

No. 58

AN ACT

SB 10

Amending the act of November 25, 1970 (No.230), entitled "An act codifying and compiling a part of the law of the Commonwealth," prohibiting the sale of dissertations, theses and term papers; prescribing penalties and providing for injunctive relief.

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

Section 1. Title 18, act of November 25, 1970 (No.230), known as the "Consolidated Pennsylvania Statutes," amended December 6, 1972 (No.334), is amended by amending the chapter analysis of Subchapter A of Chapter 73 and by adding a section to read:

CHAPTER 73
TRADE AND COMMERCE

* * *

SUBCHAPTER A
DEFINITION OF OFFENSES GENERALLY

Sec.

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7324. *Unlawful sale of dissertations, theses and term papers.*

§ 7324. *Unlawful sale of dissertations, theses and term papers.*

(a) *As used in this section:*

(1) *"Assignment" means any specific written, recorded, pictorial, artistic, or other academic task that is intended for submission to any university, academy, school or other educational institution which is chartered, incorporated, licensed, registered or supervised by the Commonwealth, in fulfillment of the requirements of a degree, diploma, certificate or course of study at any such institution.*

(2) *"Prepare" means to create, write, or in any way produce in whole or substantial part, a term paper, thesis, dissertation, essay, report or other written, recorded, pictorial, artistic or other assignment for a fee.*

(b) *No person shall sell or offer for sale to any student enrolled in a university, college, academy, school or other educational institution within the Commonwealth of Pennsylvania any assistance in the preparation, research or writing of a dissertation, thesis, term paper, essay, report or other written assignment knowing, or under the circumstances having reason to know, that said assignment is intended for submission either in whole or substantial part under said student's name to such educational institution in fulfillment of the requirements for a degree, diploma, certificate or course of study.*

(c) *No person shall sell or offer for distribution any dissertation, thesis, term paper, essay, report or other written assignment to any student enrolled in a university, college, academy, school or any other institution within the Commonwealth of Pennsylvania knowing, or under the circumstances having reason to know, that said assignment is intended for submission either in whole or substantial part under said student's name to such educational institution in fulfillment of the requirement for a degree, diploma, certificate or course of study.*

(d) *No person shall sell or offer for distribution any dissertation, thesis, term paper, essay, report or other written assignment to any person who, sells or offers for sale any such dissertation, thesis, term paper, essay, report or other written assignment to any student enrolled in a university, college, academy, school or other educational institution within the Commonwealth of Pennsylvania knowing, or under the circumstances having reason to know, that said assignment is intended for submission either in whole or substantial part under said student's name to such educational institution in fulfillment of the requirements for a degree, diploma, certificate or course of study.*

(e) *Nothing herein contained shall prevent such educational institution or any member of its faculty or staff, from offering courses, instruction, counseling or tutoring for research or writing as part of a curriculum or other program conducted by such educational institution. Nor shall this section prevent any educational institution or any member of its faculty or staff from authorizing students to use statistical, computer, or any other services which may be required or permitted by such educational institution in the preparation, research or writing of a dissertation, thesis, term paper, essay, report or other written assignment. Nor shall this section prevent tutorial assistance rendered by other persons which does not include the preparation, research or writing of a dissertation, thesis, term paper, essay, report or other written assignment knowing, or under the circumstances having reason to know, that said assignment is intended for submission either in whole or substantial part under said student's name to such educational institution in fulfillment of the requirements for a degree, diploma, certificate or course of study. Nor shall any person be prevented by the provisions of this section from rendering services for a fee which shall be limited to the typing, transcription or reproduction of a manuscript.*

(f) *Nothing contained within this section shall prevent any person from selling or offering for sale a publication or other written material which shall have been registered under the United States Laws of Copyright: Provided, however, That the owner of such copyright shall have given his authorization or approval for such sale: And, provided further, That said person shall not know or under the circumstances have reason to know that said assignment is intended for submission*

either in whole, or substantial part, under a student's name as a dissertation, thesis, term paper, essay, report or other written assignment to such educational institution within the Commonwealth of Pennsylvania in fulfillment of the requirements for a degree, diploma, certificate or course of study.

(g) Any person who violates the provisions of this section shall be guilty of a misdemeanor of the third degree.

(h) Whenever there shall be a violation of this section an application also may be made by the Attorney General in the name of the people of the Commonwealth of Pennsylvania to a court having jurisdiction to issue an injunction, and upon notice to the defendant of not less than five (5) days, to enjoin and restrain the continuance of such violation; and if it shall appear to the satisfaction of the court or justice that the defendant has, in fact, violated this section, an injunction may be issued by such court, enjoining and restraining any further violation, without requiring proof that any person has, in fact, been injured or damaged thereby. In connection with any such proposed application, the Attorney General is authorized to take proof and make a determination of the relevant facts and to issue subpoenas in accordance with the laws and rules of civil procedure.

Section 2. This act shall take effect immediately.

APPROVED—The 27th day of July, A. D. 1973.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly No. 58.

A handwritten signature in black ink, reading "C. McLaughlin Tucker". The signature is written in a cursive, flowing style.

Secretary of the Commonwealth.