

**COUNTY OF SAN DIEGO  
BOARD OF SUPERVISORS  
TUESDAY, OCTOBER 08, 2024**

**MINUTE ORDER NO. 15**

**SUBJECT: A RESOLUTION IN SUPPORT OF PROPOSITION 6 TO AMEND ARTICLE 1, SECTION 6 OF THE CALIFORNIA CONSTITUTION (DISTRICTS: ALL)**

**OVERVIEW**

Prison labor has a long history in the United States penal system. In California, incarcerated people are paid little for performing difficult labor under threat of punishment. The California Penal Code currently “require[s] of every able-bodied prisoner imprisoned in any state prison as many hours of faithful labor in each day and every day during his or her term of imprisonment as shall be prescribed by the rules and regulations of the Director of Corrections.” Cal. Penal Code § 2700. Incarcerated persons who refuse to work sometimes face consequences such as losing the ability to make regular phone calls and the loss of good time credits, among other punitive measures. Proposition 6 would explicitly end this practice in California.

Article 1, Section 6 of the California Constitution states: “Slavery is prohibited. Involuntary servitude is prohibited *except to punish crime*.” Proposition 6 would amend this section and replace it with the following:

- (a) Slavery and involuntary servitude is prohibited.
- (b) The Department of Corrections and Rehabilitation shall not discipline any incarcerated person for refusing a work assignment.
- (c) Nothing in this section shall prohibit the Department of Corrections and Rehabilitation from awarding credits to an incarcerated person who voluntarily accepts a work assignment.
- (d) Amendments made to this section by the measure adding the subdivision shall become operative January 1, 2025.

The exploitation of prison labor is one example of the systemic issues that plague correctional facilities. California law currently allows incarcerated individuals to be subjected to inhumane treatment and abusive interactions resulting in trauma and impeding rehabilitation. Forced prison labor is one form of this. Black individuals make up a disproportionate share of California’s prison population-28% of men and 23% of women in California prisons are Black compared to 6% of California’s population overall. Passage of Proposition 6 would be a small but significant step toward fixing the abusive carceral system that disproportionately affects Black Californians and would eliminate a vestige of slavery that has remained codified in the California Constitution from 1849 through today.

Today, California is one of sixteen states with a penal exception loophole in its state constitution. In recent years, several states have taken action to remove penal exceptions from their state constitutions. In 2018, Colorado voters approved an initiative to remove a penal exception from their state constitution. Nebraska and Utah followed in 2020. In 2022, 76% of Alabama voters supported amending their state constitution to remove the penal exception. Voters in Oregon, Tennessee and Vermont did the same.

This Board Letter requests the San Diego County Board of Supervisors approve a resolution in support of Proposition 6 to amend Article 1, Section 6 of the California Constitution.

**RECOMMENDATION(S)**  
**SUPERVISOR MONICA MONTGOMERY STEPPE**

Adopt the resolution entitled: A RESOLUTION IN SUPPORT OF PROPOSITION 6 TO AMEND ARTICLE 1, SECTION 6 OF THE CALIFORNIA CONSTITUTION

**EQUITY IMPACT STATEMENT**

Removing the penal exception clause from the California Constitution eliminates a vestige of slavery from the California Constitution and bans forced labor in state prisons. The County of San Diego’s support of Proposition 6 demonstrates a commitment to promoting equity, justice, and inclusivity.

**SUSTAINABILITY IMPACT STATEMENT**

Supporting Proposition 6 will further the County of San Diego’s commitment to promoting justice for all San Diegans.

**FISCAL IMPACT**

There is no fiscal impact associated with this action. There will be no change in net General Fund cost and no additional staff years.

**BUSINESS IMPACT STATEMENT**

N/A

**ACTION:**

ON MOTION of Supervisor Montgomery Steppe, seconded by Supervisor Lawson-Remer, the Board of Supervisors took action as recommended, and adopted Resolution No. 24-122, entitled: RESOLUTION IN SUPPORT OF PROPOSITION 6 TO AMEND ARTICLE 1, SECTION 6 OF THE CALIFORNIA CONSTITUTION.

AYES: Anderson, Lawson-Remer, Montgomery Steppe, Desmond  
NOT PRESENT: Vargas

State of California)  
County of San Diego) §

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors.

ANDREW POTTER  
Clerk of the Board of Supervisors



Signed  
by Andrew Potter

