

To: Committee on the Recompilation of the Constitution

From: Othni Lathram

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Re: Involuntary Servitude

Nineteen other states currently have provisions in their constitution similar to Section 32 of the Alabama Constitution regarding involuntary servitude for the punishment of a crime. Three states have ratified amendments removing such language since 2018 and one state legislature has passed a proposed amendment to do pending ratification in 2022. The listing, language, and citations set forth below.

States with language and no pending action:

- Alabama: That no form of slavery shall exist in this state; and there shall not be any involuntary servitude, otherwise than for the punishment of crime, of which the party shall have been duly convicted. *Alabama Constitution, Section 32*
- Arkansas: There shall be no slavery in this State, nor involuntary servitude, except as a punishment for crime. No standing army shall be kept in time of peace; the military shall, at all times, be in strict subordination to the civil power; and no soldier shall be quartered in any house, or on any premises, without the consent of the owner, in time of peace; nor in time of war, except in a manner prescribed by law. *Arkansas Constitution, Article 2, Section 25*
- California: Slavery is prohibited. Involuntary servitude is prohibited, except to punish crime. *Article I, Section 6*
- Georgia: There shall be no involuntary servitude within the State of Georgia except as a punishment for crime after legal conviction thereof or for contempt of court. *Article I, Section 1 Paragraph XXII*
- Indiana: There shall be neither slavery, nor involuntary servitude, within the State, otherwise than for the punishment of crimes, whereof the party shall have been duly convicted. *Article 1, Section 37*
- Iowa: There shall be no slavery in this State; nor shall there be involuntary servitude, unless for the punishment of crime. *Article I, Section 23*
- Kansas: There shall be no slavery in this state; and no involuntary servitude, except for the punishment of crime, whereof the party shall have been duly convicted. *Article I, Section 6*
- Kentucky: Slavery and involuntary servitude in this state are forbidden, except as a punishment of crimes, whereof the party shall have been duly convicted. *Article I, Section 25*

- Louisiana: No person shall be denied the equal protection of the laws. No law shall discriminate against a person because of race or religious ideas, beliefs, or affiliations. No law shall arbitrarily, capriciously, or unreasonably discriminate against a person because of birth, age, sex, culture, physical condition, or political ideas or affiliations. Slavery and involuntary servitude are prohibited, except in the latter case as punishment for crime. *Article I, Section 3*
- Michigan: Neither slavery nor involuntary servitude, unless for the punishment of crimes, shall ever be tolerated in this State. *Article I, Section 9*
- Minnesota: No member of this state shall be disfranchised or deprived of any of the rights or privileges secured to any citizen thereof, unless by the law of the land or the judgement of his peers. There shall be neither slavery nor involuntary servitude in the state, otherwise than as punishment for a crime of which the party has been convicted. *Article I, Section 2*
- Mississippi: There shall be neither slavery nor involuntary servitude in this State, otherwise than in the punishment of crime, whereof the party shall have been duly convicted. *Article 3, Section 15*
- Nevada: Neither slavery nor involuntary servitude, unless for the punishment of crimes, shall ever be tolerated in this State. *Article 1, Section 17*
- North Carolina: Slavery is forever prohibited. Involuntary servitude, except as a punishment for crime whereof the parties have been adjudged guilty, is forever prohibited. *Article 1, Section 17*
- North Dakota: Neither slavery nor involuntary servitude, unless for the punishment of crimes, shall ever be tolerated in this State. *Article 1, Section 17*
- Ohio: There shall be no slavery in this state; nor involuntary servitude, unless for the punishment of crime. *Article I, Section 6*
- Oregon: There shall be neither slavery nor involuntary servitude in the State, otherwise than for the punishment of crime, of which the party shall have been duly convicted. *Article 1, Section 34*
- Rhode Island: Slavery shall not be permitted in this State. *Article I, Section 4*
- Vermont: That all men are born equally free and independent, and have certain natural, inherent, and unalienable rights, amongst which are the enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining happiness and safety; therefore no person born in this country, or brought from over sea, ought to be holden by law, to serve any person as a servant, slave or apprentice, after he arrives to the age of twenty-one years, unless he is bound by his own consent, after he arrives to such age, or bound by law for the payment of debts, damages, fines, costs, or the like. *Chapter I, Article 1*
- Wisconsin: There shall be neither slavery, nor involuntary servitude in this state, otherwise than for the punishment of crime, of which the party shall have been duly convicted. *Article I*

Amendment pending:

- Tennessee: That slavery and involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, are forever prohibited in this state.

Article 1, Section 33 (Amendment to remove exception is pending for ratification vote in 2022)

Amended to remove:

- Colorado: There shall never be in this state either slavery or involuntary servitude. *Colorado Constitution Article 2, Section 26 (Amended 2018)*
- Nebraska: There shall be neither slavery nor involuntary servitude in this state. Article I, Section 2 (a 2020 amendment to remove the exception was)
- Utah: Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within this State. Article I, Section 21 (a 2020 amendment to remove the exception was approved)