

56:8-185

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2009 **CHAPTER:** 152

NJSA: 56:8-185 (Requires owners and employees of international labor matching or matchmaking organizations to undergo background check and these organizations' recruits be given domestic violence information)

BILL NO: A1942 (Substituted for S1813)

SPONSOR(S) Chivukula and Others

DATE INTRODUCED: January 28, 2008

COMMITTEE: **ASSEMBLY:** Law and Public Safety

SENATE: Labor

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** June 25, 2009

SENATE: June 25, 2009

DATE OF APPROVAL: November 20, 2009

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (First reprint enacted)

A1942

SPONSOR'S STATEMENT: (Begins on page 6 of original bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, **may possibly** be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: Yes

LEGISLATIVE FISCAL ESTIMATE: No

S1813

SPONSOR'S STATEMENT: (Begins on page 6 of original bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes

FLOOR AMENDMENT STATEMENT: Yes

LEGISLATIVE FISCAL ESTIMATE: No

(continued)

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

LAW/RWH

[First Reprint]

ASSEMBLY, No. 1942

STATE OF NEW JERSEY
213th LEGISLATURE

INTRODUCED JANUARY 28, 2008

Sponsored by:

Assemblyman UPENDRA J. CHIVUKULA

District 17 (Middlesex and Somerset)

Co-Sponsored by:

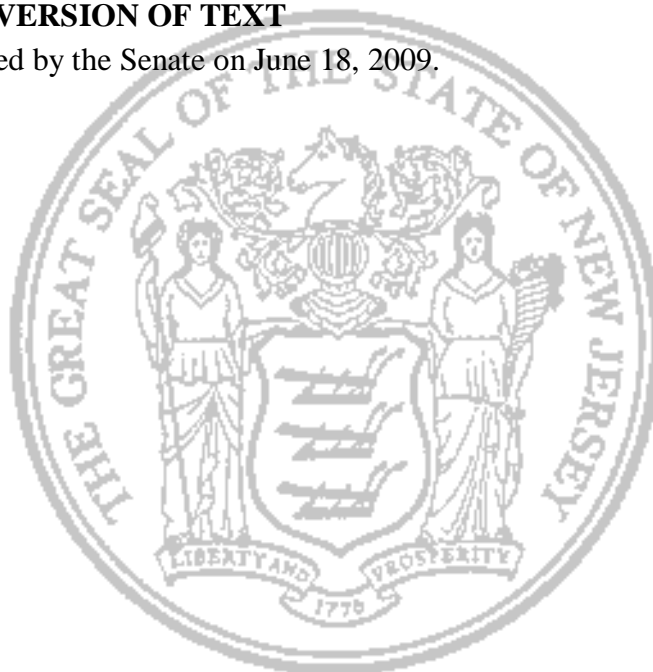
Assemblywoman Greenstein, Senators Sarlo and Baroni

SYNOPSIS

Requires owners and employees of international labor matching or matchmaking organizations to undergo background check and these organizations' recruits be given domestic violence information.

CURRENT VERSION OF TEXT

As amended by the Senate on June 18, 2009.



(Sponsorship Updated As Of: 6/26/2009)

1 AN ACT concerning international labor matching or matchmaking
2 organizations and supplementing chapter 8 of Title 56 of the
3 Revised Statutes.

4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7

8 1. As used in this act:

9 “Client” means a resident of this State for whom an international
10 labor matching organization seeks to locate labor assistance from
11 non-citizens residing outside the country or for whom an
12 international matchmaking organization renders dating, matrimonial
13 or social referral services involving citizens of a foreign country.

14 “Criminal history record background check” means a
15 determination of whether a person has a criminal record by cross-
16 referencing that person's name and fingerprints with those on file
17 with the Federal Bureau of Investigation, Identification Division
18 and the State Bureau of Identification in the Division of State
19 Police.

20 “Director” means the Director of the Division of Consumer
21 Affairs in the Department of Law and Public Safety.

22 “Division” means the Division of Consumer Affairs in the
23 Department of Law and Public Safety.

24 “International labor matching organization” means a corporation,
25 partnership, sole proprietorship, or other entity that does business in
26 the United States ¹**[and for profit offers]** , whose primary purpose
27 is to offer¹ to State residents, opportunities to locate labor
28 assistance from ¹**[noncitizens]** foreign recruits¹ residing outside
29 the country for the purpose of bringing the ¹**[laborer]** foreign
30 recruit¹ to the State.

31 “International matchmaking organization” means a corporation,
32 partnership, sole proprietorship, or other entity that does business in
33 the United States and ¹**[for profit offers]** whose primary purpose is
34 offering, including¹ to State residents, dating, matrimonial, or social
35 referral services involving citizens of a foreign country or countries
36 who are not residing in the United States, such as (1) an exchange
37 of names, telephone numbers, addresses, or statistics; (2) a selection
38 of photographs; or (3) a social environment in a country other than
39 the United States. The term shall not include an on-line personal
40 services organization.

41 “On-line personal services organization” means a corporation,
42 partnership, sole proprietorship, or other entity that does business in
43 the United States and for profit provides an on-line forum for

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate floor amendments adopted June 18, 2009.

1 persons to post personal profiles as a means of self-referral for
2 dating, matrimonial, or other social purpose.

3 “Recruit” means a noncitizen, nonresident person that is
4 recruited by an international labor matching organization for the
5 purpose of bringing the laborer to the State or by an international
6 matchmaking organization for the purpose of providing dating,
7 matrimonial or social referral services.

8

9 2. a. The division shall initiate criminal history record
10 background checks of present and prospective owners and
11 employees of an international labor matching organization or an
12 international matchmaking organization.

13 b. No person shall own or be employed by an international
14 labor matching organization or an international matchmaking
15 organization unless the division certifies that the person has no
16 criminal history record of a conviction for an offense enumerated in
17 subsection d. of this section.

18 c. No international labor matching organization or international
19 matchmaking organization shall employ a person who has not been
20 certified pursuant to subsection b. of this section.

21 d. A person subject to subsection b. of this section whose
22 criminal history record background check reveals a conviction for
23 any of the following crimes and offenses shall be disqualified from
24 owning or being employed by an international labor matching
25 organization or an international matchmaking organization:

26 (1) If the conviction was in New Jersey for a crime:

27 (a) involving danger to the person, meaning those crimes and
28 disorderly persons offenses set forth in N.J.S.2C:11-1 et seq.,
29 N.J.S.2C:12-1 et seq., N.J.S.2C:13-1 et seq., N.J.S.2C:14-1 et seq.
30 or N.J.S.2C:15-1 et seq.; or

31 (b) against the family, children or incompetents, meaning those
32 crimes and disorderly persons offenses set forth in N.J.S.2C:24-1 et
33 seq. or N.J.S.2C:25-17 et seq.; or

34 (c) involving theft as set forth in chapter 20 of Title 2C of the
35 New Jersey Statutes; or

36 (d) involving any controlled dangerous substance or analog as
37 set forth in chapter 35 of Title 2C of the New Jersey Statutes except
38 paragraph (4) of subsection a. of N.J.S.2C:35-10; or

39 (e) involving terrorism as set forth in the “September 11th, 2001
40 Anti-Terrorism Act,” P.L.2002, c.26 (C.2C:38-1 et seq.); or

41 (f) involving prostitution and related offenses as set forth in
42 N.J.S.2C:34-1.

