



Legislative
Council Staff

Nonpartisan Services for Colorado's Legislature

HB 18-1252

**REVISED
FISCAL NOTE**

(replaces fiscal note dated March 7, 2018)

Drafting Number: LLS 18-0950
Prime Sponsors: Rep. Roberts; Wilson
Sen. Priola

Date: April 6, 2018
Bill Status: Senate Education
Fiscal Analyst: Kerry White | 303-866-3469
Kerry.White@state.co.us

Bill Topic: UNLAWFUL SALE OF ACADEMIC ASSIGNMENTS

Summary of Fiscal Impact:

| | |
|--|--|
| <input checked="" type="checkbox"/> State Revenue (<i>minimal</i>) | <input checked="" type="checkbox"/> TABOR Refund |
| <input checked="" type="checkbox"/> State Expenditure (<i>minimal</i>) | <input type="checkbox"/> Local Government |
| <input type="checkbox"/> State Transfer | <input type="checkbox"/> Statutory Public Entity |

This bill creates a civil penalty for the unlawful sale of academic materials for submission to an institution of higher education. It increases state revenue and workload on an ongoing basis.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The revised fiscal note reflects the reengrossed bill.

Summary of Legislation

This bill prohibits the sale of academic materials for submission to an institution of higher education, which is when a person sells or offers to sell an academic assignment or assistance in preparing that assignment, including providing answers to an online exam and when the person is not enrolled for educational purposes. The bill defines an assignment as any specific written, recorded, pictorial, artistic, or other academic task, including but not limited to a term paper, thesis, dissertation, essay, or report intended for submission to any institution of higher education in fulfillment of the requirements for a degree, diploma, certificate, or course of study. The bill grants exceptions for providing, for a fee, tutorial assistance that is not intended to be submitted in whole or in part as an assignment or answer to an online exam, or a service in the form of typing, transcribing, assembling, reproducing, or editing an assignment or answer to an online exam, if the service is not intended to make substantive changes to that work.

The Attorney General may bring a civil action on behalf of the state to seek the imposition of a civil penalty for violations. Upon a finding of a violation, the court must impose a civil penalty of up to \$750 per violation, credited to the General Fund.

State Revenue

Beginning in FY 2018-19, the bill may increase state revenue from civil penalties, which are up to \$750 per violation, credited to the General Fund. The fiscal note assumes that any revenue increase is minimal.

TABOR Impact

This bill increases state revenue from civil penalties, which will increase the amount of money required to be refunded under TABOR for FY 2018-19 and FY 2019-20. Since the bill increases revenue to the General Fund and the refund obligation by equal amounts, there is no net impact on the amount of money available in the General Fund for the budget. However, the bill will increase money for the General Fund budget in the future during years when the state does not collect revenue above the TABOR limit. State revenue subject to TABOR is not estimated for years beyond FY 2019-20.

State Expenditures

Beginning in FY 2018-19, costs and workload for several state agencies will increase as described below. No increases in state appropriations are expected under the bill.

Judicial Department. The bill creates a new civil penalty related to the unlawful sale of academic materials, which may increase workload for the trial courts.

Institutions of higher education. Workload may increase to assist in the investigation of any individuals who unlawfully sell academic materials for submission to the institution. However, because institutions have policies in place to monitor and respond to plagiarism, these impacts are minimal.

Attorney General's Office. The Attorney General's Office in the Department of Law is granted authority to bring civil actions for violations of the bill's requirements, which may increase workload by a minimal amount in the future.

Effective Date

The bill takes effect August 8, 2018, if the General Assembly adjourns on May 9, 2018, as scheduled, and no referendum petition is filed. It applies to offenses committed on or after the bill's effective date.

State and Local Government Contacts

| | | |
|------------------------|--------------------|------------------|
| Counties | District Attorneys | Higher Education |
| Information Technology | Judicial | Law |
| Local Affairs | Municipalities | Sheriffs |