

PROPOSITION
6 **ELIMINATES CONSTITUTIONAL PROVISION ALLOWING
INVOLUNTARY SERVITUDE FOR INCARCERATED PERSONS.
LEGISLATIVE CONSTITUTIONAL AMENDMENT.**

OFFICIAL TITLE AND SUMMARY

PREPARED BY THE ATTORNEY GENERAL

The text of this measure can be found on page 97 and the Secretary of State's website at voterguide.sos.ca.gov.

- Amends the California Constitution to remove the current constitutional provision that allows jails and prisons to impose involuntary servitude to punish crime (*i.e.*, forcing incarcerated persons to work).
- Prohibits the California Department of Corrections and Rehabilitation from punishing incarcerated persons for refusing a work assignment. Allows incarcerated persons to voluntarily accept work assignments in exchange for credit to reduce their sentences.

**SUMMARY OF LEGISLATIVE ANALYST'S
ESTIMATE OF NET STATE AND LOCAL
GOVERNMENT FISCAL IMPACT:**

- Potential increase or decrease in state and local criminal justice costs, depending on how rules around work for people in state prison and county jail change. Any effect likely would not exceed the tens of millions of dollars annually.

FINAL VOTES CAST BY THE LEGISLATURE ON ACA 8 (PROPOSITION 6)
(CHAPTER 133, STATUTES OF 2024)

Senate:	Ayes 33	Noes 3
Assembly:	Ayes 68	Noes 0

ANALYSIS BY THE LEGISLATIVE ANALYST

BACKGROUND

“Involuntary Servitude” Banned Except as a Punishment for Crime. The California Constitution bans involuntary servitude except as a punishment for crime. The Constitution does not define involuntary servitude. However, involuntary servitude commonly refers to forcing people to work against their will.

Some People in State Prison and County Jail Work. People in prison and jail can be required to work or do other

activities such as taking classes. Work includes jobs like cooking, cleaning, or other tasks needed to run prisons and jails. Roughly one-third of people in prison work. Many of these workers are paid less than \$1 per hour. Workers can also earn “time credits” that reduce the amount of time they serve in prison or jail. People who refuse to work or do other activities can face consequences such as losing the ability to make regular phone calls.

PROPOSAL

Bans Involuntary Servitude as a Punishment for Crime. Proposition 6 changes the Constitution to ban involuntary servitude as a punishment for crime. It also bans state prisons from disciplining people who refuse to work. However, Proposition 6 states it does not stop prisons from giving people time credits for working.

FISCAL EFFECTS

Potential Increase or Decrease in State and Local Criminal Justice Costs.

The fiscal effects of Proposition 6 on state and local criminal justice costs are uncertain. This is because it would depend on how Proposition 6 would change rules around work for people in state prison and county jail and how people would respond to those changes. For example, if people in prison and jail no longer face consequences for refusing to work,

prisons and/or jails might have to find other ways to encourage working. If this is done by increasing pay, costs would increase. If this is done by giving more time credits instead, costs would decrease because people would serve less time. **Any potential increase or decrease in state and local criminal justice costs likely would not exceed the tens of millions of dollars each year (annually).** This amount is less than one-half of 1 percent of the state's total General Fund budget. (The General Fund is the account the state uses to pay for most public services, including education, health care, and prisons.)

Visit sos.ca.gov/campaign-lobbying/cal-access-resources/measure-contributions/2024-ballot-measure-contribution-totals for a list of committees primarily formed to support or oppose this measure.

Visit fppc.ca.gov/transparency/top-contributors.html to access the committee's top 10 contributors.