

SJR 10 A STAFF MEASURE SUMMARY

Carrier: Rep. Dexter

House Committee On Rules**Action Date:** 06/18/21**Action:** Do adopt the A-Eng measure.**Vote:** 6-1-0-0**Yeas:** 6 - Drazan, Fahey, Holvey, Salinas, Smith Warner, Zika**Nays:** 1 - Bonham**Fiscal:** Fiscal impact issued**Revenue:** No revenue impact**Prepared By:** Melissa Leoni, LPRO Analyst**Meeting Dates:** 6/18**WHAT THE MEASURE DOES:**

Proposes amendment to the Oregon Constitution to remove language allowing slavery and involuntary servitude for punishment of a crime when a party has been duly convicted. Refers proposed amendment to the people for approval or rejection at next regular general election. States that upon conviction for a crime, a convicted person may be ordered by a court or probation or parole agency to engage in alternatives to incarceration as part of sentencing for a crime, to provide accountability, reformation, protection of society or rehabilitation. States that individuals who are convicted of a crime benefit from being fully engaged in productive activity, and that those who are incarcerated and perform labor, participate in training or educational opportunities develop motivation, work capabilities, and cooperation. Further states that section 41 of the Oregon Constitution authorizes compensation for labor, and that the purpose of this constitutional amendment is not to withdraw opportunities, but to work in tandem with section 41, while removing the stain of slavery and involuntary servitude from the state.

ISSUES DISCUSSED:

- State and U.S. Constitutional provisions
- Other states addressing similar provisions
- Whether there are impacts to Department of Corrections and county sheriffs' programs
- Voluntary versus mandatory work programs

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Section 34, Article I of the Oregon Constitution states, "There shall be neither slavery, nor involuntary servitude in the State, otherwise than as a punishment for crime, whereof the party shall have been duly convicted." This mirrors the language of the 13th Amendment to the United States Constitution. Several states have removed or have begun the process to remove similar language, known as the slavery loophole, from their constitutions, including Colorado, Nebraska, and Utah.

Senate Joint Resolution 10 A proposes an amendment to the Oregon Constitution to remove language allowing slavery and involuntary servitude in all circumstances, including as punishment for a crime, while clarifying that a convicted person may still be ordered by a court or probation or parole agency to engage in alternatives to incarceration.