

**ACT 149**

H.B. NO. 135

A Bill for an Act Relating to International Matchmaking Organizations.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

**“CHAPTER  
INTERNATIONAL MATCHMAKING ORGANIZATIONS**

§ -1 **Definitions.** As used in this chapter:

“Hawaii resident” includes aliens lawfully admitted for permanent residence and residing in Hawaii.

“International matchmaking organization” means a corporation, partnership, or other legal entity, whether or not organized under the laws of the United States or any state, that does business in the United States and for profit offers to residents of this State, dating, matrimonial, or social referral services involving citizens of a foreign country or countries who are not residing in the United States, by:

- (1) An exchange of names, telephone numbers, addresses, or statistics;
- (2) Selection of photographs; or
- (3) A social environment provided by the organization in a country other than the United States.

“Marital history information” means 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 receiving services from an international matchmaking organization.

“Recruit” means a noncitizen, nonresident person, recruited by an international matchmaking organization for the purpose of providing dating, matrimonial, or social referral services.

§ -2 **Dissemination of criminal record and marital history information.** (a) Each international matchmaking organization doing business in this state shall:

- (1) Notify all recruits that criminal history record information and marital history information is available upon request;
- (2) Provide the notice required by paragraph (1) in the recruit’s native language and display it in a manner that separates it from other information, is conspicuous, and in lettering not less than one-quarter of an inch high; and
- (3) Upon request, disseminate to a recruit in the recruit’s native language all criminal conviction information and marital history information in the possession of the international matchmaking organization relating to a Hawaii resident about whom any information is provided to the recruit.

(b) Upon receipt of a request for criminal conviction or marital history information from a recruit, an international matchmaking organization shall refrain from providing any further services to the recruit or the Hawaii resident with regard to facilitating future interaction between the recruit and the Hawaii resident until the Hawaii resident has submitted to the organization:

- (1) The complete transcript of any criminal history record or a statement that there is no record of convictions; provided that these are obtained from the Hawaii criminal justice data center based on a submission of fingerprint impressions and sent directly to the organization by the Hawaii criminal justice data center; and
- (2) The Hawaii resident’s marital history information, accompanied by an affirmation by the Hawaii resident that any marital history information provided is complete and accurate and includes information regarding marriages, annulments, and dissolutions that occurred in other states or countries.

§ **-3 Jurisdiction.** An international matchmaking organization shall be deemed to be doing business in Hawaii if it contracts for matchmaking services with a Hawaii resident or is considered to be doing business under any other law of this State.

§ **-4 Penalties.** (a) Any person who violates this chapter shall be deemed to have engaged in an unfair or deceptive act or practice in the conduct of any trade or commerce within the meaning of section 480-2(a).

(b) A wilful violation of this chapter shall be punishable by a fine of up to \$500 and up to thirty days imprisonment.

§ **-5 Other relief available.** The penalties provided in this chapter are in addition to penalties and remedies otherwise available against the same conduct under the common law or other state or federal statutes or rules.’’

SECTION 2. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.<sup>1</sup>

SECTION 4. This Act shall take effect on January 1, 2004.

(Approved June 4, 2003.)

**Note**

1. No bracketed or underscored material.