

File No. 210121

Committee Item No. 3

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Comm: Public Safety & Neighborhood Services

Date: February 25, 2021

Board of Supervisors Meeting:

Date: _____

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- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
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- Grant Budget
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- Contract/Agreement
- Form 126 – Ethics Commission
- Award Letter
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OTHER

- Assembly Constitutional Amendment No. 3 – December 18, 2020
- _____
- _____
- _____

Prepared by: John Carroll

Date: February 19, 2021

Prepared by: John Carroll

Date: _____

Prepared by: John Carroll

Date: _____

1 [Supporting California Assembly Constitutional Amendment 3 (Kamlager) - Involuntary
2 Servitude]

3 **Resolution supporting Assembly Constitutional Amendment 3, authored by Assembly**
4 **Member Sydney Kamlager, and denouncing structural racism and any vestiges of**
5 **slavery.**

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, California has a history of sanctioning slavery and involuntary servitude
19 including forcing the return of enslaved people back to slave owners in states where slavery
20 was legal through the Fugitive Slave Act, passing the Act for the Government and Protection
21 of Indians, which established the legal slavey and involuntary servitude of Indigenous
22 children, and enacting laws that created and allowed a slave labor system to permeate
23 throughout the state of California during the Gold Rush; and

24 WHEREAS, California has adopted racist stances throughout its history including
25 refusing to ratify the 14th and 15th Amendments of the Constitution of the United States, the

1 internment of Japanese citizens in World War II, and the constitutional ban on employment of
2 Chinese or Mongolian descent; and

3 WHEREAS, California has repealed these laws and ultimately ratified the 14th and
4 15th Amendments as a recognition of the racism and immorality of these laws and declared
5 that these provisions are relics of the past that have no place in California’s legal code; and

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

10 WHEREAS, The people seek the same protections for incarcerated people as non-
11 incarcerated people to be free from oppressive constitutional statutes and eliminate the
12 exception of using slavery and indentured servitude as punishment of crime; and

13 WHEREAS, The people seek to update and remove outdated constitutional language
14 that better reflects California’s spirit and values, freedom and liberties, and end the vestiges of
15 slavery that continue to put Black, Latino, and other people of color into involuntary servitude
16 in California; and

17 WHEREAS, The San Francisco Board of Supervisors passed Resolution 366-20 on
18 August 21, 2020 declaring anti-Black racism as a human rights and public health crisis in San
19 Francisco and requesting that City and County of San Francisco departments and agencies
20 advocate for local, state, regional, and federal anti-racist policies that advance efforts to
21 dismantle systemic racism; and

22 WHEREAS, Assembly Constitutional Amendment 3 (ACA 3), introduced by Assembly
23 Member Sydney Kamlager, will amend Article 1, Section 6 of the California Constitution to
24 remove the language “except for punishment for a crime” and prohibit slavery and involuntary
25 servitude without exception; now, therefore, be it

1 RESOLVED, That The San Francisco Board of Supervisors hereby supports ACA 3 to
2 amend the California Constitution, and urges both houses of the California State Legislature
3 to move this forward to the people of California for a vote; and, be it

4 FURTHER RESOLVED, The San Francisco Board of Supervisors formally denounces
5 structural racism and any vestiges of slavery operating within its jurisdiction and commits to
6 working with local, state, and national mechanisms reasonably employing means to create
7 and maintain an equitable, healthy, and safe environment for all Californians including those
8 impacted by laws and regulations which have been found outside of the spirit of California and
9 its lettered law; and, be it

10 FURTHER RESOLVED, That the Board of Supervisors hereby directs the Clerk of the
11 Board to transmit a copy of this Resolution to the California State Assembly and the California
12 State Senate as well as the Amendment's primary sponsor, Assembly Member Sydney
13 Kamlager.

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Assembly Constitutional Amendment

No. 3

Introduced by Assembly Member Kamlager

December 18, 2020

Assembly Constitutional Amendment No. 3—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 involuntary servitude.

LEGISLATIVE COUNSEL'S DIGEST

ACA 3, as introduced, Kamlager. Involuntary servitude.

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

This measure would remove that exception.

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 2021–22 Regular
3 Session commencing on the seventh day of December 2020,
4 two-thirds of the membership of each house concurring, hereby
5 proposes to the people of the State of California, that the
6 Constitution of the State be amended as follows:
7 That Section 6 of Article I thereof is amended to read:
8 SEC. 6. ~~Slavery is prohibited. Involuntary servitude is~~
9 ~~prohibited except to punish crime. and involuntary servitude are~~
10 ~~prohibited.~~

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Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

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

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor inquiries"
- 5. City Attorney Request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

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

Sponsor(s):

Haney, Walton

Subject:

Resolution - Supporting California Assembly Constitutional Amendment 3 (Kamlager) - Involuntary Servitude

The text is listed:

Resolution Supporting Assembly Constitutional Amendment 3, Authored by Assembly Member Sydney Kamlager and Denouncing Structural Racism and Any Vestiges Of Slavery

Signature of Sponsoring Supervisor: Matt Haney

For Clerk's Use Only