

File No. 230782

Committee Item No. _____

Board Item No. 60

COMMITTEE/BOARD OF SUPERVISORS

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Committee: _____

Date: _____

Board of Supervisors Meeting

Date: July 11, 2023

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OTHER

- Assembly Constitutional Amendment No. 8 - 2/17/23
- CSAC and LCC Standing
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Prepared by: Lisa Lew

Date: July 7, 2023

Prepared by: _____

Date: _____

1 [Supporting Assembly Constitutional Amendment No. 8 (Wilson) - End Slavery in California
2 Act]

3 **Resolution supporting Assembly Constitutional Amendment No. 8, introduced by**
4 **Assembly Member Lori Wilson, to prohibit slavery in any form, including forced labor**
5 **as a punishment to a crime.**

6
7 WHEREAS, Article 1, Section 6 of the California Constitution states, “There shall be no
8 slavery in this state; nor involuntary servitude, unless for the punishment of crime;” and

9 WHEREAS, Black, Latino, Brown, Asian and Pacific Islander, Indigenous people, and
10 other people of color have been disproportionately affected by these laws and, at current, are
11 incarcerated at the highest rates across the nation and within the State of California; and

12 WHEREAS, Incarcerated people in California are subject to inhumane forced labor and
13 exploitation of their bodies including fighting wildfires, and manufacturing and packaging
14 products that benefit our own state agencies including the Department of Motor Vehicles, the
15 Department of Health Care Services, and more; and

16 WHEREAS, Incarcerated people are not properly compensated for their labor and are
17 forced to into dangerous working conditions under threat of punishment; and

18 WHEREAS, Last year, over 65% of incarcerated people in California reported being
19 forced to work in prison, doing vital jobs like firefighting and paving roads while governments
20 and private companies generate and save, collectively, at least one billion dollars each year
21 from their labor; and

22 WHEREAS, In 2022, incarcerated workers made up 43% of the state’s fire fighters, but
23 even after some were released from prison, they were barred from serving as firefighters; and

24 WHEREAS, California has a history of sanctioning slavery and involuntary servitude
25 including forcing the return of enslaved people back to slave owners in states where slavery

1 was legal through the Fugitive Slave Act, passing the Act for the Government and Protection
2 of Indians, which established the legal slavey and involuntary servitude of Indigenous
3 children, and enacting laws that created and allowed a slave labor system to permeate
4 throughout the state of California during the Gold Rush; and

5 WHEREAS, California has adopted racist stances throughout its history including
6 refusing to ratify the 14th and 15th Amendments of the Constitution of the United States, the
7 internment of Japanese citizens in World War II, and the constitutional ban on employment of
8 Chinese or Mongolian descent; and

9 WHEREAS, California has repealed these laws and ultimately ratified the 14th and
10 15th Amendments as a recognition of the racism and immorality of these laws and declared
11 that these provisions are relics of the past that have no place in California's legal code; and

12 WHEREAS, It is clear that Article 1 Section 6 of the California Constitution as it is
13 currently written is not consistent with the current legislative, judicial, and executive intent of
14 modern California law and fails to unequivocally prohibit the inhumane practice of slavery and
15 involuntary servitude; and

16 WHEREAS, The people seek the same protections for incarcerated people as
17 nonincarcerated people to be free from oppressive constitutional statutes and eliminate the
18 exception of using slavery and indentured servitude as punishment of crime; and

19 WHEREAS, The people seek to update and remove outdated constitutional language
20 that better reflects California's spirit and values, freedom and liberties, and end the vestiges of
21 slavery that continue to put Black, Latino, and other people of color into involuntary servitude
22 in California; and

23 WHEREAS, The San Francisco Board of Supervisors passed Resolution No. 66-20 on
24 August 21, 2020, declaring anti-Black racism as a human rights and public health crisis in San
25 Francisco and requesting that City and County of San Francisco departments and agencies

1 advocate for local, state, regional, and federal anti-racist policies that advance efforts to
2 dismantle systemic racism; and

3 WHEREAS, The San Francisco Board of Supervisors unanimously passed Resolution
4 No. 112-21 on March 9, 2021, supporting Assembly Constitutional Amendment No. 3,
5 authored by Assembly Member Sydney Kamlager, to denounce structural racism and any
6 vestiges of slavery, but this bill failed the two-thirds vote in the State Senate on August 31,
7 2022; and

8 WHEREAS, California is among 16 states with an “exception clause” for involuntary
9 servitude in its state constitution; and

