

SJM 2 STAFF MEASURE SUMMARY

Carrier: Sen. Wagner

**Senate Committee On Judiciary and Ballot Measure 110
Implementation**

Action Date: 03/31/21
Action: Do adopt.
Vote: 4-3-0-0
Yeas: 4 - Dembrow, Gelser, Manning Jr, Prozanski
Nays: 3 - Heard, Linthicum, Thatcher
Fiscal: No fiscal impact
Revenue: No revenue impact
Prepared By: Amie Fender-Sosa, Counsel
Meeting Dates: 2/24, 3/10, 3/31

WHAT THE MEASURE DOES:

Urges Congress to amend the 13th Amendment to the United States Constitution and end the racist legacy of slavery by removing the "except as punishment" clause and that it explicitly declare that neither slavery nor involuntary servitude may be imposed as a punishment for a crime.

ISSUES DISCUSSED:

- Prisoner exception clause as constitutionally provided slavery
- Convict leasing replaced slavery
- Shame versus dignity and correlation to rehabilitation and reintegration
- 13th Amendment

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

The 13th amendment, which formally abolished slavery in the United States, passed the Senate on April 8, 1864, and the House on January 31, 1865. On February 1, 1865, President Abraham Lincoln approved the Joint Resolution of Congress to submit the proposed amendment to the states. The necessary number of states ratified it by December 6, 1865. The 13th amendment to the United States Constitution provides that "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction."

Although slavery was formally abolished in the United States in 1865, after the Civil War, new criminal offenses known as "Black codes," were created to criminalize formerly enslaved Blacks, thereby ensuring their freedom would be limited and they could continue to be used as cheap labor. In many states those Black codes later gave way to Jim Crow Laws.

Lawmakers in D.C. and in several states have pushed to remove what is known as the slavery loophole from the United States Constitution. With the passage of the 13th amendment, not all types of involuntary servitude were made illegal. Companies like Whole Foods, Victoria's Secret, and Walmart, have used prison labor programs for free or cheap labor, but these programs are also considered by some as a means of promoting trade skills and rehabilitation.

Senate Joint Memorial 2 urges Congress to remove the "punishment" clause from the 13th amendment which allows slavery or involuntary servitude to be punishment for a crime.