

ASSEMBLY, No. 5609

STATE OF NEW JERSEY 222nd LEGISLATURE

INTRODUCED OCTOBER 15, 2026

Sponsored by:

Assemblywoman CARMEN THERESA MORALES

District 34 (Essex)

SYNOPSIS

Prohibits preparation, advertisement, sale, or distribution of assignment to be submitted as learner's own work.

CURRENT VERSION OF TEXT

As introduced.



A5609 MORALES

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1 AN ACT concerning commercial cheating services and
2 supplementing P.L.1960, c.39 (C.56:8-1 et seq.).
3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*
6

7 1. As used in this act:

8 “Assigned task” means any task assigned, directed, or otherwise
9 given to a learner by a sponsor or the sponsor’s representative, the
10 performance on which will be evaluated for credit. “Assigned task”
11 includes, but is not limited to:

12 (1) writing a term paper, thesis, dissertation, essay, or report;

13 (2) providing responses to, participating in, or otherwise
14 engaging in an exam;

15 (3) preparing any other work product in response to an
16 assignment; and

17 (4) attending classes or other instructional interactions when the
18 task is assigned, directed, or otherwise given to a learner by a
19 sponsor or the sponsor’s representative and the performance on
20 which will be evaluated for credit.

21 “Assignment” means anything in written, electronic, recorded,
22 pictorial, artistic, or any other form issued by a sponsor or the
23 sponsor’s representative setting forth, conveying, or soliciting
24 learner performance of or on, one or more assigned tasks.
25 “Assignment” includes, but is not limited to, materials, whether
26 presented on paper or a computer, setting forth problems for the
27 learner to solve, questions for the learner’s response, exam content,
28 scenarios to which the learner is to react, and similar tasks.

29 “Confidential exam or assignment” means any assignment,
30 including without limitation, any exam that a sponsor or the
31 sponsor’s representative provides to a learner under confidential
32 conditions.

33 “For credit” means for evaluation by a sponsor or the sponsor’s
34 representative in connection with the issuance of any grade,
35 evaluation, degree, diploma, certification, certificate, credential,
36 exam score, or professional license.

37 “Learner” means a person whose performance on one or more
38 assigned tasks will be evaluated for credit and includes, but is not
39 limited to, students, candidates for professional certification and
40 licensure, test takers, examinees, and workforce skills trainees.

41 “Organization” means a company, partnership, corporation,
42 institution, association, body, State agency, or other entity.

43 “Sponsor” means:

44 (1) any public or nonpublic institution of higher education
45 operating in this State that provides an educational program:

46 (a) for which it grants, awards, or otherwise issues an
47 associate’s degree, bachelor’s degree, graduate degree, professional

1 degree, or any other degree, credential, certification, or certificate;
2 or

3 (b) that is acceptable for credit towards an associate's degree,
4 bachelor's degree, graduate degree, professional degree, or any
5 other degree, credential, certification, or certificate;

6 (2) any organization that owns, sponsors, grants, awards, or
7 otherwise issues a professional license, including a professional or
8 occupational licensing board regulated by the State or a local
9 government, to a person or organization in the State that bears the
10 organization's name or trademark and signifies completion of a set
11 of requirements associated with the license;

12 (3) any organization that owns, sponsors, grants, awards, or
13 otherwise issues credentials or certifications bearing the
14 organization's name or trademark to persons or organizations in this
15 State and signifying completion of a set of requirements associated
16 with the credential or certification; or

17 (4) any organization that owns, sponsors, administers or
18 otherwise delivers exams bearing the organization's name or
19 trademark to a person or organization in the State.

20 "Work product" means anything in written, electronic, recorded,
21 pictorial, artistic, or other form that is submitted to a sponsor
22 showing full or partial completion of an assigned task. "Work
23 product" includes, but is not limited to, a term paper, thesis,
24 dissertation, essay, report, and responses to an exam.

25

26 2. a. An organization or person shall not, for a fee or other
27 compensation:

28 (1) prepare, advertise to prepare, offer to prepare, or cause to be
29 prepared any work product for or on behalf of a learner;

30 (2) sell, advertise to sell, offer to sell, or cause to be sold any
31 work product to a learner; or

32 (3) complete or otherwise perform an assigned task for or on
33 behalf of a learner, whether in whole or in part, with the knowledge,
34 or under circumstances in which the organization or person should
35 reasonably have known, that the work product or the completion of
36 the assigned task will be submitted by or on behalf of the learner as
37 the learner's own work for credit.

38 b. An organization or person shall not advertise the sale or
39 other distribution of, or sell or otherwise distribute, a confidential
40 examination or assignment, or any portion or detailed description of
41 the contents thereof, with the knowledge, or under circumstances in
42 which the organization or person should reasonably have known,
43 that doing so is in violation of the rights of a sponsor.

44

45 3. a. A disclaimer or contractual language between a
46 learner and an organization or person providing services to the
47 learner shall not exempt the organization or person from the
48 provisions of this act.

1 b. A disclaimer or contractual language includes, but is not
2 limited to, a statement that:

3 (1) the learner will not use any work product in completing all
4 or part of the assigned tasks;

5 (2) the learner has not been required to complete the assigned
6 tasks personally; or

7 (3) the provision of the work product or completion of the
8 assigned tasks by the person or organization has been approved by
9 the sponsor.

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11 4. a. An organization or person who violates the
12 provisions of this act shall be liable to a civil penalty of up to
13 \$5,000 per violation to be collected in a summary proceeding
14 pursuant to the "Penalty Enforcement Law of 1999," P.L.1999,
15 c.274 (C.2A:58-10 et seq.). The Superior Court shall have
16 jurisdiction of proceedings for the enforcement of the penalty
17 provided by this section.

18 b. In addition to the civil penalty established in subsection a. of
19 this section, upon a finding that a violation of section 2 of this act
20 has been committed, the court shall award to the prevailing party
21 for each violation:

22 (1) liquidated damages of \$2,500 or actual damages, whichever
23 is greater;

24 (2) reasonable attorneys' fees and costs, including expert witness
25 fees and other litigation expenses; and

26 (3) other relief, including an injunction and punitive damages,
27 as the court may deem appropriate.

28 c. An action to enforce the provisions of this act may be
29 brought by:

30 (1) the Attorney General; or

31 (2) a sponsor aggrieved by a violation of this act.

32 d. A second violation of section 2 of this act shall be a
33 disorderly persons offense. A third or subsequent violation shall be
34 a fourth degree crime.

35 e. In an action under this act, a court shall preserve the secrecy
36 of an alleged confidential exam or assignment by reasonable means,
37 including, but not limited to:

38 (1) granting a protective order in connection with discovery
39 proceedings;

40 (2) holding in-camera hearings;

41 (3) sealing the records of the action; and

42 (4) ordering any person involved in the litigation not to disclose
43 an alleged confidential exam or assignment without prior court
44 approval.

45
46 5. Nothing in this act shall:

47 a. prevent any person or organization from providing tutorial
48 assistance, research material, information, or other assistance to a

1 learner, provided that the provision of such is expressly permitted
 2 by the sponsor and the person or organization providing the
 3 assistance has reasonable belief that the work product will not be
 4 represented as the learner's own work; or

5 b. be construed to preempt or in any way limit, diminish, or
 6 imply the absence of rights of any party, public or private, against
 7 any person or entity in connection with the provisions of this act.

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9 6. This act shall take effect immediately.

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STATEMENT

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14 This bill prohibits organizations or persons from advertising,
 15 selling, or distributing assigned tasks, assignments, and
 16 examinations with the knowledge that the work product will be
 17 submitted as a learner's own work. The bill defines a learner as a
 18 person whose performance on one or more assigned tasks will be
 19 evaluated for credit and includes, but is not limited to, students,
 20 candidates for professional certification and licensure, test takers,
 21 examinees, and workforce skills trainees.

22 The bill provides that a disclaimer between the learner and the
 23 organization or person, including a statement that the learner will
 24 not use any work product in completing all or part of the assigned
 25 task, does not exempt the organization or person from the
 26 provisions of the bill. The bill also restricts the sale or distribution
 27 of confidential exams or assignments.

28 The bill establishes a penalty of up to \$5,000 for a violation of
 29 the bill's provisions. A second violation is a disorderly persons
 30 offense, and a third or subsequent violation is a fourth degree crime.
 31 A disorderly persons offense is punishable by a term of
 32 imprisonment of up to six months, a fine of up to \$1,000, or both.
 33 A fourth degree crime is punishable by a term of imprisonment of
 34 up to 18 months, a fine of up to \$10,000, or both. The bill provides
 35 exceptions for tutorial help or research material allowed by the
 36 sponsor, defined by the bill as a school, university, or licensing or
 37 credentialing body, and authorizes courts to preserve the secrecy of
 38 any confidential exam or assignment.