

SJR 10 A STAFF MEASURE SUMMARY

House Committee On Judiciary

Action Date: 05/24/21

Action: Be adopted with amendments and be referred to Rules. (Printed A-Eng.)

Vote: 9-0-1-0

Yeas: 9 - Bynum, Helm, Kropf, Lewis, Morgan, Noble, Power, Wallan, Wilde

Exc: 1 - Dexter

Fiscal: Fiscal impact issued

Revenue: No revenue impact

Prepared By: Amie Fender-Sosa, Counsel

Meeting Dates: 5/6, 5/13, 5/24

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:

- Intent of the measure
- Sentencing alternatives to incarceration
- Department of Corrections (DOC) work and training policies, operations, and programs
- Definitions of slavery and involuntary servitude
- Wages/rates of pay for working adults in custody

EFFECT OF AMENDMENT:

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. Modifies whereas clauses to include that voters of this state recognized in adopting section 41, Article I of the Oregon Constitution, 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. States that section 41 authorizes compensation for labor, and that the purpose of this amendment is not to withdraw those opportunities, but to work in tandem with section 41, while removing the stain of slavery and involuntary servitude from the state.

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

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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.