

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 128 Session of
2023

INTRODUCED BY KINSEY, KAZEEM, MADDEN, GIRAL, SCHLOSSBERG,
DELLOSO, SANCHEZ, HILL-EVANS, KENYATTA, WARREN, KHAN, BURGOS,
STEELE, FRANKEL AND GREEN, MAY 24, 2023

REFERRED TO COMMITTEE ON JUDICIARY, MAY 24, 2023

A RESOLUTION

1 Urging the Congress of the United States to pass a
2 constitutional amendment that provides that neither slavery
3 nor involuntary servitude may be imposed as a punishment for
4 a crime.

5 WHEREAS, Ratified in 1865, the Thirteenth Amendment to the
6 Constitution of the United States states, "Neither slavery nor
7 involuntary servitude, except as a punishment for crime whereof
8 the party shall have been duly convicted, shall exist within the
9 United States, or any place subject to their jurisdiction"; and

10 WHEREAS, The exception clause in the Thirteenth Amendment
11 created a loophole that has allowed for legal slavery to persist
12 in the United States of America; and

13 WHEREAS, After ratification of the Thirteenth Amendment,
14 states exploited this loophole by enacting laws, now commonly
15 referred to as "Black Codes," that allowed them to arrest and
16 imprison African Americans for minor offenses; and

17 WHEREAS, In addition, states engaged in convict leasing, a
18 practice where states leased prisoners to private contractors in

1 exchange for revenue; and

2 WHEREAS, The exception clause in the Thirteenth Amendment
3 facilitated and incentivized the over-incarceration of African
4 Americans and has led to our present moment where African
5 Americans are incarcerated at more than five times the rate of
6 White Americans; and

7 WHEREAS, Even as states have phased out convict leasing,
8 Federal law still requires all able-bodied Federal inmates to
9 work, pushing nearly 900,000 individuals into forced labor; and

10 WHEREAS, In recent years, voters in Colorado, Utah, Nebraska,
11 Alabama, Oregon, Tennessee and Vermont have approved ballot
12 measures to remove provisions in their respective state
13 constitutions that allowed for slavery and involuntary servitude
14 as a punishment for crime; and

15 WHEREAS, On June 18, 2021, United States Senator Jeff Merkley
16 and United States Representative Nikema Williams introduced a
17 proposed amendment to the Constitution of the United States that
18 reads, "Neither slavery nor involuntary servitude may be imposed
19 as a punishment for a crime"; and

20 WHEREAS, It is time for our nation to close this racist
21 loophole in the Constitution of the United States and end legal
22 slavery; therefore be it

23 RESOLVED, That the House of Representatives of the
24 Commonwealth of Pennsylvania urge the Congress of the United
25 States to pass a constitutional amendment that provides that
26 neither slavery nor involuntary servitude may be imposed as a
27 punishment for a crime; and be it further

28 RESOLVED, That a copy of this resolution be transmitted to
29 the President of the United States, the presiding officers of
30 each house of Congress and each member of Congress from

1 Pennsylvania.