing information to an international
16 matchmaking organization under this section.

17 **SECTION 4.** A person that violates any provision of section 2 of this 2013 Act commits
18 a Class A misdemeanor. A penalty imposed under this section is in addition to any penalty
19 imposed under federal law.

20 **SECTION 5.** (1) An individual injured by a violation of section 2 of this 2013 Act may bring
21 an action in an appropriate court to recover actual damages or statutory damages of \$1,000,
22 whichever is greater. The court or the jury may award punitive damages and the court may
23 provide the equitable relief the court considers necessary and proper.

24 (2) The court may award reasonable attorney fees and costs at trial and on appeal to a
25 prevailing plaintiff in an action under this section. The court may award reasonable attorney
26 fees and costs at trial and on appeal to a prevailing defendant only if the court finds there
27 was no objectively reasonable basis for bringing the action or asserting the ground for ap-
28 peal.

29 (3) An action brought under this section must be commenced within two years after the
30 date of the violation or the date of the discovery of the violation, whichever is later.

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