

## Enrolled

# Senate Joint Resolution 10

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

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

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

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

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

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

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

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

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

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

---

Adopted by Senate April 15, 2021

Readopted by Senate June 24, 2021

---

Lori L. Brocker, Secretary of Senate

---

Peter Courtney, President of Senate

Adopted by House June 22, 2021

---

Tina Kotek, Speaker of House