43 (2) If the conviction was in any other state or jurisdiction for
44 conduct constituting any of the crimes described in paragraph (1) of
45 this subsection.

46

47 3. a. Every owner or prospective owner of an international
48 labor matching organization or an international matchmaking

1 organization shall apply to the director to be certified as qualified to
2 own the enterprise.

3 b. Every owner of an international labor matching organization
4 or an international matchmaking organization shall apply to the
5 director to have certified as qualified any person who will be
6 employed by the enterprise.

7 c. The owner of an international labor matching organization or
8 an international matchmaking organization shall apply to the
9 director, within 90 days of the effective date of this act, for the
10 certifications of persons employed by the enterprise on the effective
11 date. These persons shall be permitted to continue their employment
12 pending the completion of the certification process.

13 d. An application for certification shall be accompanied by the
14 fee required to perform a criminal history record background check.

15 e. The international labor matching organization or
16 international matchmaking organization shall retain a copy of the
17 certification of persons subject to certification under this act. The
18 certifications shall be made available upon request to interested
19 members of the public.

20

21 4. a. The director is authorized to receive criminal history
22 record information from the State Bureau of Identification in the
23 Division of State Police and the Federal Bureau of Investigation
24 consistent with applicable State and federal laws, rules and
25 regulations. The applicant shall bear the cost for the criminal
26 history record background check, including all costs of
27 administering and processing the check.

28 b. The Division of State Police in the Department of Law and
29 Public Safety, upon the request of the director, shall conduct a
30 criminal history record background check requested by the director
31 in accordance with the provisions of this act. The check shall be
32 performed only upon certification by the director that the person has
33 submitted to the director the person's name, address, fingerprints
34 and written consent for a criminal history record background check
35 to be performed.

36 For the purpose of conducting the criminal history record
37 background check, the State Police shall examine its own files and
38 arrange for a similar examination of federal criminal records. The
39 information obtained as a result of any such check shall be
40 forwarded to the director.

41

42 5. a. The division shall not initiate a criminal history record
43 background check pursuant to this act without the written consent
44 of the person. The consent required under this section shall be in a
45 manner and form prescribed by the director and shall include, but
46 not be limited to, the signature, name, address and fingerprints of
47 the person.

1 b. Upon receiving the results of a criminal history record
2 background check, the director shall promptly notify any person
3 who has not been convicted of a disqualifying offense. Along with
4 that notice, the director shall forward a certification stating that the
5 person has been subjected to a criminal history record background
6 check and that the check has not revealed any record that the person
7 has been convicted of a disqualifying offense. The certificate shall
8 be in a form and contain any additional information as the director
9 may prescribe by rule and regulation.

10 c. The director shall promptly notify a person whose criminal
11 history record background check reveals a disqualifying criminal
12 conviction of the results of the background check. The person shall
13 have 30 days from the receipt of that notice to petition the director
14 for a review and cite reasons substantiating the review. If the person
15 successfully challenges the accuracy of the criminal history record
16 information indicating a criminal conviction or the person
17 demonstrates affirmatively to the director clear and convincing
18 evidence of rehabilitation, the director may issue a certificate
19 indicating that the person has successfully cleared a background
20 check.

21 In determining whether the rehabilitation of a person has been
22 affirmatively demonstrated, the director shall consider:

- 23 (1) The nature and seriousness of the offense;
- 24 (2) The circumstances under which the offense occurred;
- 25 (3) The date of the offense;
- 26 (4) The age of the person when the offense was committed;
- 27 (5) Whether the offense was repeated;
- 28 (6) Social conditions which may have contributed to the offense;
- 29 and
- 30 (7) Any evidence of rehabilitation, including good conduct in
31 the community; counseling, psychological or psychiatric treatment;
32 additional academic or vocational training; or personal
33 recommendations.

34 d. The director shall not certify a person subject to the
35 provisions of this act who refuses to consent to, or cooperate in, the
36 securing of a criminal history record background check.

37
38 6. An international matchmaking organization conducting
39 business in this State shall provide all recruits with the telephone
40 numbers for the Statewide Domestic Violence Hotline and the
41 National Domestic Violence Hotline and shall provide recruits with
42 basic information concerning domestic violence. This may include
43 information on what is considered domestic violence, statistics
44 concerning domestic violence, legal rights of persons in abusive
45 relationships and suggestions about what to do in the event of
46 domestic violence.

1 7. The division shall develop and undertake a public education
2 program designed to inform the citizens of this State of the
3 provisions of this act. A component of this program shall be the
4 establishment and maintenance of a file of certifications granted by
5 the director in accordance with the provisions of this act. The
6 certifications shall be made available to interested members of the
7 public upon request. The program also shall publicize those
8 international labor matching organizations and international
9 matchmaking organizations which are in compliance with the
10 provisions of this act.

11
12 8. The division may require an international labor matching
13 organization or an international matchmaking organization
14 operating in this State to register with the division and to pay an
15 annual registration fee sufficient to defray the cost of administering
16 this act.

17
18 9. a. Upon receipt of a request for information from a recruit,
19 an international labor matching organization or an international
20 matchmaking organization shall refrain from providing any further
21 services to the recruit or the client with regard to facilitating future
22 interaction between the recruit and the client until the client has
23 submitted to the organization the complete transcript of any
24 criminal history record obtained from the State Bureau of
25 Identification in the Division of State Police consistent with
26 applicable State and Federal laws, rules and regulations. The client
27 shall bear the cost for the criminal history record background check,
28 including all costs of administering and processing the check.

29 b. The Division of State Police shall promptly notify the
30 director if the person who was the subject of a criminal history
31 record background check pursuant to subsection a. of section 2 of
32 this act is convicted of a disqualifying crime or offense in this State
33 after the date the background check was performed.

34
35 10. It is a violation of P.L.1960, c.39 (C.56:8-1 et seq.) to
36 violate a provision of this act.

37
38 11. The director, pursuant to the provisions of the
39 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et
40 seq.), shall promulgate and enforce rules and regulations to
41 effectuate the purposes of this act.

42
43 12. This act shall take effect on the first day of the thirteenth
44 month after enactment.

ASSEMBLY, No. 1942

STATE OF NEW JERSEY

213th LEGISLATURE

INTRODUCED JANUARY 28, 2008

Sponsored by:

Assemblyman UPENDRA J. CHIVUKULA
District 17 (Middlesex and Somerset)

Co-Sponsored by:

Assemblywoman Greenstein

SYNOPSIS

Requires owners and employees of international labor matching or matchmaking organizations to undergo background check and these organizations' recruits be given domestic violence information.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/14/2008)

A1942 CHIVUKULA

2

1 AN ACT concerning international labor matching or matchmaking
2 organizations and supplementing chapter 8 of Title 56 of the
3 Revised Statutes.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. As used in this act:

9 “Client” means a resident of this State for whom an international
10 labor matching organization seeks to locate labor assistance from
11 non-citizens residing outside the country or for whom an
12 international matchmaking organization renders dating, matrimonial
13 or social referral services involving citizens of a foreign country.

