

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

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

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**

---

**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.

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.