

HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

March 19, 2018  
Date

Committee on Education.

After consideration on the merits, the Committee recommends the following:

HB18-1252 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and  
2 substitute:

3           **"SECTION 1.** In Colorado Revised Statutes, **repeal and reenact,**  
4 **with amendments,** 23-4-102 as follows:

5           **23-4-102. Definitions.** AS USED IN THIS ARTICLE 4, UNLESS THE  
6 CONTEXT OTHERWISE REQUIRES:

7           (1) "ASSIGNMENT" MEANS ANY SPECIFIC WRITTEN, RECORDED,  
8 PICTORIAL, ARTISTIC, OR OTHER ACADEMIC TASK, INCLUDING BUT NOT  
9 LIMITED TO A TERM PAPER, THESIS, DISSERTATION, ESSAY, OR REPORT  
10 INTENDED FOR SUBMISSION TO ANY INSTITUTION OF HIGHER EDUCATION  
11 IN FULFILLMENT OF THE REQUIREMENTS FOR A DEGREE, DIPLOMA,  
12 CERTIFICATE, OR COURSE OF STUDY.

13           (2) "ENTITY" MEANS A PARTNERSHIP, CORPORATION, OR  
14 ASSOCIATION.

15           (3) "INSTITUTION OF HIGHER EDUCATION" MEANS A STATE  
16 INSTITUTION OF HIGHER EDUCATION AS DEFINED IN SECTION 23-18-102  
17 (10)(a), A LOCAL DISTRICT COLLEGE, AN AREA TECHNICAL COLLEGE, A  
18 TECHNICAL COLLEGE, AND ANY NONPUBLIC INSTITUTION OF HIGHER  
19 EDUCATION AS DEFINED IN SECTION 23-3.7-102 (3).

20           (4) "PREPARE" MEANS TO PUT INTO CONDITION FOR INTENDED USE.  
21 "PREPARE" DOES NOT INCLUDE THE MERE FURNISHING OF INFORMATION OR  
22 RESEARCH.

23           (5) "SALE" OR "SELL" MEANS ANY TRANSFER, EXCHANGE, OR

1 BARTER, IN ANY MANNER, FOR ANY CONSIDERATION, OR BY ANY  
2 AGREEMENT.

3 **SECTION 2.** In Colorado Revised Statutes, **amend** 23-4-103 as  
4 follows:

5 **23-4-103. Preparation, sale, and distribution of academic**  
6 **materials - advertising.** (1) ~~No~~ A person OR ENTITY shall NOT prepare,  
7 offer to prepare, cause to be prepared, sell, or distribute any ~~term paper,~~  
8 ~~thesis, dissertation, or other written material~~ ASSIGNMENT for another  
9 person for a fee or other compensation with the knowledge, or under  
10 circumstances in which he OR SHE should reasonably have known, that  
11 such ~~term paper, thesis, dissertation, or other written material~~  
12 ASSIGNMENT is to be submitted by any other person for academic credit  
13 at any ~~public or private college, university, or other~~ institution of higher  
14 education in this state.

15 (1.5) A PERSON OR ENTITY SHALL NOT PREPARE, SELL, OR OFFER  
16 TO SELL TO ANOTHER PERSON A DOCUMENT OR SERVICE THAT PROVIDES  
17 ANSWERS FOR, OR COMPLETES ON BEHALF OF A STUDENT, AN ONLINE EXAM  
18 THAT IS ADMINISTERED PURSUANT TO A COURSE OF STUDY AT ANY  
19 INSTITUTION OF HIGHER EDUCATION.

20 (2) ~~No~~ A person OR ENTITY shall NOT make or disseminate, with  
21 the intent to induce any other person to enter into any obligation relating  
22 thereto, any statement, written or oral, that he OR SHE will prepare, cause  
23 to be prepared, sell, or distribute any ~~term paper, thesis, dissertation, or~~  
24 ~~other written material~~ ASSIGNMENT OR ANSWER TO AN ONLINE EXAM for  
25 a fee or other compensation for or on behalf of any person who has been  
26 assigned the written preparation of such ~~term paper, thesis, dissertation,~~  
27 ~~or other written material~~ ASSIGNMENT OR ANSWER TO AN ONLINE EXAM for  
28 academic credit at any ~~public or private college, university, or other~~  
29 institution of higher education in this state.

30 **SECTION 3.** In Colorado Revised Statutes, 23-4-104, **amend** (2)  
31 as follows:

32 **23-4-104. Injunctions.** (2) Actions for injunction under the  
33 provisions of this ~~article~~ ARTICLE 4 may be brought in the name of the  
34 people of the state of Colorado by the attorney general or by the district  
35 attorney for the judicial district in which the conduct to be enjoined took  
36 place or by any ~~public or private college, university, or other~~ institution  
37 of higher education acting for the interest of itself, its students, or the  
38 general public.

39 **SECTION 4.** In Colorado Revised Statutes, **add** 23-4-104.5 as  
40 follows:

41 **23-4-104.5. Civil penalty.** THE ATTORNEY GENERAL MAY BRING

1 A CIVIL ACTION ON BEHALF OF THE STATE TO SEEK THE IMPOSITION OF A  
2 CIVIL PENALTY FOR ANY VIOLATION OF THIS ARTICLE 4. THE COURT, UPON  
3 FINDING A VIOLATION OF THIS ARTICLE 4, SHALL IMPOSE A CIVIL PENALTY  
4 TO BE PAID TO THE GENERAL FUND OF THE STATE IN AN AMOUNT NOT TO  
5 EXCEED SEVEN HUNDRED FIFTY DOLLARS FOR EACH SUCH VIOLATION.

6 **SECTION 5.** In Colorado Revised Statutes, **add 23-4-105.5** as  
7 follows:

8 **23-4-105.5. Exceptions.** (1) IT IS NOT A VIOLATION OF THIS  
9 ARTICLE 4 IF A PERSON OR ENTITY RENDERS FOR A FEE:

10 (a) TUTORIAL ASSISTANCE IF THE ASSISTANCE IS NOT INTENDED TO  
11 BE SUBMITTED IN WHOLE OR IN SUBSTANTIAL PART AS AN ASSIGNMENT OR  
12 AS AN ANSWER TO AN ONLINE EXAM; OR

13 (b) SERVICE IN THE FORM OF TYPING, TRANSCRIBING, ASSEMBLING,  
14 REPRODUCING, OR EDITING AN ASSIGNMENT OR ANSWER TO AN ONLINE  
15 EXAM IF THIS SERVICE IS NOT INTENDED TO MAKE SUBSTANTIVE CHANGES  
16 IN THE ASSIGNMENT OR ANSWER TO AN ONLINE EXAM.

17 (2) THIS ARTICLE 4 DOES NOT APPLY TO A PERSON WHO IS  
18 ENROLLED FOR EDUCATIONAL PURPOSES.

19 **SECTION 6. Act subject to petition - effective date -**  
20 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
21 the expiration of the ninety-day period after final adjournment of the  
22 general assembly (August 8, 2018, if adjournment sine die is on May 9,  
23 2018); except that, if a referendum petition is filed pursuant to section 1  
24 (3) of article V of the state constitution against this act or an item, section,  
25 or part of this act within such period, then the act, item, section, or part  
26 will not take effect unless approved by the people at the general election  
27 to be held in November 2018 and, in such case, will take effect on the  
28 date of the official declaration of the vote thereon by the governor.

29 (2) This act applies to offenses committed on or after the  
30 applicable effective date of this act."

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