14 “Criminal history record background check” means a
15 determination of whether a person has a criminal record by cross-
16 referencing that person's name and fingerprints with those on file
17 with the Federal Bureau of Investigation, Identification Division
18 and the State Bureau of Identification in the Division of State
19 Police.

20 “Director” means the Director of the Division of Consumer
21 Affairs in the Department of Law and Public Safety.

22 “Division” means the Division of Consumer Affairs in the
23 Department of Law and Public Safety.

24 “International labor matching organization” means a corporation,
25 partnership, sole proprietorship, or other entity that does business in
26 the United States and for profit offers to State residents,
27 opportunities to locate labor assistance from noncitizens residing
28 outside the country for the purpose of bringing the laborer to the
29 State.

30 “International matchmaking organization” means a corporation,
31 partnership, sole proprietorship, or other entity that does business in
32 the United States and for profit offers to State residents, dating,
33 matrimonial, or social referral services involving citizens of a
34 foreign country or countries who are not residing in the United
35 States, such as (1) an exchange of names, telephone numbers,
36 addresses, or statistics; (2) a selection of photographs; or (3) a
37 social environment in a country other than the United States. The
38 term shall not include an on-line personal services organization.

39 “On-line personal services organization” means a corporation,
40 partnership, sole proprietorship, or other entity that does business in
41 the United States and for profit provides an on-line forum for
42 persons to post personal profiles as a means of self-referral for
43 dating, matrimonial, or other social purpose.

44 “Recruit” means a noncitizen, nonresident person that is
45 recruited by an international labor matching organization for the
46 purpose of bringing the laborer to the State or by an international
47 matchmaking organization for the purpose of providing dating,
48 matrimonial or social referral services.

1 2. a. The division shall initiate criminal history record
2 background checks of present and prospective owners and
3 employees of an international labor matching organization or an
4 international matchmaking organization.

5 b. No person shall own or be employed by an international
6 labor matching organization or an international matchmaking
7 organization unless the division certifies that the person has no
8 criminal history record of a conviction for an offense enumerated in
9 subsection d. of this section.

10 c. No international labor matching organization or international
11 matchmaking organization shall employ a person who has not been
12 certified pursuant to subsection b. of this section.

13 d. A person subject to subsection b. of this section whose
14 criminal history record background check reveals a conviction for
15 any of the following crimes and offenses shall be disqualified from
16 owning or being employed by an international labor matching
17 organization or an international matchmaking organization:

18 (1) If the conviction was in New Jersey for a crime:

19 (a) involving danger to the person, meaning those crimes and
20 disorderly persons offenses set forth in N.J.S.2C:11-1 et seq.,
21 N.J.S.2C:12-1 et seq., N.J.S.2C:13-1 et seq., N.J.S.2C:14-1 et seq.
22 or N.J.S.2C:15-1 et seq.; or

23 (b) against the family, children or incompetents, meaning those
24 crimes and disorderly persons offenses set forth in N.J.S.2C:24-1 et
25 seq. or N.J.S.2C:25-17 et seq.; or

26 (c) involving theft as set forth in chapter 20 of Title 2C of the
27 New Jersey Statutes; or

28 (d) involving any controlled dangerous substance or analog as
29 set forth in chapter 35 of Title 2C of the New Jersey Statutes except
30 paragraph (4) of subsection a. of N.J.S.2C:35-10; or

31 (e) involving terrorism as set forth in the "September 11th, 2001
32 Anti-Terrorism Act," P.L.2002, c.26 (C.2C:38-1 et seq.); or

33 (f) involving prostitution and related offenses as set forth in
34 N.J.S.2C:34-1.

35 (2) If the conviction was in any other state or jurisdiction for
36 conduct constituting any of the crimes described in paragraph (1) of
37 this subsection.

38

39 3. a. Every owner or prospective owner of an international
40 labor matching organization or an international matchmaking
41 organization shall apply to the director to be certified as qualified to
42 own the enterprise.

43 b. Every owner of an international labor matching organization
44 or an international matchmaking organization shall apply to the
45 director to have certified as qualified any person who will be
46 employed by the enterprise.

47 c. The owner of an international labor matching organization or
48 an international matchmaking organization shall apply to the

1 director, within 90 days of the effective date of this act, for the
2 certifications of persons employed by the enterprise on the effective
3 date. These persons shall be permitted to continue their employment
4 pending the completion of the certification process.

5 d. An application for certification shall be accompanied by the
6 fee required to perform a criminal history record background check.

7 e. The international labor matching organization or
8 international matchmaking organization shall retain a copy of the
9 certification of persons subject to certification under this act. The
10 certifications shall be made available upon request to interested
11 members of the public.

12

13 4. a. The director is authorized to receive criminal history
14 record information from the State Bureau of Identification in the
15 Division of State Police and the Federal Bureau of Investigation
16 consistent with applicable State and federal laws, rules and
17 regulations. The applicant shall bear the cost for the criminal
18 history record background check, including all costs of
19 administering and processing the check.

20 b. The Division of State Police in the Department of Law and
21 Public Safety, upon the request of the director, shall conduct a
22 criminal history record background check requested by the director
23 in accordance with the provisions of this act. The check shall be
24 performed only upon certification by the director that the person has
25 submitted to the director the person's name, address, fingerprints
26 and written consent for a criminal history record background check
27 to be performed.

28 For the purpose of conducting the criminal history record
29 background check, the State Police shall examine its own files and
30 arrange for a similar examination of federal criminal records. The
31 information obtained as a result of any such check shall be
32 forwarded to the director.

33

34 5. a. The division shall not initiate a criminal history record
35 background check pursuant to this act without the written consent
36 of the person. The consent required under this section shall be in a
37 manner and form prescribed by the director and shall include, but
38 not be limited to, the signature, name, address and fingerprints of
39 the person.

40 b. Upon receiving the results of a criminal history record
41 background check, the director shall promptly notify any person
42 who has not been convicted of a disqualifying offense. Along with
43 that notice, the director shall forward a certification stating that the
44 person has been subjected to a criminal history record background
45 check and that the check has not revealed any record that the person
46 has been convicted of a disqualifying offense. The certificate shall
47 be in a form and contain any additional information as the director
48 may prescribe by rule and regulation.

1 c. The director shall promptly notify a person whose criminal
2 history record background check reveals a disqualifying criminal
3 conviction of the results of the background check. The person shall
4 have 30 days from the receipt of that notice to petition the director
5 for a review and cite reasons substantiating the review. If the person
6 successfully challenges the accuracy of the criminal history record
7 information indicating a criminal conviction or the person
8 demonstrates affirmatively to the director clear and convincing
9 evidence of rehabilitation, the director may issue a certificate
10 indicating that the person has successfully cleared a background
11 check.

