

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1733 Session of
2017

INTRODUCED BY KINSEY, VAZQUEZ, THOMAS, McNEILL, ROEBUCK, MILLARD
AND D. COSTA, AUGUST 18, 2017

REFERRED TO COMMITTEE ON JUDICIARY, AUGUST 18, 2017

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in forgery and fraudulent practices,
3 providing for the offense of academic fraud.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 18 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 4121. Academic fraud.

9 (a) Offense defined.--A person is guilty of academic fraud
10 if, with the intent to defraud or with knowledge that the person
11 is facilitating a fraud to be perpetrated by another person, the
12 person:

13 (1) Assists a student or offers or attempts to assist a
14 student in obtaining or attempting to obtain, by fraudulent
15 means, an academic credit, grade or test score or transcript,
16 diploma, certificate or other instrument purporting to confer
17 a degree in a course of study from an institution of higher
18 education in this Commonwealth.

1 (2) Gives or changes an academic credit, grade or test
2 score or offers to give or change an academic credit, grade
3 or test score in exchange for a good or service, thing of
4 value or money.

5 (b) Grading.--

6 (1) Except as provided in paragraph (2), academic fraud
7 constitutes a felony of the third degree.

8 (2) Academic fraud constitutes a felony of the second
9 degree if the offense involves a student athlete and the
10 perpetrator:

11 (i) Accepted a good, service, thing of value or
12 money for teaching a no-show class.

13 (ii) Directed a student athlete to a no-show class
14 for the purpose of helping the student athlete achieve or
15 maintain the grade or course credit necessary to remain
16 eligible for competition.

17 (iii) Made or attempted to make an unauthorized
18 grade or course credit change by forging or attempting to
19 forge the signature of a faculty member.

20 (iv) Engaged in a systematic, ongoing course of
21 conduct with the intent to defraud one or more persons to
22 ensure the academic eligibility of a student athlete.

23 (c) Complaint.--To facilitate the reporting of suspected
24 academic fraud, the Office of Attorney General may include an
25 academic fraud complaints link on the Office of Attorney
26 General's publicly accessible Internet website. The link shall
27 be configured in a manner to enable a person to access, complete
28 and submit an academic fraud complaint form electronically.

29 (d) Reporting.--A person who makes a good faith report of
30 suspected academic fraud to law enforcement or to the Office of

1 Attorney General shall be subject to the protections provided
2 under the act of December 12, 1986 (P.L.1559, No.169), known as
3 the Whistleblower Law.

4 (e) Definitions.--As used in this section, the following
5 words and phrases shall have the meanings given to them in this
6 subsection unless the context clearly indicates otherwise:

7 "Academic credit." A course credit, credit hour or unit
8 which gives weight to the value, level or time requirements of
9 an academic course taken at an institution of higher education.

10 "Athlete agent." As defined in 5 Pa.C.S. § 3102 (relating to
11 definitions).

12 "Institution of higher education" or "institution." As
13 defined in section 118 of the act of March 10, 1949 (P.L.30,
14 No.14), known as the Public School Code of 1949.

15 "No-show class." A class or course offered by an institution
16 of higher education where a student has no physical class
17 attendance and no direct interaction or limited direct
18 interaction with the instructor or faculty member. The term
19 shall not include an academic course that meets the following
20 criteria:

21 (1) The course is taken online or through distance
22 education for academic credit and does not require the
23 student's physical attendance for classes, tests or other
24 purposes integral to completion of the class.

25 (2) Physical attendance is not mandatory under the
26 institution of higher education's class attendance policy or
27 the attendance policy of the instructor.

28 "Online or distance education." An academic course offered
29 by an institution of higher education primarily through the use
30 of the Internet.

1 "Person." The term shall include an individual who performs
2 work for an institution of higher education or the athletics
3 department of an institution of higher education, including a
4 student or faculty member, regardless of whether the person
5 receives compensation from the institution. The term shall
6 include an athlete agent, graduate, donor or any other person or
7 agent of a person who donates, provides goods or services or in
8 some way contributes to or is associated with an institution of
9 higher education or a student of an institution of higher
10 education.

11 "Student." A person enrolled in an institution of higher
12 education.

13 "Student athlete." As defined in 5 Pa.C.S. § 3102 (relating
14 to definitions).

15 Section 2. This act shall take effect in 60 days.