



URGENT ITEM AGENDA MATERIAL

Government Code Section 54954.2(b)
Rules of Procedure Chapter III.C.5

THIS ITEM IS NOT YET AGENDIZED AND MAY OR MAY NOT BE ACCEPTED FOR THE AGENDA AS A LATE ITEM, SUBJECT TO THE CITY COUNCIL'S DISCRETION ACCORDING TO BROWN ACT RULES

Meeting Date: October 15, 2024

Item Description: Urgency Resolution: Adopt a resolution in support of Proposition 6, which will appear on the California general election ballot on November 5th, 2024, and distribute copies to the Governor of California, the Speaker of the California Assembly, the President pro Tempore of the California State Senate, and other appropriate state and local officials to advocate for its passage.

This item is submitted pursuant to the provision checked below:

- Emergency Situation (54954.2(b)(1) - majority vote required)
Determination by a majority vote of the legislative body that an emergency situation exists, as defined in Section 54956.5.
- Immediate Action Required (54954.2(b)(2) - two-thirds vote required)
There is a need to take immediate action and the need for action came to the attention of the local agency subsequent to the agenda for this meeting being posted.

Once the item is added to the agenda (Consent or Action) it must be passed by the standard required vote threshold (majority, two-thirds, or 7/9).

Facts supporting the addition of the item to the agenda under Section 54954.2(b) and Chapter III.C.5 of the Rules of Procedure:

Proposition 6 is on the November 5th, 2024, California election ballot. A request to pass this resolution was received on October 7th. The council meeting on October 15th is the second to last scheduled regular City Council meeting before the 2024 general election. The last Council meeting on October 29th is too close to election day. Proposition 6 and this urgent resolution reaffirm the City's commitment to fully prohibiting slavery and involuntary servitude under any circumstances, reinforcing both California's and the City of Berkeley's dedication to human rights and dignity for all.

October 11, 2024



Igor Tregub
Councilmember, District 4

CONSENT CALENDAR
OCTOBER 15, 2024

To: Honorable Mayor and Members of the City Council

From: Councilmember Igor Tregub (Author), Councilmember Cecilia Lunaparra (Co-Author) and Mayor Jesse Arreguin (cosponsor)

Subject: Resolution in Support of Proposition 6 to Amend Article 1, Section 6 of the California Constitution

RECOMMENDATION

Adopt a resolution in support of Proposition 6, which will appear on the California general election ballot on November 5th, 2024, and distribute copies to the Governor of California, the Speaker of the California Assembly, the President pro Tempore of the California State Senate, and other appropriate state and local officials to advocate for its passage.

CURRENT SITUATION AND ITS EFFECTS

Currently, the California Constitution states that “slavery is prohibited” with the exception that “involuntary servitude as a punishment for crime” may still be practiced. Forced labor under the guise of punishment for a crime is a vestige of slavery. California is currently one of only 16 states that still retains this exception in its constitution, perpetuating a practice that should have been eradicated with the abolition of slavery.

Proposition 6 seeks to amend Article 1, Section 6 of the California Constitution to remove the exception clause, fully prohibiting slavery and involuntary servitude under any circumstances, thereby reaffirming California's commitment to human rights and dignity.

October 11, 2024

Proposition 6 was placed on the ballot by an act of the California State Legislature (ACA 8, Wilson (2024)).¹

FISCAL IMPACTS OF RECOMMENDATION

Minimal staff time associated with communicating the City Council's position.

ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects or opportunities associated with the subject of this report.

CONTACT PERSON

Councilmember Igor Tregub

Council District 4 510-981-7140

Attachments:

1. Resolution
2. Fact Sheet

¹ <https://legiscan.com/CA/text/ACA8/id/3012776>

RESOLUTION NO. ##,###N.S.

RESOLUTION IN SUPPORT OF PROPOSITION 6 TO AMEND ARTICLE 1, SECTION 6 OF THE CALIFORNIA CONSTITUTION

WHEREAS, Article 1, Section 6 of the California Constitution currently states that "slavery is prohibited" with the exception that "involuntary servitude as a punishment for crime" may still be practiced; and

WHEREAS, the exception clause permits the continued exploitation of labor from incarcerated individuals, which disproportionately impacts people of color, particularly Black and Indigenous communities, and perpetuates systemic racial inequalities; and

WHEREAS, forced labor under the guise of punishment for crime is a vestige of slavery, a system that the United States Constitution's 13th Amendment sought to abolish, yet left this harmful exception intact, effectively allowing slavery by another name; and

WHEREAS, California is currently one of only 16 states that still retains this exception in its constitution, perpetuating a practice that should have been eradicated with the abolition of slavery; and

WHEREAS, Proposition 6 seeks to amend Article 1, Section 6 of the California Constitution to remove the exception clause, fully prohibiting slavery and involuntary servitude under any circumstances, thereby reaffirming California's commitment to human rights and dignity; and