12 In determining whether the rehabilitation of a person has been
13 affirmatively demonstrated, the director shall consider:

- 14 (1) The nature and seriousness of the offense;
- 15 (2) The circumstances under which the offense occurred;
- 16 (3) The date of the offense;
- 17 (4) The age of the person when the offense was committed;
- 18 (5) Whether the offense was repeated;
- 19 (6) Social conditions which may have contributed to the offense;
- 20 and

21 (7) Any evidence of rehabilitation, including good conduct in
22 the community; counseling, psychological or psychiatric treatment;
23 additional academic or vocational training; or personal
24 recommendations.

25 d. The director shall not certify a person subject to the
26 provisions of this act who refuses to consent to, or cooperate in, the
27 securing of a criminal history record background check.

28

29 6. An international matchmaking organization conducting
30 business in this State shall provide all recruits with the telephone
31 numbers for the Statewide Domestic Violence Hotline and the
32 National Domestic Violence Hotline and shall provide recruits with
33 basic information concerning domestic violence. This may include
34 information on what is considered domestic violence, statistics
35 concerning domestic violence, legal rights of persons in abusive
36 relationships and suggestions about what to do in the event of
37 domestic violence.

38

39 7. The division shall develop and undertake a public education
40 program designed to inform the citizens of this State of the
41 provisions of this act. A component of this program shall be the
42 establishment and maintenance of a file of certifications granted by
43 the director in accordance with the provisions of this act. The
44 certifications shall be made available to interested members of the
45 public upon request. The program also shall publicize those
46 international labor matching organizations and international
47 matchmaking organizations which are in compliance with the
48 provisions of this act.

A1942 CHIVUKULA

1 8. The division may require an international labor matching
2 organization or an international matchmaking organization
3 operating in this State to register with the division and to pay an
4 annual registration fee sufficient to defray the cost of administering
5 this act.

6
7 9. a. Upon receipt of a request for information from a recruit,
8 an international labor matching organization or an international
9 matchmaking organization shall refrain from providing any further
10 services to the recruit or the client with regard to facilitating future
11 interaction between the recruit and the client until the client has
12 submitted to the organization the complete transcript of any
13 criminal history record obtained from the State Bureau of
14 Identification in the Division of State Police consistent with
15 applicable State and Federal laws, rules and regulations. The client
16 shall bear the cost for the criminal history record background check,
17 including all costs of administering and processing the check.

18 b. The Division of State Police shall promptly notify the
19 director if the person who was the subject of a criminal history
20 record background check pursuant to subsection a. of section 2 of
21 this act is convicted of a disqualifying crime or offense in this State
22 after the date the background check was performed.

23
24 10. It is a violation of P.L.1960, c.39 (C.56:8-1 et seq.) to
25 violate a provision of this act.

26
27 11. The director, pursuant to the provisions of the
28 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
29 seq.), shall promulgate and enforce rules and regulations to
30 effectuate the purposes of this act.

31
32 12. This act shall take effect on the first day of the thirteenth
33 month after enactment.

34
35
36 STATEMENT

37
38 This bill would prohibit persons from owning or working for
39 organizations which bring nonresidents to the State as foreign labor
40 or for social matchmaking if the owner or employee has a criminal
41 record.

42 Specifically, the bill requires the Director of Consumer Affairs in
43 the Department of Law and Public Safety to conduct federal and
44 State criminal history record background checks of current and
45 prospective owners and employees of international labor matching
46 organizations or international matchmaking organizations. Persons
47 subject to the criminal history record background check are to be
48 certified by the director as qualified to be an owner or employee of

1 such an organization if the background check indicates that the
2 person has not been convicted in New Jersey or another jurisdiction
3 of a crime: (1) involving danger to another person, such as criminal
4 homicide, assault, reckless endangerment, terroristic threats,
5 stalking, kidnapping, sexual offenses and robbery; (2) against the
6 family, children or incompetents, including bigamy, endangering
7 the welfare of children, incompetents, the elderly or the disabled,
8 willful nonsupport, unlawful adoption or domestic violence; (3)
9 involving theft; (4) involving a controlled dangerous substance; (5)
10 involving terrorism; or (6) involving prostitution.

11 The bill defines an "international labor matching organization"
12 as a corporation, partnership, sole proprietorship, or other entity
13 that does business in the United States and for profit offers to State
14 residents opportunities to locate labor assistance from noncitizens
15 residing outside the country for the purpose of bringing the laborer
16 to the State. The bill defines an "international matchmaking
17 organization" as a corporation, partnership, sole proprietorship, or
18 other entity that does business in the United States and for profit
19 offers to State residents, dating, matrimonial, or social referral
20 services involving citizens of a foreign country or countries who are
21 not residing in the United States, such as (1) an exchange of names,
22 telephone numbers, addresses, or statistics; (2) a selection of
23 photographs; or (3) a social environment in a country other than the
24 United States.

25 Owners of an international labor matching organization or an
26 international matchmaking organization are required to apply to the
27 director for certification on their own behalf and on behalf of
28 current and prospective employees. Applications for certification
29 are to be accompanied by a fee sufficient to cover the costs
30 associated with performing the check. The organization is required
31 to maintain on file copies of the certifications so they can be
32 made available to interested members of the public upon request.

33 The bill also requires international matchmaking organizations
34 conducting business in the State to provide recruits with the
35 telephone numbers for the Statewide Domestic Violence Hotline
36 and the National Domestic Violence Hotline and to provide them
37 with basic information concerning domestic violence. The bill
38 defines a "recruit" as a noncitizen, nonresident person recruited by
39 an international labor matching organization for the purpose of
40 bringing the laborer to the State or by an international matchmaking
41 organization for the purpose of providing dating, matrimonial or
42 social referral services.

43 Under the bill, the Division of Consumers Affairs is required to
44 develop and undertake a public education program. The program
45 must inform the public that certifications are kept on file by the
46 director and that they are available upon request. The program also
47 must publicize those organizations that are in compliance with the
48 requirements of the bill.

A1942 CHIVUKULA

1 The bill authorizes the director to require owners and employees
2 of an international labor matching organization or an international
3 matchmaking organization to register with the division and pay an
4 annual registration fee to cover the costs associated with the
5 administration of the bill's provisions.

6 The bill also provides that if a recruit requests information from
7 the organization concerning the client, the organization must cease
8 providing services to the recruit, as well as to the client, until the
9 client submits a criminal history record background check to the
10 organization. The client is responsible for paying for the
11 background check. The bill defines "client" as a resident of this
12 State for whom an international labor matching organization seeks
13 to locate labor assistance from noncitizens residing outside the
14 country or for whom an international matchmaking organization
15 renders dating, matrimonial or social referral services involving
16 citizens of a foreign country.

17 On-line personal services organizations are specifically excluded
18 from the definition of an international matchmaking organization
19 under the bill, so owners and employees of these organizations are
20 not subject to background checks. An "on-line personal services
21 organization" is defined as a corporation, partnership, sole
22 proprietorship, or other entity that does business in the United
23 States and for profit provides an on-line forum for persons to post
24 personal profiles as a means of self-referral for dating, matrimonial,
25 or other social purpose.

26 A violation of the bill's provisions constitutes a violation of the
27 Consumer Fraud Act. Violators are liable to the penalties provided
28 under the act, including fines of up to \$10,000 for a first offense
29 and up to \$20,000 for each subsequent offense.

30 The purpose of the bill is to enhance homeland security by
31 preventing persons with criminal backgrounds from owning or
32 working for organizations which bring nonresidents to the State
33 either as foreign labor or for social matchmaking. It would prevent
34 these organizations from being used as a means to permit terrorists
35 to enter the State.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1942

STATE OF NEW JERSEY

DATED: FEBRUARY 25, 2008

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 1942.

Assembly Bill No. 1942 prohibits persons from owning or working for organizations which bring nonresidents to the State as foreign labor or for social matchmaking if the owner or employee has a criminal record.

Specifically, the bill requires the Director of Consumer Affairs in the Department of Law and Public Safety to conduct federal and State criminal history record background checks of current and prospective owners and employees of international labor matching organizations or international matchmaking organizations. Persons subject to the criminal history record background check are to be certified by the director as qualified to be an owner or employee of such an organization if the background check indicates that the person has not been convicted in New Jersey or another jurisdiction of a crime: (1) involving danger to another person, such as criminal homicide, assault, reckless endangerment, terroristic threats, stalking, kidnapping, sexual offenses and robbery; (2) against the family, children or incompetents, including bigamy, endangering the welfare of children, incompetents, the elderly or the disabled, willful nonsupport, unlawful adoption or domestic violence; (3) involving theft; (4) involving a controlled dangerous substance; (5) involving terrorism; or (6) involving prostitution.

The bill defines an "international labor matching organization" as a corporation, partnership, sole proprietorship, or other entity that does business in the United States and for profit offers to State residents opportunities to locate labor assistance from noncitizens residing outside the country for the purpose of bringing the laborer to the State. The bill defines an "international matchmaking organization" as a corporation, partnership, sole proprietorship, or other entity that does business in the United States and for profit offers to State residents, dating, matrimonial, or social referral services involving citizens of a foreign country or countries who are not residing in the United States, such as (1) an exchange of names, telephone numbers, addresses, or statistics; (2) a selection of photographs; or (3) a social environment in a country other than the United States.

Owners of an international labor matching organization or an international matchmaking organization are required to apply to the director for certification on their own behalf and on behalf of current and prospective employees. Applications for certification are to be accompanied by a fee sufficient to cover the costs associated with performing the check. The organization is required to maintain on file copies of the certifications so they can be made available to interested members of the public upon request.

The bill also requires international matchmaking organizations conducting business in the State to provide recruits with the telephone numbers for the Statewide Domestic Violence Hotline and the National Domestic Violence Hotline and to provide them with basic information concerning domestic violence. The bill defines a “recruit” as a noncitizen, nonresident person recruited by an international labor matching organization for the purpose of bringing the laborer to the State or by an international matchmaking organization for the purpose of providing dating, matrimonial or social referral services.

Under the bill, the Division of Consumer Affairs is required to develop and undertake a public education program. The program must inform the public that certifications are kept on file by the director and that they are available upon request. The program also must publicize those organizations that are in compliance with the requirements of the bill.

The bill authorizes the director to require owners and employees of an international labor matching organization or an international matchmaking organization to register with the division and pay an annual registration fee to cover the costs associated with the administration of the bill’s provisions.

The bill also provides that if a recruit requests information from the organization concerning the client, the organization must cease providing services to the recruit, as well as to the client, until the client submits a criminal history record background check to the organization. The client is responsible for paying for the background check. The bill defines “client” as a resident of this State for whom an international labor matching organization seeks to locate labor assistance from noncitizens residing outside the country or for whom an international matchmaking organization renders dating, matrimonial or social referral services involving citizens of a foreign country.

On-line personal services organizations are specifically excluded from the definition of an international matchmaking organization under the bill, so owners and employees of these organizations are not subject to background checks. An “on-line personal services organization” is defined as a corporation, partnership, sole proprietorship, or other entity that does business in the United States and for profit provides an on-line forum for persons to post personal

profiles as a means of self-referral for dating, matrimonial, or other social purpose.

A violation of the bill's provisions constitutes a violation of the Consumer Fraud Act. Violators are liable to the penalties provided under the act, including fines of up to \$10,000 for a first offense and up to \$20,000 for each subsequent offense.

It is the committee's understanding that the purpose of the bill is to enhance homeland security by preventing persons with criminal backgrounds from owning or working for organizations which bring nonresidents to the State either as foreign labor or for social matchmaking. It would prevent these organizations from being used as a means to permit terrorists to enter the State.

SENATE LABOR COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1942

STATE OF NEW JERSEY

DATED: MAY 15, 2008

The Senate Labor Committee reports favorably Assembly Bill No. 1942.

This bill prohibits persons from owning or working for organizations which bring nonresidents to the State as foreign labor or for social matchmaking if the owner or employee has a criminal record.

Specifically, the bill requires the Director of Consumer Affairs in the Department of Law and Public Safety to conduct federal and State criminal history record background checks of current and prospective owners and employees of international labor matching organizations or international matchmaking organizations. Persons subject to the criminal history record background check are to be certified by the director as qualified to be an owner or employee of such an organization if the background check indicates that the person has not been convicted in New Jersey or another jurisdiction of a crime: (1) involving danger to another person, such as criminal homicide, assault, reckless endangerment, terroristic threats, stalking, kidnapping, sexual offenses and robbery; (2) against the family, children or incompetents, including bigamy, endangering the welfare of children, incompetents, the elderly or the disabled, willful nonsupport, unlawful adoption or domestic violence; (3) involving theft; (4) involving a controlled dangerous substance; (5) involving terrorism; or (6) involving prostitution.

The bill defines an "international labor matching organization" as a corporation, partnership, sole proprietorship, or other entity that does business in the United States and for profit offers to State residents opportunities to locate labor assistance from noncitizens residing outside the country for the purpose of bringing the laborer to the State. The bill defines an "international matchmaking organization" as a corporation, partnership, sole proprietorship, or other entity that does business in the United States and for profit offers to State residents, dating, matrimonial, or social referral services involving citizens of a foreign country or countries who are not residing in the United States, such as (1) an exchange of names, telephone numbers, addresses, or statistics; (2) a selection of photographs; or (3) a social environment in a country other than the United States.

Owners of an international labor matching organization or an international matchmaking organization are required to apply to the director for certification on their own behalf and on behalf of current and prospective employees. Applications for certification are to be accompanied by a fee sufficient to cover the costs associated with performing the check. The organization is required to maintain on file copies of the certifications so they can be made available to interested members of the public upon request.

