

AMENDMENT A

Removal of Exception to Slavery in Colorado Constitution

Summary

This measure would amend the Colorado Constitution to ban the use of slavery in all forms as punishment for a crime.

Research

The following work practices are currently used in the Colorado criminal justice system:

- **Prison work:** Eligible inmates are expected to work, unless assigned to an approved education, training, or apprenticeship program, as part of [pre-release programs](#) that prepare inmates to reenter society successfully after release
- **Community service:** An inmate must work to fulfill a certain number of hours assigned at sentencing on top of or instead of paying fines or as a condition of probation
- **Probation:** The parolee may be required seek full-time employment or a full-time education or vocational program unless waived by the probation/parole officer

The [fiscal analysis](#) on the impact of this measure shows a likely increase in revenue, particularly to the General Fund and cash funds to the Judicial Department. The amendment is expected to have very little to no impact on state expenditures.

Amendment A passed out of the legislature without any dissent. An identical measure, Amendment T, also passed out of the legislature, but was defeated in the 2016 Colorado General Election. [Supporters of Amendment T](#) noted the amendment might have failed because the wording was so confusing, leading people to perhaps believe it would actually codify slavery. Furthermore, even though courts have routinely ruled prison practices incur no effect as the result of similar constitutional amendments in other states, those who knowingly voted no might have thought the measure would complicate or [change prison practices](#) or community service programs. Many other states have similar language in place, yet all these programs, including community service, still operate successfully.

The Colorado Department of Corrections hasn't taken a position on Amendment A, but in 2016, it [issued a statement](#) in reference to Amendment T. It asserted inmates voluntarily participate in any of the educational, work, or training programs, and in order to not lose out on certain privileges, inmates normally partake in these programs "but they aren't literally forced to work."

Inmates are often destitute upon release — allowing them to save money for their transition back to society seems only logical if the goal is to reduce their likelihood of returning to prison. Paying prisoners fair wages rather than working without pay allows them to afford basic needs like shelter, food, and self-care as they transition back productive members of society.

Arguments For

- Regardless of your status as an offender or not, we left slavery in all its forms behind long ago. This amendment reflects core values of freedom and equality that every single citizen deserves.
- There are 25 other states without any language related to slavery, and both prison work and community service programs still function successfully.

Proponents

Rep. Jovan Melton (D-41), Rep. Joseph Salazar (D-31), Sen. Angela Williams (D-33), and Sen. Larry Crowder (R-35) were the prime sponsors in the legislature. It [passed the legislature](#) unanimously. Several faith groups including Together Colorado and the Interfaith Alliance support it, as well as three [registered issue committees](#): Abolish Slavery Colorado, State Ballot Issue Committee, and Win the Fourth Colorado Issue Committee.

Arguments Against

- This language is merely symbolic and is in no way actually implemented today. Therefore, there is no need to go through the process of removing it from the Constitution.

Opponent

No opposition identified.

Recommendation: Support

When mass incarceration disproportionately affects people of color and particularly black men, as it does today, the provision currently existing in the Colorado Constitution is quite plainly racist and reminiscent of a period that the U.S. has hopefully left behind. Codifying language that bans slavery reaffirms our state's commitment to equality and freedom for all, no matter the circumstance. Everyone should be compensated appropriately for the work they do, which is why the Bell Policy Center supports this measure.