
Amendment A
Prohibit Slavery and Involuntary Servitude in All Circumstances

ANALYSIS

Amendment A proposes amending the Colorado Constitution to:

- ◆ remove language that currently allows slavery and involuntary servitude to be used as punishment for the conviction of a crime.

Summary and Analysis

Definitions. "Slavery," as defined by Black's Law Dictionary, is a situation in which one person has absolute power over the life, fortune, and liberty of another person. The U.S. Supreme Court has defined "involuntary servitude" as a condition of servitude in which one person is forced to work for another person by the use or threat of physical restraint or physical injury, or by the use or threat of coercion through law or the legal process.

U.S. and Colorado Constitutions. The 13th Amendment to the U.S. Constitution prohibits slavery and involuntary servitude, except as punishment for a crime for which a person has been convicted. The Supreme Court has ruled that the 13th Amendment's prohibition of involuntary servitude does not prohibit a state from requiring a person to fulfill duties that the person owes to the state. The amendment gives the U.S. Congress the power to enforce the amendment through legislation.

Article II, Section 26 of the Colorado Constitution also prohibits slavery and involuntary servitude, except as punishment for a crime for which a person has been convicted. Amendment A removes this exception, clarifying that slavery and involuntary servitude are prohibited in all circumstances.

*For information on those issue committees that support or oppose the measures on the ballot at the **November 6, 2018**, election, go to the Colorado Secretary of State's elections center web site hyperlink for ballot and initiative information: <http://www.sos.state.co.us/pubs/elections/Initiatives/InitiativesHome.html>*

Argument For

- 1) This measure eliminates slavery and involuntary servitude in all circumstances.

Argument Against

- 1) The measure can be viewed as making a change to the Colorado constitution that is redundant.

Estimate of Fiscal Impact

The measure may minimally impact state and local government revenue, costs, and workload if court filings increase due to offenders filing additional lawsuits.