The bill also requires international matchmaking organizations conducting business in the State to provide recruits with the telephone numbers for the Statewide Domestic Violence Hotline and the National Domestic Violence Hotline and to provide them with basic information concerning domestic violence. The bill defines a “recruit” as a noncitizen, nonresident person recruited by an international labor matching organization for the purpose of bringing the laborer to the State or by an international matchmaking organization for the purpose of providing dating, matrimonial or social referral services.

Under the bill, the Division of Consumers Affairs is required to develop and undertake a public education program. The program must inform the public that certifications are kept on file by the director and that they are available upon request. The program also must publicize those organizations that are in compliance with the requirements of the bill.

The bill authorizes the director to require owners and employees of an international labor matching organization or an international matchmaking organization to register with the division and pay an annual registration fee to cover the costs associated with the administration of the bill’s provisions.

The bill also provides that if a recruit requests information from the organization concerning the client, the organization must cease providing services to the recruit, as well as to the client, until the client submits a criminal history record background check to the organization. The client is responsible for paying for the background check. The bill defines “client” as a resident of this State for whom an international labor matching organization seeks to locate labor assistance from noncitizens residing outside the country or for whom an international matchmaking organization renders dating, matrimonial or social referral services involving citizens of a foreign country.

On-line personal services organizations are specifically excluded from the definition of an international matchmaking organization under the bill, so owners and employees of these organizations are not subject to background checks. An “on-line personal services organization” is defined as a corporation, partnership, sole proprietorship, or other entity that does business in the United States and for profit provides an on-line forum for persons to post personal

profiles as a means of self-referral for dating, matrimonial, or other social purpose.

A violation of the bill's provisions constitutes a violation of the consumer fraud act. Violators are liable to the penalties provided under the act, including fines of up to \$10,000 for a first offense and up to \$20,000 for each subsequent offense.

It is the committee's understanding that the purpose of the bill is to enhance homeland security by preventing persons with criminal backgrounds from owning or working for organizations which bring nonresidents to the State either as foreign labor or for social matchmaking. It would prevent these organizations from being used as a means to permit terrorists to enter the State.

This bill is identical to Senate Bill No. 1813, also reported by the committee today.

STATEMENT TO
ASSEMBLY, No. 1942

with Senate Floor Amendments
(Proposed by Senator SARLO)

ADOPTED: JUNE 18, 2009

These Senate floor amendments provide that the organizations affected by this bill are those organizations primarily involved in international labor matching or international matchmaking and not generic online employment and dating sites.

SENATE, No. 1813

STATE OF NEW JERSEY
213th LEGISLATURE

INTRODUCED MAY 8, 2008

Sponsored by:

Senator PAUL A. SARLO

District 36 (Bergen, Essex and Passaic)

SYNOPSIS

Requires owners and employees of international labor matching or matchmaking organizations to undergo background check and these organizations' recruits be given domestic violence information.

CURRENT VERSION OF TEXT

As introduced.



S1813 SARLO

2

1 AN ACT concerning international labor matching or matchmaking
2 organizations and supplementing chapter 8 of Title 56 of the
3 Revised Statutes.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. As used in this act:

9 “Client” means a resident of this State for whom an international
10 labor matching organization seeks to locate labor assistance from
11 non-citizens residing outside the country or for whom an
12 international matchmaking organization renders dating, matrimonial
13 or social referral services involving citizens of a foreign country.

14 “Criminal history record background check” means a
15 determination of whether a person has a criminal record by cross-
16 referencing that person's name and fingerprints with those on file
17 with the Federal Bureau of Investigation, Identification Division
18 and the State Bureau of Identification in the Division of State
19 Police.

20 “Director” means the Director of the Division of Consumer
21 Affairs in the Department of Law and Public Safety.

22 “Division” means the Division of Consumer Affairs in the
23 Department of Law and Public Safety.

24 “International labor matching organization” means a corporation,
25 partnership, sole proprietorship, or other entity that does business in
26 the United States and for profit offers to State residents,
27 opportunities to locate labor assistance from noncitizens residing
28 outside the country for the purpose of bringing the laborer to the
29 State.

30 “International matchmaking organization” means a corporation,
31 partnership, sole proprietorship, or other entity that does business in
32 the United States and for profit offers to State residents, dating,
33 matrimonial, or social referral services involving citizens of a
34 foreign country or countries who are not residing in the United
35 States, such as (1) an exchange of names, telephone numbers,
36 addresses, or statistics; (2) a selection of photographs; or (3) a
37 social environment in a country other than the United States. The
38 term shall not include an on-line personal services organization.

39 “On-line personal services organization” means a corporation,
40 partnership, sole proprietorship, or other entity that does business in
41 the United States and for profit provides an on-line forum for
42 persons to post personal profiles as a means of self-referral for
43 dating, matrimonial, or other social purpose.

44 “Recruit” means a noncitizen, nonresident person that is
45 recruited by an international labor matching organization for the
46 purpose of bringing the laborer to the State or by an international
47 matchmaking organization for the purpose of providing dating,
48 matrimonial or social referral services.

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1 2. a. The division shall initiate criminal history record
2 background checks of present and prospective owners and
3 employees of an international labor matching organization or an
4 international matchmaking organization.

5 b. No person shall own or be employed by an international
6 labor matching organization or an international matchmaking
7 organization unless the division certifies that the person has no
8 criminal history record of a conviction for an offense enumerated in
9 subsection d. of this section.

10 c. No international labor matching organization or international
11 matchmaking organization shall employ a person who has not been
12 certified pursuant to subsection b. of this section.

13 d. A person subject to subsection b. of this section whose
14 criminal history record background check reveals a conviction for
15 any of the following crimes and offenses shall be disqualified from
16 owning or being employed by an international labor matching
17 organization or an international matchmaking organization:

18 (1) If the conviction was in New Jersey for a crime:

19 (a) involving danger to the person, meaning those crimes and
20 disorderly persons offenses set forth in N.J.S.2C:11-1 et seq.,
21 N.J.S.2C:12-1 et seq., N.J.S.2C:13-1 et seq., N.J.S.2C:14-1 et seq.
22 or N.J.S.2C:15-1 et seq.; or

23 (b) against the family, children or incompetents, meaning those
24 crimes and disorderly persons offenses set forth in N.J.S.2C:24-1 et
25 seq. or N.J.S.2C:25-17 et seq.; or

26 (c) involving theft as set forth in chapter 20 of Title 2C of the
27 New Jersey Statutes; or

28 (d) involving any controlled dangerous substance or analog as
29 set forth in chapter 35 of Title 2C of the New Jersey Statutes except
30 paragraph (4) of subsection a. of N.J.S.2C:35-10; or

31 (e) involving terrorism as set forth in the "September 11th, 2001
32 Anti-Terrorism Act," P.L.2002, c.26 (C.2C:38-1 et seq.); or

33 (f) involving prostitution and related offenses as set forth in
34 N.J.S.2C:34-1.