10 WHEREAS, Assembly Constitution Amendment No. 8 (ACA 8), also known as the End
11 Slavery in California Act, introduced by Assembly Member Lori Wilson, is a second attempt to
12 eradicate the phrase “involuntary servitude except as a punishment to crime” from California’s
13 Constitution to truly abolish modern day slavery and forced labor in California; and

14 WHEREAS, ACA 8 has the support of several statewide organizations including the
15 Anti-Recidivism Coalition, Legal Services With Prisoners With Children, All Of Us Or None Of
16 Us and the Anti-Violence, Safety, and Accountability Project. Sisters Warriors Freedom
17 Coalition, and Communities United for Restorative Youth Justice; now, therefore, be it

18 RESOLVED, That the San Francisco Board of Supervisors supports Assembly
19 Constitutional Amendment No. 8, and urges its passage in the California State Legislature;
20 and, be it

21 FURTHER RESOLVED, That the San Francisco Board of Supervisors directs the Clerk
22 to submit a copy of this Resolution to the Speaker of the State Assembly, Assembly Member
23 Lori Wilson, and the members of San Francisco's legislative delegation, Senator Scott
24 Wiener, Assembly Members Matt Haney and Phil Ting.

25

Assembly Constitutional Amendment

No. 8

Introduced by Assembly Member Wilson

(Coauthors: Assembly Members Bonta, Bryan, Wendy Carrillo, Connolly, Gipson, Haney, Jackson, Kalra, Low, McCarty, McKinnor, Ortega, Papan, Blanca Rubio, Santiago, Ting, and Weber)

(Coauthors: Senators Bradford, Dodd, Durazo, Skinner, Smallwood-Cuevas, and Wiener)

February 17, 2023

Assembly Constitutional Amendment No. 8—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 6 of Article I thereof, relating to slavery.

LEGISLATIVE COUNSEL'S DIGEST

ACA 8, as introduced, Wilson. Slavery.

The California Constitution prohibits slavery and prohibits involuntary servitude, except as punishment to a crime.

This measure would instead prohibit slavery in any form, including forced labor compelled by the use or threat of physical or legal coercion.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

- 1 *Resolved by the Assembly, the Senate concurring,* That the
- 2 Legislature of the State of California at its 2023–24 Regular
- 3 Session commencing on the fifth day of December 2022, two-thirds
- 4 of the membership of each house concurring, hereby proposes to

1 the people of the State of California, that the Constitution of the
2 State be amended as follows:

3 That Section 6 of Article I thereof is amended to read:

4 SEC. 6. (a) Slavery *in any form* is prohibited. ~~Involuntary~~
5 ~~servitude is prohibited except to punish crime.~~

6 (b) *As used in this section, slavery includes forced labor*
7 *compelled by the use or threat of physical or legal coercion.*

From: [Gee, Natalie \(BOS\)](#)
To: [BOS Legislation, \(BOS\)](#)
Cc: [Walton, Shamann \(BOS\)](#)
Subject: Walton - Introduction - Resolution in Support of ACA 8
Date: Tuesday, June 27, 2023 4:44:56 PM
Attachments: [aca_8_99_1_bill.pdf](#)
[Introduction Form - ACA 8.pdf](#)
[Walton - Resolution ACA 8.doc](#)

Good afternoon Clerk Team,

Attached is Supervisor Walton's Introduction Form, Resolution in Support of ACA 8, and text of ACA 8.

We can confirm that this matter is routine and not contentious in nature, and of no special interest. We are requesting this item to be on the For Adoption Without Committee Reference Agenda.

The CSAC has a pending position for this bill and the LCC has a watch position.

Thank you,
Natalie

Natalie Gee 朱凱勤, Chief of Staff
Supervisor Shamann Walton, District 10
1 Dr. Carlton B. Goodlett Pl, San Francisco | Room 282
Direct: 415.554.7672 | **Office:** 415.554.7670
District 10 Community Events Calendar: <https://bit.ly/d10communityevents>

Introduction Form

(by a Member of the Board of Supervisors or the Mayor)



I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- 2. Request for next printed agenda (For Adoption Without Committee Reference)
(Routine, non-controversial and/or commendatory matters only)
- 3. Request for Hearing on a subject matter at Committee
- 4. Request for Letter beginning with "Supervisor inquires..."
- 5. City Attorney Request
- 6. Call File No. from Committee.
- 7. Budget and Legislative Analyst Request (attached written Motion)
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the Board on

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

- Yes No

(Note: For Imperative Agenda items (a Resolution not on the printed agenda), use the Imperative Agenda Form.)

Sponsor(s):

Subject:

Long Title or text listed:

Signature of Sponsoring Supervisor: