

FIRST REGULAR SESSION

SENATE BILL NO. 437

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRAY.

Read 1st time February 28, 2005, and ordered printed.

TERRY L. SPIELER, Secretary.

1778S.011

AN ACT

To repeal sections 566.200 and 566.223, RSMo, and to enact in lieu thereof three new sections relating to international marketing, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 566.200 and 566.223, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 566.200, 566.221, and 566.223, to read as follows:

566.200. As used in sections 566.200 to [566.218] **566.221**, the following terms shall mean:

(1) **"Basic rights information"**, information applicable to a noncitizen, including information about human rights, immigration, and emergency assistance and resources;

(2) **"Client"**, a person who is a resident of the United States and the state of Missouri and who contracts with an international matchmaking organization to meet recruits;

(3) **"Commercial sex act"**, any sex act on account of which anything of value is given to or received by any person;

(4) **"Criminal history record information"**, criminal history record information, including information provided in a criminal background check, obtained from the Missouri state highway patrol and the Federal Bureau of Investigation;

(5) **"International matchmaking organization"**, a corporation, partnership, or other legal entity, whether or not organized pursuant to

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

the laws of the United States or any state, that does business in the United States and for-profit offers to residents of Missouri, dating, matrimonial, or social referral services involving citizens of a foreign country or countries who are not residing in the United States. Such business shall include, but is not limited to, the exchange of names, telephone numbers, addresses, or statistics, the selection of photographs, and the creation of a social environment provided by the organization in a country other than the United States. Such business shall not include a traditional matchmaking organization of a religious nature that otherwise operates in compliance with the laws of the countries of the recruits by such organization and the laws of the United States, or an organization that does not charge a fee to any party for the services provided;

[(2)] (6) "Involuntary servitude or forced labor", a condition of servitude induced by means of:

(a) Any scheme, plan, or pattern of behavior intended to cause a person to believe that, if the person does not enter into or continue the servitude, such person or another person will suffer substantial bodily harm or physical restraint; or

(b) The abuse or threatened abuse of the legal process;

(7) "Marital history information", a declaration of the person's current marital status, the number of times the person has previously been married, and whether any previous marriages occurred as a result of service from an international matchmaking organization;

[(3)] (8) "Peonage", illegal and involuntary servitude in satisfaction of debt;

(9) "Recruit", a non-citizen, non-resident, recruited by an international matchmaking organization for the purpose of providing dating, matrimonial, or social referral services.

566.221. 1. An international matchmaking organization shall provide notice to each recruit that the criminal history record information and marital history information of clients and basic rights information are available from the organization. The notice of the availability of such information must be in a conspicuous location, in the recruit's native language, in lettering that is at least one-quarter of an inch in height, and presented in a manner that separates the different

types of information available.

2. An international matchmaking organization shall disseminate to a recruit the criminal history record information and marital history information of a client and basic rights information no later than thirty days after the date the international matchmaking organization receives the criminal history record information and the marital history information on the client. Such information must be provided in the recruit's native language and the organization shall pay the costs incurred to translate the information.

3. A client of an international matchmaking organization shall:

(1) Obtain a copy of his or her own criminal history record information;

(2) Provide the criminal history record information to the international matchmaking organization; and

(3) Provide to the international matchmaking organization his or her own marital history information.

4. An international matchmaking organization shall require the client to affirm that the marital history information is complete and accurate and includes information regarding marriages, annulments, and dissolutions that occurred in another state or foreign country.

5. An international matchmaking organization shall not provide any further services to the client or the recruit until the organization has obtained the required criminal history record information and marital history information and provided the information to the recruit.

6. An international matchmaking organization shall be deemed to be doing business in Missouri if it contracts for matchmaking services with a Missouri resident or is considered to be doing business pursuant to other laws of the state.

7. A person who pleads guilty to or is found guilty of violating the provisions of this section shall not be required to register as a sexual offender pursuant to the provisions of section 589.400, RSMo, unless such person is otherwise required to register pursuant to the provisions of such section.

8. It shall be a class D felony to wilfully provide incomplete or false information pursuant to this section.

9. Failure to provide the information and notice required

pursuant to this section shall be a class D felony.

566.223. Any individual who is alleging that a violation of sections 566.200 to [566.218] **566.221** has occurred against his or her person shall be afforded the rights and protections provided in the federal Trafficking Victims Protection Act of 2000, Public Law 106-386, as amended.

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