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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
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S.J.R. 5
133rd General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Sen. Thomas

Christopher Edwards, Attorney

SUMMARY

- Proposes to amend the Ohio Constitution to prohibit involuntary servitude as punishment for a crime.

DETAILED ANALYSIS

Involuntary servitude as punishment for crime

The resolution proposes to amend the Ohio Constitution to eliminate the exception that allows involuntary servitude as punishment for a crime. Thus, the amendment prohibits involuntary servitude as punishment for a crime.

Currently, the Ohio Constitution prohibits slavery and involuntary servitude, except that it permits involuntary servitude as punishment for a crime.¹

Election and effective date

The resolution specifies that the amendment will be submitted to the electors at the general election to be held on November 3, 2020. If adopted by a majority of electors voting on it, the amendment takes effect immediately.

Background – Thirteenth Amendment

The Thirteenth Amendment to the U.S. Constitution prohibits slavery and involuntary servitude, “except as a punishment for crime whereof the party shall have been duly convicted.”² As noted above, the Ohio Constitution contains a similar criminal punishment

¹ Ohio Constitution, Article I, Section 6.

² U.S. Constitution, Amendment XIII, Section 1.

exception to its ban against involuntary servitude.³ With respect to the Thirteenth Amendment’s criminal punishment exception, compelling a prisoner to work without pay does not violate the U.S. Constitution.⁴

HISTORY

Action	Date
Introduced	06-30-20

SJR-0005-133/ts

³ Ohio Const., art. I, sec. 6; *State ex rel. Carriger v. City of Galion*, 53 Ohio St.3d 250, 251 (1990).

⁴ *Thomas v. Slusher*, 2018 U.S. Dist. LEXIS 25916, 2018 WL 931301 (6th Cir. 2018) and *Murray v. Mississippi Dept. of Corr.*, 911 F.2d 1167, 1168 (5th Cir. 1990).