WHEREAS, the passage of Proposition 6 aligns with the principles of justice and fairness, ensuring that no individual, regardless of their legal status, can be subjected to involuntary servitude as a means of punishment; and

WHEREAS, ending this exception would set a national example, showing that California stands firmly against all forms of slavery and upholds the fundamental belief in equality and freedom for all; and

WHEREAS, there is no formal opposition to Proposition 6, and its passage would only strengthen California's justice system by promoting rehabilitation over exploitation; and

WHEREAS, a broad coalition of civil rights organizations, faith leaders, labor unions, legal experts, and formerly incarcerated individuals have voiced their strong support for Proposition 6 and the removal of the slavery exception from California's Constitution; and

WHEREAS, this Council recognizes the importance of historical accountability and the responsibility to dismantle the legacies of systemic injustice embedded in our state and nation's legal framework;

October 11, 2024

NOW, THEREFORE, BE IT RESOLVED, that the Berkeley City Council hereby declares its support for Proposition 6, which amends Article 1, Section 6 of the California Constitution to remove the exception clause permitting involuntary servitude as punishment for a crime, effectively ending all vestiges of slavery in the state; and

BE IT FURTHER RESOLVED, that the City Council directs its Clerk to send copies of this resolution to the Governor of California, the Speaker of the California Assembly, the President pro Tempore of the California State Senate, and other appropriate state and local officials to advocate for the passage of Proposition 6.

PASSED AND ADOPTED by the City Council of Berkeley on this 15 day of October, 2024, by the following vote:



PROPOSITION 6

Eliminates Constitutional Provision Allowing Involuntary Servitude for Incarcerated Persons. Legislative Constitutional Amendment.

ANALYSIS OF MEASURE

BACKGROUND

“Involuntary Servitude” Banned Except as a Punishment for Crime. The California Constitution bans involuntary servitude except as a punishment for crime. The Constitution does not define involuntary servitude. However, involuntary servitude commonly refers to forcing people to work against their will.

Some People in State Prison and County Jail Work. People in prison and jail can be required to work or do other activities such as taking classes. Work includes jobs like cooking, cleaning, or other tasks needed to run prisons and jails. Roughly one-third of people in prison work. Many of these workers are paid less than \$1 per hour. Workers can also earn “time credits” that reduce the amount of time they serve in prison or jail. People who refuse to work or do other activities can face consequences such as losing the ability to make regular phone calls.

Proposal

Bans Involuntary Servitude as a Punishment for Crime. Proposition 6 changes the Constitution to ban involuntary servitude as a punishment for crime. It also bans state prisons from disciplining people who refuse to work. However, Proposition 6 states it does not stop prisons from giving people time credits for working.

FISCAL EFFECTS

Potential Increase or Decrease in State and Local Criminal Justice Costs. The fiscal effects of Proposition 6 on state and local criminal justice costs are uncertain. This is because it would depend on how Proposition 6 would change rules around work for people in state prison and county jail and how people would respond to those changes. For example, if people in prison and jail no longer face consequences for refusing to work, prisons and/or jails might have to find other ways to encourage working. If this is done by increasing pay, costs would increase. If this is done by giving more time credits instead, costs would decrease because people would serve

less time. **Any potential increase or decrease in state and local criminal justice costs likely would not exceed the tens of millions of dollars each year (annually).** This amount is less than one-half of 1 percent of the state's total General Fund budget. (The General Fund is the account the state uses to pay for most public services, including education, health care, and prisons.)

YES/NO STATEMENT

A **YES** vote on this measure means: Involuntary servitude would not be allowed as punishment for crime. State prisons would not be allowed to discipline people in prison who refuse to work.

A **NO** vote on this measure means: Involuntary servitude would continue to be allowed as punishment for crime.

SUMMARY OF LEGISLATIVE ANALYST’S ESTIMATE OF NET STATE AND LOCAL GOVERNMENT FISCAL IMPACT

- Potential increase or decrease in state and local criminal justice costs, depending on how rules around work for people in state prison and county jail change. Any effect likely would not exceed the tens of millions of dollars annually.

BALLOT LABEL

Fiscal Impact: Potential increase or decrease in state and local costs, depending on how work for people in state prison and county jail changes. Any effect likely would not exceed the tens of millions of dollars annually.



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WHEREAS, the passage of Proposition 6 aligns with the principles of justice and fairness, ensuring that no individual, regardless of their legal status, can be subjected to involuntary servitude as a means of punishment; and

WHEREAS, ending this exception would set a national example, showing that California stands firmly against all forms of slavery and upholds the fundamental belief in equality and freedom for all; and

WHEREAS, there is no formal opposition to Proposition 6, and its passage would only strengthen California’s justice system by promoting rehabilitation over exploitation; and

WHEREAS, a broad coalition of civil rights organizations, faith leaders, labor unions, legal experts, and formerly incarcerated individuals have voiced their strong support for Proposition 6 and the removal of the slavery exception from California’s Constitution; and

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