35 (2) If the conviction was in any other state or jurisdiction for
36 conduct constituting any of the crimes described in paragraph (1) of
37 this subsection.

38

39 3. a. Every owner or prospective owner of an international
40 labor matching organization or an international matchmaking
41 organization shall apply to the director to be certified as qualified to
42 own the enterprise.

43 b. Every owner of an international labor matching organization
44 or an international matchmaking organization shall apply to the
45 director to have certified as qualified any person who will be
46 employed by the enterprise.

47 c. The owner of an international labor matching organization or
48 an international matchmaking organization shall apply to the

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1 director, within 90 days of the effective date of this act, for the
2 certifications of persons employed by the enterprise on the effective
3 date. These persons shall be permitted to continue their employment
4 pending the completion of the certification process.

5 d. An application for certification shall be accompanied by the
6 fee required to perform a criminal history record background check.

7 e. The international labor matching organization or
8 international matchmaking organization shall retain a copy of the
9 certification of persons subject to certification under this act. The
10 certifications shall be made available upon request to interested
11 members of the public.

12

13 4. a. The director is authorized to receive criminal history
14 record information from the State Bureau of Identification in the
15 Division of State Police and the Federal Bureau of Investigation
16 consistent with applicable State and federal laws, rules and
17 regulations. The applicant shall bear the cost for the criminal
18 history record background check, including all costs of
19 administering and processing the check.

20 b. The Division of State Police in the Department of Law and
21 Public Safety, upon the request of the director, shall conduct a
22 criminal history record background check requested by the director
23 in accordance with the provisions of this act. The check shall be
24 performed only upon certification by the director that the person has
25 submitted to the director the person's name, address, fingerprints
26 and written consent for a criminal history record background check
27 to be performed.

28 For the purpose of conducting the criminal history record
29 background check, the State Police shall examine its own files and
30 arrange for a similar examination of federal criminal records. The
31 information obtained as a result of any such check shall be
32 forwarded to the director.

33

34 5. a. The division shall not initiate a criminal history record
35 background check pursuant to this act without the written consent
36 of the person. The consent required under this section shall be in a
37 manner and form prescribed by the director and shall include, but
38 not be limited to, the signature, name, address and fingerprints of
39 the person.

40 b. Upon receiving the results of a criminal history record
41 background check, the director shall promptly notify any person
42 who has not been convicted of a disqualifying offense. Along with
43 that notice, the director shall forward a certification stating that the
44 person has been subjected to a criminal history record background
45 check and that the check has not revealed any record that the person
46 has been convicted of a disqualifying offense. The certificate shall
47 be in a form and contain any additional information as the director
48 may prescribe by rule and regulation.

1 c. The director shall promptly notify a person whose criminal
2 history record background check reveals a disqualifying criminal
3 conviction of the results of the background check. The person shall
4 have 30 days from the receipt of that notice to petition the director
5 for a review and cite reasons substantiating the review. If the person
6 successfully challenges the accuracy of the criminal history record
7 information indicating a criminal conviction or the person
8 demonstrates affirmatively to the director clear and convincing
9 evidence of rehabilitation, the director may issue a certificate
10 indicating that the person has successfully cleared a background
11 check.

12 In determining whether the rehabilitation of a person has been
13 affirmatively demonstrated, the director shall consider:

- 14 (1) The nature and seriousness of the offense;
- 15 (2) The circumstances under which the offense occurred;
- 16 (3) The date of the offense;
- 17 (4) The age of the person when the offense was committed;
- 18 (5) Whether the offense was repeated;
- 19 (6) Social conditions which may have contributed to the offense;
- 20 and

21 (7) Any evidence of rehabilitation, including good conduct in
22 the community; counseling, psychological or psychiatric treatment;
23 additional academic or vocational training; or personal
24 recommendations.

25 d. The director shall not certify a person subject to the
26 provisions of this act who refuses to consent to, or cooperate in, the
27 securing of a criminal history record background check.

28

29 6. An international matchmaking organization conducting
30 business in this State shall provide all recruits with the telephone
31 numbers for the Statewide Domestic Violence Hotline and the
32 National Domestic Violence Hotline and shall provide recruits with
33 basic information concerning domestic violence. This may include
34 information on what is considered domestic violence, statistics
35 concerning domestic violence, legal rights of persons in abusive
36 relationships and suggestions about what to do in the event of
37 domestic violence.

38

39 7. The division shall develop and undertake a public education
40 program designed to inform the citizens of this State of the
41 provisions of this act. A component of this program shall be the
42 establishment and maintenance of a file of certifications granted by
43 the director in accordance with the provisions of this act. The
44 certifications shall be made available to interested members of the
45 public upon request. The program also shall publicize those
46 international labor matching organizations and international
47 matchmaking organizations which are in compliance with the
48 provisions of this act.

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6

1 8. The division may require an international labor matching
2 organization or an international matchmaking organization
3 operating in this State to register with the division and to pay an
4 annual registration fee sufficient to defray the cost of administering
5 this act.

6
7 9. a. Upon receipt of a request for information from a recruit,
8 an international labor matching organization or an international
9 matchmaking organization shall refrain from providing any further
10 services to the recruit or the client with regard to facilitating future
11 interaction between the recruit and the client until the client has
12 submitted to the organization the complete transcript of any
13 criminal history record obtained from the State Bureau of
14 Identification in the Division of State Police consistent with
15 applicable State and Federal laws, rules and regulations. The client
16 shall bear the cost for the criminal history record background check,
17 including all costs of administering and processing the check.

18 b. The Division of State Police shall promptly notify the
19 director if the person who was the subject of a criminal history
20 record background check pursuant to subsection a. of section 2 of
21 this act is convicted of a disqualifying crime or offense in this State
22 after the date the background check was performed.

23
24 10. It is a violation of P.L.1960, c.39 (C.56:8-1 et seq.) to
25 violate a provision of this act.

26
27 11. The director, pursuant to the provisions of the
28 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
29 seq.), shall promulgate and enforce rules and regulations to
30 effectuate the purposes of this act.

31
32 12. This act shall take effect on the first day of the thirteenth
33 month after enactment.

34
35
36 STATEMENT

37
38 This bill would prohibits persons from owning or working for
39 organizations which bring nonresidents to the State as foreign labor
40 or for social matchmaking if the owner or employee has a criminal
41 record.

