

**SUBJECT:** Prohibiting the sale of term papers to students

**COMMITTEE:** Higher Education — committee substitute recommended

**VOTE:** 7 ayes — Rangel, Solis, Cuellar, Dunnam, Kamel, Rabuck, E. Reyna  
0 nays  
2 absent — Bailey, Rodriguez

**WITNESSES:** For — Carol McDonald, Independent Colleges and Universities of Texas  
Against — None

**DIGEST:** CSHB 762 would establish within the Penal Code a new offense of deceptive preparation and marketing of academic product. Academic product would be defined as a term paper, thesis, dissertation, essay, report, recording, work of art, or other written, recorded, pictorial, or artistic product or material submitted or intended to be submitted to satisfy an academic requirement at an institution of higher education.

It would be an offense to prepare, sell, advertise, or deliver an academic product to a person who intended to use it to satisfy an academic requirement or to make or disseminate a statement offering to prepare or cause to be prepared an academic product for another person. The offense would be a Class B misdemeanor, punishable by a maximum penalty of 180 days in jail and a \$2,000 fine.

The bill would provide for a defense to prosecution for the offense if the action consisted of providing instruction, counseling, tutoring or editing assistance to the person preparing an academic product, so long as the assistance did not include substantial preparation, research, or writing, or if it consisted of typing, transcribing or reproducing a manuscript for a fee or offering to do so.

CSHB 762 would take effect September 1, 1997.

SUPPORTERS  
SAY:

CSHB 762 would address a problem that has been rapidly increasing in severity — black market traffic in term papers. Those who prepare these term papers peddle them to students, often posting notices on campus, in periodicals and, most recently, on the Internet. Their numbers have increased greatly as use of the Internet increases, especially among college students. As a result, the incidence of this academic cheating has soared.

The intellectual dishonesty of this enterprise presents a serious danger to colleges and universities, whose ultimate goal is the cultivation of knowledge. CSHB 762 would be an important first step in checking the growth of this disturbing trend by providing a valuable tool enabling prosecution for offenses and discouraging continued solicitation of students.

Although schools can penalize individual students for academic dishonesty, they have no recourse for dealing with those individuals who sell students the term papers. It is imperative to provide a means for deterring not only students who submit these materials but more importantly those who provide them.

OPPONENTS  
SAY:

CSHB 762 aims to address a problem that has no place in the Penal Code. Most crimes have an identifiable victim, whether individuals or their property. In this case, however, no such victim is identifiable. Although the sale of term papers to students is indefensible, dishonesty is not and never has been a crime. Schools have authority to discipline individual students when such cases arise, and should be zealous in using their authority over students instead of relying on the state to take legal action against others.

The Internet's increasing popularity has brought with it a number of problems, and the sale of term papers is only one of them. The proper response to such problems, however, is not criminalization and censorship. CSHB 762 would deal too harshly with a problem that is best addressed by other means.

OTHER  
OPPONENTS  
SAY:

Enforcement of CSHB 762 would be exceedingly difficult. Especially for those using electronic media, where content is difficult to control and changes regularly, the provisions of the bill would seem an empty threat.

NOTES:

The committee substitute defined terms within the bill.

