A-Engrossed

Senate Joint Resolution 10

Ordered by the House June 1
Including House Amendments dated June 1

Sponsored by Senators MANNING JR, FREDERICK, WAGNER; Senators DEMBROW, GELSER, RILEY, STEINER HAYWARD, Representatives BYNUM, CAMPOS, DEXTER, FAHEY, GRAYBER, MCLAIN, MEEK, NOSSE, PHAM, REYNOLDS, SOLLMAN, VALDERRAMA, WILDE, WILLIAMS (at the request of former Representative Tiffiny Mitchell) (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Proposes amendment to Oregon Constitution to prohibit slavery and involuntary servitude in all circumstances. **Authorizes court or probation or parole agency to order convicted person to engage in education, counseling, treatment, community service or other alternative to incarceration.**

Refers proposed amendment to people for their approval or rejection at next regular general election.

JOINT RESOLUTION

1 Whereas the Oregon Constitution has prohibited slavery and involuntary servitude, which is the coerced service of one individual for the benefit of another, since 1857; and

2 Whereas the Constitution's prohibition on slavery and involuntary servitude contains antiquated language that on its face creates an exception to the prohibition on slavery and involuntary servitude; and

3 Whereas in a just society that respects human dignity and the exercise of free will, there must be no exception to an unqualified and absolute prohibition on slavery and involuntary servitude; and

4 Whereas Oregon and the United States are examining past instances of discrimination and are striving to undo foundational and historical barriers that perpetuate the injustice and unfairness of discrimination; and

5 Whereas a state constitution is a foundational element of governance in a civil society and therefore no place for remnants of historical language that perpetuates principles of discrimination and racial intolerance; and

6 Whereas the voters of this state recognized in adopting section 41, Article I, of the Oregon Constitution (section 41), that individuals who are convicted of a crime benefit from being fully engaged in productive activity so as to successfully re-enter society with practical skills and a viable work ethic; and

7 Whereas section 41 envisions persons who are incarcerated performing labor at correctional institutions or pursuant to work release programs, participating in training and participating in educational opportunities, all of which develop motivation, work capabilities and cooperation; and

8 Whereas section 41 authorizes compensation for labor and describes several types of jobs or related training that those who are incarcerated may perform; and

9 Whereas because work provides myriad individual and collective benefits, the purpose of this

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.

New sections are in **boldfaced** type.

LC 1359
proposed constitutional amendment is not to withdraw legitimate opportunities to work from individuals who have been convicted of a crime; and

Whereas section 41 and this proposed constitutional amendment may operate in tandem to achieve positive outcomes for persons who are incarcerated or who re-enter society while more fully and completely removing the stain of slavery and involuntary servitude from this state; now, therefore,

Be It Resolved by the Legislative Assembly of the State of Oregon:

PARAGRAPH 1. Section 34, Article I of the Constitution of the State of Oregon, is amended to read:

Sec. 34. (1) There shall be neither slavery[,] nor involuntary servitude in this state [the State, otherwise than as a punishment for crime, whereof the party shall have been duly convicted]. [-]

(2) Upon conviction of a crime, an Oregon court or a probation or parole agency may order the convicted person to engage in education, counseling, treatment, community service or other alternatives to incarceration, as part of sentencing for the crime, in accordance with programs that have been in place historically or that may be developed in the future, to provide accountability, reformation, protection of society or rehabilitation.

PARAGRAPH 2. The amendment proposed by this resolution shall be submitted to the people for their approval or rejection at the next regular general election held throughout this state.