

**Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 18-0950.01 Conrad Imel x2313

HOUSE BILL 18-1252

HOUSE SPONSORSHIP

Roberts and Wilson,

SENATE SPONSORSHIP

Priola,

House Committees
Education

Senate Committees
Education

A BILL FOR AN ACT

101 **CONCERNING UNLAWFUL SALE OF ACADEMIC MATERIALS FOR**
102 **SUBMISSION TO AN INSTITUTION OF HIGHER EDUCATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill creates the offense of unlawful sale of academic materials for submission to an institution of higher education. A person commits unlawful sale of academic materials for submission to an institution of higher education when he or she sells or offers to sell an academic assignment, or sells or offers to sell assistance on an academic assignment, to another person knowing, or having reason to know, that

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
2nd Reading Unamended
April 24, 2018

HOUSE
3rd Reading Unamended
April 2, 2018

HOUSE
Amended 2nd Reading
March 26, 2018

the assignment is intended to be submitted under a student's name to fulfill the requirements for a degree, diploma, certificate, or course of study at any institution of higher education. A person also commits the offense when he or she sells or offers to sell the answers to an online exam administered by a institution of higher education or sells or offers to sell a service that completes such an exam on behalf of a student. Unlawful sale of academic materials for submission to an institution of higher education is a class 3 misdemeanor.

1 *Be it enacted by the General Assembly of the State of Colorado:*

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

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

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

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

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

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

1 (5) "SALE" OR "SELL" MEANS ANY TRANSFER, EXCHANGE, OR
2 BARTER, IN ANY MANNER, FOR ANY CONSIDERATION, OR BY ANY
3 AGREEMENT.

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

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

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

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

1 ~~or other written material~~ ASSIGNMENT OR ANSWER TO AN ONLINE EXAM for
2 academic credit at any ~~public or private college, university, or other~~
3 institution of higher education in this state.

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

6 **23-4-104. Injunctions.** (2) Actions for injunction under the
7 provisions of this ~~article~~ ARTICLE 4 may be brought in the name of the
8 people of the state of Colorado by the attorney general or by the district
9 attorney for the judicial district in which the conduct to be enjoined took
10 place or by any ~~public or private college, university, or other~~ institution
11 of higher education acting for the interest of itself, its students, or the
12 general public.

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

15 **23-4-104.5. Civil penalty.** THE ATTORNEY GENERAL MAY BRING
16 A CIVIL ACTION ON BEHALF OF THE STATE TO SEEK THE IMPOSITION OF A
17 CIVIL PENALTY FOR ANY VIOLATION OF THIS ARTICLE 4. THE COURT, UPON
18 FINDING A VIOLATION OF THIS ARTICLE 4, SHALL IMPOSE A CIVIL PENALTY
19 TO BE PAID TO THE GENERAL FUND OF THE STATE IN AN AMOUNT NOT TO
20 EXCEED SEVEN HUNDRED FIFTY DOLLARS FOR EACH SUCH VIOLATION.

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

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

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

1 (b) SERVICE IN THE FORM OF TYPING, TRANSCRIBING, ASSEMBLING,
2 REPRODUCING, OR EDITING AN ASSIGNMENT OR ANSWER TO AN ONLINE
3 EXAM IF THIS SERVICE IS NOT INTENDED TO MAKE SUBSTANTIVE CHANGES
4 IN THE ASSIGNMENT OR ANSWER TO AN ONLINE EXAM.

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

7 **SECTION 6. Act subject to petition - effective date -**
8 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
9 the expiration of the ninety-day period after final adjournment of the
10 general assembly (August 8, 2018, if adjournment sine die is on May 9,
11 2018); except that, if a referendum petition is filed pursuant to section 1
12 (3) of article V of the state constitution against this act or an item, section,
13 or part of this act within such period, then the act, item, section, or part
14 will not take effect unless approved by the people at the general election
15 to be held in November 2018 and, in such case, will take effect on the
16 date of the official declaration of the vote thereon by the governor.

17 (2) This act applies to offenses committed on or after the
18 applicable effective date of this act.