

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 Tiffany Mitchell) (Pre-session 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
2 Whereas the Oregon Constitution has prohibited slavery and involuntary servitude, which is the
3 coerced service of one individual for the benefit of another, since 1857; and

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

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

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

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

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

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

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

24 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.

1 proposed constitutional amendment is not to withdraw legitimate opportunities to work from indi-
2 viduals who have been convicted of a crime; and

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

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

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

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

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

17
18 **PARAGRAPH 2.** The amendment proposed by this resolution shall be submitted to the
19 **people for their approval or rejection at the next regular general election held throughout**
20 **this state.**