
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1244 Session of
2015

INTRODUCED BY KINSEY, ENGLISH, MILLARD, ROZZI, V. BROWN,
GODSHALL, McNEILL, MURT AND DONATUCCI, MAY 28, 2015

REFERRED TO COMMITTEE ON JUDICIARY, MAY 28, 2015

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in forgery and fraudulent practices,
3 providing for 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 he is
11 facilitating a fraud to be perpetrated by another person, the
12 person or other person:

13 (1) Assists any student or offers or attempts to assist
14 any student in obtaining or attempting to obtain, by
15 fraudulent means, any academic credit, grade or test score or
16 any transcript, diploma, certificate or other instrument
17 purporting to confer any degree in any course of study from
18 any institution of higher 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 or service, thing of value or
12 money for teaching a no-show class.

13 (ii) Steered 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 unauthorized grade
18 or course credit changes 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 create an
25 academic fraud complaints link on its publicly accessible
26 Internet website. The link shall be configured in a manner to
27 enable a person to access, complete and submit an academic fraud
28 complaint form electronically.

29 (d) Reporting.--Any 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 or limited direct interaction with the
18 instructor or faculty member. The term shall not include any
19 academic course which meets the following criteria:

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

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

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

30 "Person." The term shall include any individual who performs

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

9 "Student." A person enrolled in an institution of higher
10 education.

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

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