

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

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, **add** 18-13-131 as
3 follows:

4 **18-13-131. Unlawful sale of academic materials for submission**
5 **to an institution of higher education - definitions.** (1) A PERSON
6 COMMITS UNLAWFUL SALE OF ACADEMIC MATERIALS FOR SUBMISSION TO
7 AN INSTITUTION OF HIGHER EDUCATION IF:

8 (a) THE PERSON SELLS OR OFFERS TO SELL AN ASSIGNMENT TO
9 ANOTHER PERSON KNOWING, OR UNDER THE CIRCUMSTANCES HAVING
10 REASON TO KNOW, THAT THE WHOLE OR A SUBSTANTIAL PART OF THE
11 ASSIGNMENT IS INTENDED TO BE SUBMITTED UNDER A STUDENT'S NAME IN
12 FULFILLMENT OF THE REQUIREMENTS FOR A DEGREE, DIPLOMA,
13 CERTIFICATE, OR COURSE OF STUDY AT ANY INSTITUTION OF HIGHER
14 EDUCATION;

15 (b) THE PERSON SELLS OR OFFERS TO SELL TO ANOTHER PERSON
16 ANY ASSISTANCE IN THE PREPARATION OF AN ASSIGNMENT KNOWING, OR
17 UNDER THE CIRCUMSTANCES HAVING REASON TO KNOW, THAT THE WHOLE
18 OR A SUBSTANTIAL PART OF THE ASSIGNMENT IS INTENDED TO BE
19 SUBMITTED UNDER A STUDENT'S NAME IN FULFILLMENT OF THE
20 REQUIREMENTS FOR A DEGREE, DIPLOMA, CERTIFICATE, OR COURSE OF
21 STUDY AT ANY INSTITUTION OF HIGHER EDUCATION;

1 (c) THE PERSON SELLS OR OFFERS TO SELL TO ANOTHER PERSON A
2 DOCUMENT OR SERVICE THAT PROVIDES ANSWERS FOR AN ONLINE EXAM
3 THAT IS ADMINISTERED PURSUANT TO A COURSE OF STUDY AT ANY
4 INSTITUTION OF HIGHER EDUCATION; OR

5 (d) THE PERSON SELLS OR OFFERS TO SELL A SERVICE THAT
6 COMPLETES ON BEHALF OF A STUDENT AN ONLINE EXAM THAT IS
7 ADMINISTERED PURSUANT TO A COURSE OF STUDY AT ANY INSTITUTION OF
8 HIGHER EDUCATION.

9 (2) IT IS AN AFFIRMATIVE DEFENSE TO THE CRIME OF UNLAWFUL
10 SALE OF ACADEMIC MATERIALS FOR SUBMISSION TO AN INSTITUTION OF
11 HIGHER EDUCATION IF THE PERSON RENDERS FOR A FEE:

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

15 (b) SERVICE IN THE FORM OF TYPING, TRANSCRIBING, ASSEMBLING,
16 REPRODUCING, OR EDITING AN ASSIGNMENT OR ANSWER TO AN ONLINE
17 EXAM IF THIS SERVICE IS NOT INTENDED TO MAKE SUBSTANTIVE CHANGES
18 IN THE ASSIGNMENT OR ANSWER TO AN ONLINE EXAM.

19 (3) UNLAWFUL SALE OF ACADEMIC MATERIALS FOR SUBMISSION TO
20 AN INSTITUTION OF HIGHER EDUCATION IS A CLASS 3 MISDEMEANOR.

21 (4) WITHOUT REGARD TO ANY PENALTY IMPOSED UNDER
22 SUBSECTION (3) OF THIS SECTION, THE ATTORNEY GENERAL AND EACH
23 DISTRICT ATTORNEY MAY APPLY TO ANY COURT OF COMPETENT
24 JURISDICTION FOR INJUNCTIVE RELIEF, INCLUDING A TEMPORARY
25 RESTRAINING ORDER OR PRELIMINARY OR PERMANENT INJUNCTION, TO
26 RESTRAIN AND ENJOIN VIOLATIONS OF THIS SECTION.

27 (5) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE

1 REQUIRES:

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

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

13 **SECTION 2. Act subject to petition - effective date -**
14 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
15 the expiration of the ninety-day period after final adjournment of the
16 general assembly (August 8, 2018, if adjournment sine die is on May 9,
17 2018); except that, if a referendum petition is filed pursuant to section 1
18 (3) of article V of the state constitution against this act or an item, section,
19 or part of this act within such period, then the act, item, section, or part
20 will not take effect unless approved by the people at the general election
21 to be held in November 2018 and, in such case, will take effect on the
22 date of the official declaration of the vote thereon by the governor.

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