

ASSEMBLY BILL NO. 395—ASSEMBLYWOMAN GIUNCHIGLIANI

MARCH 24, 2005

Referred to Committee on Education

SUMMARY—Prohibits use of false or misleading degrees.
(BDR 34-125)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to education; prohibiting the use or attempted use of a false or misleading degree or honorary degree granted by a private entity or public postsecondary educational institution and the use or attempted use of a degree or honorary degree granted by such an entity or institution in a false or misleading manner; providing a penalty; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 394 of NRS is hereby amended by adding thereto a new section to read as follows:

1. It is unlawful for a person knowingly to use or attempt to use:

(a) A false or misleading degree or honorary degree conferred by a private entity, regardless of whether that entity is located in this State and regardless of whether that entity is authorized to operate in this State; or

(b) A degree or honorary degree conferred by a private entity in a false or misleading manner, regardless of whether that entity is located in this State and regardless of whether that entity is authorized to operate in this State,



1 ↪ in connection with admission to any institution of higher
2 education or in connection with any business, employment,
3 occupation, profession, trade or public office.

4 2. Unless a greater penalty is provided by specific statute, a
5 person who violates the provisions of this section is guilty of a
6 misdemeanor and shall be punished by a fine of not more than
7 \$5,000 or by imprisonment in the county jail for not more than 6
8 months, or by both fine and imprisonment.

9 3. In addition to any criminal penalty imposed pursuant to
10 subsection 2, a person who violates the provisions of this section is
11 subject to a civil penalty in an amount not to exceed \$5,000 for
12 each violation. The Attorney General or any district attorney of
13 this State may recover the penalty in a civil action brought in the
14 name of the State of Nevada in any court of competent
15 jurisdiction.

16 4. For the purposes of this section, a degree or honorary
17 degree is false or misleading or is used in a false or misleading
18 manner if it:

19 (a) States or suggests that the person named in the degree or
20 honorary degree has completed the requirements of an academic
21 or professional program of study in a particular field of endeavor
22 beyond the secondary school level and the person has not, in fact,
23 completed the requirements of the program of study;

24 (b) Is offered as his own by a person other than the person
25 who completed the requirements of the program of study; or

26 (c) Is awarded, bestowed, conferred, given, granted, conveyed
27 or sold:

28 (1) Based upon more than 10 percent of the recipient's
29 documented life experience and not based upon actual completion
30 of academic work;

31 (2) By a person or entity located in this State in violation of
32 this chapter, as determined by the Commission; or

33 (3) By a person or entity located outside this State which
34 would be a violation of this chapter if the person or entity were
35 located in this State, as determined by the Commission.

36 5. As used in this section:

37 (a) "Degree" has the meaning ascribed to it in NRS 394.620.

38 (b) "Honorary degree" has the meaning ascribed to it in
39 NRS 394.620.

40 **Sec. 2.** NRS 394.125 is hereby amended to read as follows:

41 394.125 It is the policy of this State to encourage and enable its
42 ~~[citizens]~~ residents to receive an education commensurate with their
43 respective talents and desires. The Legislature recognizes that
44 privately owned institutions offering elementary, secondary and
45 postsecondary education and vocational and professional instruction



perform a necessary service to the ~~{citizens}~~ *residents* of this State. It is the purpose of this chapter to provide for the protection, education and welfare of the ~~{citizens}~~ *residents* of the State of Nevada, its educational, vocational and professional institutions, and its students, by:

1. Establishing minimum standards concerning quality of education, ethical and business practices, health and safety, and fiscal responsibility, to protect against substandard, transient, unethical, deceptive or fraudulent institutions and practices;

2. Prohibiting the granting of false or misleading educational credentials;

3. *Prohibiting the use or attempted use of false or misleading degrees and honorary degrees and the use or attempted use of degrees and honorary degrees in a false or misleading manner;*

4. Regulating the use of academic terminology in naming or otherwise designating educational institutions;

~~{4.}~~ 5. Prohibiting misleading literature, advertising, solicitation or representation by educational institutions or their agents;

~~{5.}~~ 6. Providing for the preservation of essential academic records; and

~~{6.}~~ 7. Providing certain rights and remedies to the consuming public and the Commission and the Board necessary to effectuate the purposes of this chapter.

Sec. 3. Chapter 396 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *It is unlawful for a person knowingly to use or attempt to use:*

(a) *A false or misleading degree or honorary degree conferred by the System or another public postsecondary educational institution, regardless of whether that institution is located in this State and regardless of whether that institution is authorized to operate in this State; or*

(b) *A degree or honorary degree conferred by the System or another public postsecondary educational institution in a false or misleading manner, regardless of whether that institution is located in this State and regardless of whether that institution is authorized to operate in this State,*

↪ in connection with admission to any institution of higher education or in connection with any business, employment, occupation, profession, trade or public office.

2. *Unless a greater penalty is provided by specific statute, a person who violates the provisions of this section is guilty of a misdemeanor and shall be punished by a fine of not more than*



1 \$5,000 or by imprisonment in the county jail for not more than 6
2 months, or by both fine and imprisonment.

3 3. In addition to any criminal penalty imposed pursuant to
4 subsection 2, a person who violates the provisions of this section is
5 subject to a civil penalty in an amount not to exceed \$5,000 for
6 each violation. The Attorney General or any district attorney of
7 this State may recover the penalty in a civil action brought in the
8 name of the State of Nevada in any court of competent
9 jurisdiction.

10 4. For the purposes of this section, a degree or honorary
11 degree is false or misleading or is used in a false or misleading
12 manner if it:

13 (a) States or suggests that the person named in the degree or
14 honorary degree has completed the requirements of an academic
15 or professional program of study in a particular field of endeavor
16 beyond the secondary school level and the person has not, in fact,
17 completed the requirements of the program of study;

18 (b) Is offered as his own by a person other than the person
19 who completed the requirements of the program of study; or

20 (c) Is awarded, bestowed, conferred, given, granted, conveyed
21 or sold:

22 (1) Based upon more than 10 percent of the recipient's
23 documented life experience and not based upon actual completion
24 of academic work; or

25 (2) In violation of this chapter.

26 5. As used in this section:

27 (a) "Degree" has the meaning ascribed to it in NRS 394.620.

28 (b) "Honorary degree" has the meaning ascribed to it in
29 NRS 394.620.

30 Sec. 4. NRS 205.420 is hereby amended to read as follows:

31 205.420 Every person who ~~{shall conduct}~~ **conducts** any
32 business or ~~{perform}~~ **performs** any act under color of, or ~~{file}~~ **files**
33 for record with any public officer, any false or fraudulent permit,
34 license ~~{, diploma}~~ or writing, or any permit, license ~~{, diploma}~~ or
35 writing not lawfully belonging to such person, or who ~~{shall obtain}~~
36 **obtains** any permit, license ~~{, diploma}~~ or writing by color or aid of
37 any false representation, pretense, personation, token or writing ~~{,~~
38 ~~shall be}~~ **is** guilty of a gross misdemeanor.

39 Sec. 5. This act becomes effective on July 1, 2005.

