ASSEMBLY RESOLUTION No. 58

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:
Assemblywoman ANGELA V. MCKNIGHT
District 31 (Hudson)

SYNOPSIS

Urges Congress to propose amendment to United States Constitution to prohibit use of slavery or indentured servitude for individuals convicted of crime.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.

AN ASSEMBLY RESOLUTION respectfully urging Congress to propose an amendment to the United States Constitution to prohibit the use of slavery or indentured servitude for individuals convicted of a crime.

WHEREAS, The Thirteenth Amendment to the United States Constitution was adopted in 1865, and is commonly understood to have abolished slavery and indentured servitude in the United States; and

WHEREAS, The Thirteenth Amendment reads: "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction"; and

WHEREAS, The Thirteenth Amendment did not completely abolish slavery and indentured servitude, but rather allowed both slavery and indentured servitude to remain legal as punishments for individuals convicted of a crime; and

WHEREAS, Twenty-Five percent of the worlds incarcerated population, roughly 2.3 million people, currently reside in the United States; and

WHEREAS, Nearly 20 percent of federal prisoners and seven percent of state prisoners are held in private correctional facilities; and

WHEREAS, The private correctional facility industry is a $4.8 billion industry; and

WHEREAS, In order to make a profit, private correctional facilities often rely on low cost labor provided by prison workers; and

WHEREAS, According to the Seventh Circuit Appeals Court, prison workers are not entitled to receive the minimum wage under the "Fair Labor Standards Act," and the average working inmate's wage is 93 cents per hour; and

WHEREAS, Incarcerated workers in states such as South Carolina and Texas are not paid for the work that they are forced to perform; and

WHEREAS, According to the Solidarity Research Center, the California prison system made a $58 million profit from the work of prison inmates, where 4,000 California prison workers earn $2 per day; and

WHEREAS, Most of the work performed by incarcerated individuals does not develop skills that are translatable to the labor market outside of prison; and

WHEREAS, Therefore, it is appropriate for Congress to adopt an amendment to the United States Constitution to prohibit the use of slavery and indentured servitude for incarcerated individuals; now, therefore,

BE IT RESOLVED *by the General Assembly of the State of New Jersey:*

1. This House urges Congress to propose an Amendment to the United States Constitution to prohibit the use of slavery, indentured servitude, and involuntary servitude within the United States or any of its territories.

2. Copies of this resolution as filed with the Secretary of State shall be transmitted by the Clerk of the General Assembly to the President of the United States Senate, the Speaker of the United States House of Representatives, and each member of Congress elected from this State.

STATEMENT

This resolution respectfully urges Congress to amend the United States Constitution to prohibit the use of slavery or indentured servitude for individuals convicted of a crime. It is commonly understood that the Thirteenth Amendment to the United States Constitution abolished slavery and indentured servitude. However, the Thirteenth Amendment makes an exception for the use of slavery and indentured servitude as punishments for individuals convicted of a crime.

The average wage for a working incarcerated individual is a mere 93 cents per hour. The work that is typically required of incarcerated individuals does not prepare or develop skills that are necessary for employment in the labor market outside of prison. The work provides neither a sufficient wage to prepare for life outside of prison, nor skills necessary to obtain work upon release. Therefore Congress should amend the United States Constitution to prohibit the use of slavery and indentured servitude for incarcerated individuals.