

CONSTITUTIONAL AMENDMENT

C

Shall the Utah Constitution be amended to make the following changes to the Utah Constitution's ban on slavery and involuntary servitude:

- remove the language that allows slavery and involuntary servitude as punishment for a crime; and
- clarify that the ban does not affect the otherwise lawful administration of the criminal justice system?

Ballot Title

FOR

AGAINST

Legislative Votes

Utah Senate

26 Yes 0 No 3 Not Present

Utah House of Representatives

69 Yes 0 No 6 Not Present

Bill Title & Session

2019 Legislative General Session
House Joint Resolution (H.J.R.) 8
*Proposal to Amend Utah
Constitution -- Slavery and
Involuntary Servitude Prohibition*

IMPARTIAL ANALYSIS

Current Provisions of the Utah Constitution

Under the current Utah Constitution, slavery and involuntary servitude are banned, except as punishment for a crime for which a person has been convicted. Involuntary servitude is when a person is forced to work for another person. It is not involuntary servitude if the person can choose not to do the work.

Effect of Constitutional Amendment C

Constitutional Amendment C removes the exception allowing slavery and involuntary servitude as punishment for a crime.

The Amendment also clarifies that the ban on slavery and involuntary servitude does not affect the otherwise lawful administration of the criminal justice system. For example, the Amendment does not impact the ability of a court to sentence someone to prison as punishment for a crime or the ability of prisoners to participate in prison work programs.

Effective Date

If approved by voters, Constitutional Amendment C takes effect on January 1, 2021.

Fiscal Effects

The Legislative Fiscal Analyst has determined that Constitutional Amendment C will have no fiscal effect and will not result in any increase or decrease in revenue or cost to the state or to local governments.

CONSTITUTIONAL AMENDMENT C

ARGUMENT IN FAVOR

Many Utahns are surprised to learn that the concept of slavery is still found in Utah's constitution. The language, copied from the original US Constitution, has been in Utah's Constitution since before statehood in 1895. We believe that it is well past time that we should remove it.

Slavery is not a Utah value. It should not exist in any form, even in our prison system. Yet, the State Constitution still hints that slavery or involuntary servitude is acceptable as punishment for a crime. We believe this concept is wrong, outdated, and should be removed from our State Constitution. Whatever we may think the criminal justice system should be about, we think it should not be about slavery.

Working with the State's Department of Corrections, we believe removing this exception for slavery and involuntary servitude from the State Constitution will not harm the State's corrections system. This amendment would not apply to the otherwise lawful administration of any other aspect of the State's criminal justice system. Many other states have no explicit mention of slavery in their constitutions. And others that have voted to remove similar language condoning slavery have experienced no negative impacts to their corrections systems.

By voting for this amendment, Utahans are signaling that we no longer accept this hurtful and outdated language to exist in our most important legal document. It also properly aligns our Constitutional language with the values of the vast majority of our citizens. Additionally, by removing slavery from our Utah constitution, we can also continue a conversation to examine what our prison/corrections system really ought to be.

Join us in voting FOR Amendment C to abolish the language of slavery in Utah's Constitution once and for all!

- Representative Sandra Hollins and Senator Jacob Anderegg

No rebuttal was submitted to the argument in favor of Constitutional Amendment C.
No argument was submitted against Constitutional Amendment C.

FULL TEXT OF CONSTITUTIONAL AMENDMENT C

PROPOSAL TO AMEND UTAH CONSTITUTION -- SLAVERY AND INVOLUNTARY SERVITUDE PROHIBITION

2019 General Session

Utah Constitution Sections Affected:

AMENDS:

ARTICLE I, SECTION 21

Be it resolved by the Legislature of the state of Utah, two-thirds of all members elected to each of the two houses voting in favor thereof:

Section 1. It is proposed to amend Utah Constitution, Article I, Section 21, to read:

Article I, Section 21. [Slavery and involuntary servitude forbidden -- Limitation.]

~~(1) Neither slavery nor involuntary servitude[, except as a punishment for crime, whereof the party shall have been duly convicted,] shall exist within this State.~~

~~(2) Subsection (1) does not apply to the otherwise lawful administration of the criminal justice system.~~

Section 2. **Submittal to voters.**

The lieutenant governor is directed to submit this proposed amendment to the voters of the state at the next regular general election in the manner provided by law.

Section 3. **Contingent effective date.**

If the amendment proposed by this joint resolution is approved by a majority of those voting on it at the next regular general election, the amendment shall take effect on January 1, 2021.