

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



HOUSE BILL 18-1252

BY REPRESENTATIVE(S) Roberts and Wilson, Becker K., Bridges, Esgar, Garnett, Hansen, Lontine, McLachlan, Pettersen, Singer; also SENATOR(S) Priola, Garcia, Martinez Humenik, Moreno, Tate, Todd, Williams A.

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

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

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

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

(1) "ASSIGNMENT" MEANS 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.

Capital letters or bold & italic numbers indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

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

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

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

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

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

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

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

(2) ~~No~~ A person OR ENTITY shall NOT make or disseminate, with the intent to induce any other person to enter into any obligation relating thereto, any statement, written or oral, that he OR SHE will prepare, cause to

be prepared, sell, or distribute any ~~term paper, thesis, dissertation, or other written material~~ ASSIGNMENT OR ANSWER TO AN ONLINE EXAM for a fee or other compensation for or on behalf of any person who has been assigned the written preparation of such ~~term paper, thesis, dissertation, or other written material~~ ASSIGNMENT OR ANSWER TO AN ONLINE EXAM for academic credit at any ~~public or private college, university, or other~~ institution of higher education in this state.

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

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

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

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

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

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

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

(b) SERVICE IN THE FORM OF TYPING, TRANSCRIBING, ASSEMBLING,

REPRODUCING, OR EDITING AN ASSIGNMENT OR ANSWER TO AN ONLINE EXAM IF THIS SERVICE IS NOT INTENDED TO MAKE SUBSTANTIVE CHANGES IN THE ASSIGNMENT OR ANSWER TO AN ONLINE EXAM.

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

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

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

Crisanta Duran
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Kevin J. Grantham
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Effie Ameen
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO