

HB1252_L.003

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Education.

HB18-1252 be amended as follows:

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

18 (3) "PERSON" MEANS ANY INDIVIDUAL, PARTNERSHIP,
19 CORPORATION, OR ASSOCIATION.

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
24 BARTER, IN ANY MANNER, FOR ANY CONSIDERATION, OR BY ANY
25 AGREEMENT.

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

28 **23-4-103. Preparation, sale, and distribution of academic**
29 **materials - advertising.** (1) ~~No~~ A person shall NOT prepare, offer to
30 prepare, cause to be prepared, sell, or distribute any ~~term paper, thesis,~~
31 ~~dissertation, or other written material~~ ASSIGNMENT for another person for
32 a fee or other compensation with the knowledge, or under circumstances
33 in which he OR SHE should reasonably have known, that such ~~term paper,~~
34 ~~thesis, dissertation, or other written material~~ ASSIGNMENT is to be
35 submitted by any other person for academic credit at any ~~public or private~~
36 ~~college, university, or other~~ institution of higher education in this state.

37 (1.5) A PERSON SHALL NOT PREPARE, SELL, OR OFFER TO SELL TO
38 ANOTHER PERSON A DOCUMENT OR SERVICE THAT PROVIDES ANSWERS
39 FOR, OR COMPLETES ON BEHALF OF A STUDENT, AN ONLINE EXAM THAT IS

1 ADMINISTERED PURSUANT TO A COURSE OF STUDY AT ANY INSTITUTION OF
2 HIGHER EDUCATION.

3 (2) ~~No~~ A person shall NOT make or disseminate, with the intent to
4 induce any other person to enter into any obligation relating thereto, any
5 statement, written or oral, that he OR SHE will prepare, cause to be
6 prepared, sell, or distribute any ~~term paper, thesis, dissertation, or other~~
7 ~~written material~~ ASSIGNMENT OR ANSWER TO AN ONLINE EXAM for a fee
8 or other compensation for or on behalf of any person who has been
9 assigned the written preparation of such ~~term paper, thesis, dissertation,~~
10 ~~or other written material~~ ASSIGNMENT OR ANSWER TO AN ONLINE EXAM for
11 academic credit at any ~~public or private college, university, or other~~
12 institution of higher education in this state.

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

15 **23-4-104. Injunctions.** (2) Actions for injunction under the
16 provisions of this ~~article~~ ARTICLE 4 may be brought in the name of the
17 people of the state of Colorado by the attorney general or by the district
18 attorney for the judicial district in which the conduct to be enjoined took
19 place or by any ~~public or private college, university, or other~~ institution
20 of higher education acting for the interest of itself, its students, or the
21 general public.

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

24 **23-4-104.5. Civil penalty.** THE ATTORNEY GENERAL MAY BRING
25 A CIVIL ACTION ON BEHALF OF THE STATE TO SEEK THE IMPOSITION OF A
26 CIVIL PENALTY FOR ANY VIOLATION OF THIS ARTICLE 4. THE COURT, UPON
27 FINDING A VIOLATION OF THIS ARTICLE 4, SHALL IMPOSE A CIVIL PENALTY
28 TO BE PAID TO THE GENERAL FUND OF THE STATE IN AN AMOUNT NOT TO
29 EXCEED SEVEN HUNDRED FIFTY DOLLARS FOR EACH SUCH VIOLATION.

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

32 **23-4-105.5. Exceptions.** (1) IT IS NOT A VIOLATION OF THIS
33 ARTICLE 4 IF A PERSON RENDERS FOR A FEE:

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

37 (b) SERVICE IN THE FORM OF TYPING, TRANSCRIBING, ASSEMBLING,
38 REPRODUCING, OR EDITING AN ASSIGNMENT OR ANSWER TO AN ONLINE
39 EXAM IF THIS SERVICE IS NOT INTENDED TO MAKE SUBSTANTIVE CHANGES
40 IN THE ASSIGNMENT OR ANSWER TO AN ONLINE EXAM.

41 (2) THIS ARTICLE 4 DOES NOT APPLY TO A PERSON WHO IS
42 ENROLLED FOR EDUCATIONAL PURPOSES AS A STUDENT AT AN INSTITUTION
43 OF HIGHER EDUCATION.

44 **SECTION 6. Act subject to petition - effective date -**
45 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following

1 the expiration of the ninety-day period after final adjournment of the
2 general assembly (August 8, 2018, if adjournment sine die is on May 9,
3 2018); except that, if a referendum petition is filed pursuant to section 1
4 (3) of article V of the state constitution against this act or an item, section,
5 or part of this act within such period, then the act, item, section, or part
6 will not take effect unless approved by the people at the general election
7 to be held in November 2018 and, in such case, will take effect on the
8 date of the official declaration of the vote thereon by the governor.
9 (2) This act applies to offenses committed on or after the
10 applicable effective date of this act."

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