

SJR 10 STAFF MEASURE SUMMARY

Carrier: Sen. Manning Jr

**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: Fiscal impact issued
Revenue: No revenue impact
Prepared By: Amie Fender-Sosa, Counsel
Meeting Dates: 2/24, 3/10, 3/31

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.

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:

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.

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.

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. 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 proposes an amendment to the Oregon Constitution to remove language allowing slavery and involuntary servitude in all circumstances, including as punishment for a crime.