42 Specifically, the bill requires the Director of Consumer Affairs in
43 the Department of Law and Public Safety to conduct federal and
44 State criminal history record background checks of current and
45 prospective owners and employees of international labor matching
46 organizations or international matchmaking organizations. Persons
47 subject to the criminal history record background check are to be
48 certified by the director as qualified to be an owner or employee of

1 such an organization if the background check indicates that the
2 person has not been convicted in New Jersey or another jurisdiction
3 of a crime: (1) involving danger to another person, such as criminal
4 homicide, assault, reckless endangerment, terroristic threats,
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6 family, children or incompetents, including bigamy, endangering
7 the welfare of children, incompetents, the elderly or the disabled,
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11 The bill defines an “international labor matching organization”
12 as a corporation, partnership, sole proprietorship, or other entity
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14 residents opportunities to locate labor assistance from noncitizens
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18 other entity that does business in the United States and for profit
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23 photographs; or (3) a social environment in a country other than the
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25 Owners of an international labor matching organization or an
26 international matchmaking organization are required to apply to the
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28 current and prospective employees. Applications for certification
29 are to be accompanied by a fee sufficient to cover the costs
30 associated with performing the check. The organization is required
31 to maintain on file copies of the certifications so they can be made
32 available to interested members of the public upon request.

33 The bill also requires international matchmaking organizations
34 conducting business in the State to provide recruits with the
35 telephone numbers for the Statewide Domestic Violence Hotline
36 and the National Domestic Violence Hotline and to provide them
37 with basic information concerning domestic violence. The bill
38 defines a “recruit” as a noncitizen, nonresident person recruited by
39 an international labor matching organization for the purpose of
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44 develop and undertake a public education program. The program
45 must inform the public that certifications are kept on file by the
46 director and that they are available upon request. The program also
47 must publicize those organizations that are in compliance with the
48 requirements of the bill.

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8

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3 matchmaking organization to register with the division and pay an
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7 the organization concerning the client, the organization must cease
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9 client submits a criminal history record background check to the
10 organization. The client is responsible for paying for the
11 background check. The bill defines "client" as a resident of this
12 State for whom an international labor matching organization seeks
13 to locate labor assistance from noncitizens residing outside the
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18 from the definition of an international matchmaking organization
19 under the bill, so owners and employees of these organizations are
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21 organization" is defined as a corporation, partnership, sole
22 proprietorship, or other entity that does business in the United
23 States and for profit provides an on-line forum for persons to post
24 personal profiles as a means of self-referral for dating, matrimonial,
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27 Consumer Fraud Act. Violators are liable to the penalties provided
28 under the act, including fines of up to \$10,000 for a first offense
29 and up to \$20,000 for each subsequent offense.

30 It is the committee's understanding that the purpose of the bill is
31 to enhance homeland security by preventing persons with criminal
32 backgrounds from owning or working for organizations which bring
33 nonresidents to the State either as foreign labor or for social
34 matchmaking. It would prevent these organizations from being
35 used as a means to permit terrorists to enter the State.

SENATE LABOR COMMITTEE

STATEMENT TO

SENATE, No. 1813

STATE OF NEW JERSEY

DATED: MAY 15, 2008

The Senate Labor Committee reports favorably Senate Bill No. 1813.

This bill prohibits persons from owning or working for organizations which bring nonresidents to the State as foreign labor or for social matchmaking if the owner or employee has a criminal record.

Specifically, the bill requires the Director of Consumer Affairs in the Department of Law and Public Safety to conduct federal and State criminal history record background checks of current and prospective owners and employees of international labor matching organizations or international matchmaking organizations. Persons subject to the criminal history record background check are to be certified by the director as qualified to be an owner or employee of such an organization if the background check indicates that the person has not been convicted in New Jersey or another jurisdiction of a crime: (1) involving danger to another person, such as criminal homicide, assault, reckless endangerment, terroristic threats, stalking, kidnapping, sexual offenses and robbery; (2) against the family, children or incompetents, including bigamy, endangering the welfare of children, incompetents, the elderly or the disabled, willful nonsupport, unlawful adoption or domestic violence; (3) involving theft; (4) involving a controlled dangerous substance; (5) involving terrorism; or (6) involving prostitution.

The bill defines an "international labor matching organization" as a corporation, partnership, sole proprietorship, or other entity that does business in the United States and for profit offers to State residents opportunities to locate labor assistance from noncitizens residing outside the country for the purpose of bringing the laborer to the State. The bill defines an "international matchmaking organization" as a corporation, partnership, sole proprietorship, or other entity that does business in the United States and for profit offers to State residents, dating, matrimonial, or social referral services involving citizens of a foreign country or countries who are not residing in the United States, such as (1) an exchange of names, telephone numbers, addresses, or statistics; (2) a selection of photographs; or (3) a social environment in a country other than the United States.

Owners of an international labor matching organization or an international matchmaking organization are required to apply to the director for certification on their own behalf and on behalf of current and prospective employees. Applications for certification are to be accompanied by a fee sufficient to cover the costs associated with performing the check. The organization is required to maintain on file copies of the certifications so they can be made available to interested members of the public upon request.

The bill also requires international matchmaking organizations conducting business in the State to provide recruits with the telephone numbers for the Statewide Domestic Violence Hotline and the National Domestic Violence Hotline and to provide them with basic information concerning domestic violence. The bill defines a “recruit” as a noncitizen, nonresident person recruited by an international labor matching organization for the purpose of bringing the laborer to the State or by an international matchmaking organization for the purpose of providing dating, matrimonial or social referral services.

Under the bill, the Division of Consumer Affairs is required to develop and undertake a public education program. The program must inform the public that certifications are kept on file by the director and that they are available upon request. The program also must publicize those organizations that are in compliance with the requirements of the bill.

The bill authorizes the director to require owners and employees of an international labor matching organization or an international matchmaking organization to register with the division and pay an annual registration fee to cover the costs associated with the administration of the bill’s provisions.

The bill also provides that if a recruit requests information from the organization concerning the client, the organization must cease providing services to the recruit, as well as to the client, until the client submits a criminal history record background check to the organization. The client is responsible for paying for the background check. The bill defines “client” as a resident of this State for whom an international labor matching organization seeks to locate labor assistance from noncitizens residing outside the country or for whom an international matchmaking organization renders dating, matrimonial or social referral services involving citizens of a foreign country.

On-line personal services organizations are specifically excluded from the definition of an international matchmaking organization under the bill, so owners and employees of these organizations are not subject to background checks. An “on-line personal services organization” is defined as a corporation, partnership, sole proprietorship, or other entity that does business in the United States and for profit provides an on-line forum for persons to post personal

profiles as a means of self-referral for dating, matrimonial, or other social purpose.

A violation of the bill's provisions constitutes a violation of the consumer fraud act. Violators are liable to the penalties provided under the act, including fines of up to \$10,000 for a first offense and up to \$20,000 for each subsequent offense.

It is the committee's understanding that the purpose of the bill is to enhance homeland security by preventing persons with criminal backgrounds from owning or working for organizations which bring nonresidents to the State either as foreign labor or for social matchmaking. It would prevent these organizations from being used as a means to permit terrorists to enter the State.

This bill is identical to Assembly Bill No. 1942, also reported by the committee today.

STATEMENT TO

SENATE, No. 1813

with Senate Floor Amendments
(Proposed by Senator SARLO)

ADOPTED: JUNE 18, 2009

These Senate floor amendments provide that the organizations affected by this bill are those organizations primarily involved in international labor matching or international matchmaking and not generic online employment and dating sites.