

Proposed amendment to the New Jersey Constitution, Article I, paragraph 24

Abolish Slavery National Network · Proposed text, September 2026 · Not yet introduced · abolishslavery.us/the-bill.html

TEXT

24. Slavery and involuntary servitude are prohibited. This prohibition applies in all circumstances, including as punishment for crime, and admits of no exception.

- (a) For purposes of this paragraph, slavery is the status or condition of a person over whom the State, a subdivision, or any other person or entity exercises, in whole or in part, the powers attaching to the right of ownership. The exercise of such powers includes, without limitation: using a person; managing the use of a person; profiting from the use of a person; appropriating the fruits or products of a person's labor; or transferring, disposing of, or degrading a person by treating them as an object of ownership. Any one of these is sufficient to constitute slavery where it is exercised over a person under control tantamount to possession, and confinement is such control. Legal title and total dominion over the person are not required; it is sufficient that a power attaching to the right of ownership is exercised over the person in fact. It makes no difference whether a power is exercised for public or private benefit, or whether the labor produces goods for sale or maintains the institution. No proof of intent or motive is required. Custody under law, standing alone, is not slavery. Custody confers the power to confine a person. It confers no power to use a person, manage or profit from that use, or take what the person's labor produces, and the compelled labor of a confined person is not an incident of custody. Neither custody nor a judgment of conviction precludes slavery where a power attaching to the right of ownership is exercised over the person, whether by means of the control that custody secures or otherwise.
- (b) Involuntary servitude is the condition in which a person is compelled to labor or render service by force, threat of force, physical restraint, abuse or threatened abuse of legal process, fraud, deception, or any scheme, plan, or pattern intended to cause the person to believe that nonperformance would result in serious harm or restraint of liberty. Serious harm means any harm, whether physical or nonphysical, including financial harm and the deprivation of a basic human need, that is sufficiently serious, under all the circumstances of confinement, to compel a reasonable person in the same circumstances to perform or continue labor or service to avoid it. The definitions in this paragraph are independent of one another. No element of involuntary servitude shall be required to establish slavery under subparagraph (a).
- (c) Nothing in this paragraph prohibits the voluntary labor of a confined person. Labor is voluntary only if the person gives informed consent and retains the unimpeded right to refuse or cease it

without penalty or loss of any right, privilege, benefit, opportunity, favorable classification, or condition of confinement, and the labor is performed under safe conditions. The loss, denial, or delay of any credit, reduction of sentence, release opportunity, or benefit conditioned upon the performance of labor constitutes a penalty for purposes of this subparagraph. Compensation, in any amount, does not establish that labor is voluntary or that no power attaching to the right of ownership was exercised. Labor or service performed for the State, a subdivision, or any other person or entity that is not voluntary under this subparagraph is prohibited by this paragraph, and the State, subdivision, person, or entity bears the burden of proving by clear and convincing evidence, without deference to the judgment of correctional officials, that each requirement of this subparagraph was satisfied. Labor that is voluntary under this subparagraph is not, by reason of the labor alone, the exercise of a power under subparagraph (a). A violation of this subparagraph requires no proof under subparagraph (a) or (b), and nothing in this subparagraph limits either.

- (d) No contract, agreement, or arrangement shall condition any payment, occupancy, or benefit upon the maintenance of a minimum number of confined persons or upon the availability of their labor.
- (e) This paragraph is self-executing and enforceable in the courts of this State whether or not the Legislature has acted to implement it. Any person subjected to a violation of this paragraph may bring a civil action and may obtain injunctive, declaratory, and monetary relief, including damages, restitution and disgorgement of any financial benefit derived from the violation, and reasonable attorney's fees and costs. The action is an original action in a trial division of the Superior Court. No administrative remedy need be exhausted before it is brought, and the availability of review of agency action does not bar or delay it. To be held in slavery is an injury in itself, and a claim under subparagraph (a) carries its own remedy. A person held in slavery is entitled to a judgment declaring that status, binding on the State, and to compensatory damages for the status itself, without proof of labor, loss, or compulsion, in addition to any other relief. Because relief under subparagraph (b) or (c) does not supply that remedy, a claim under subparagraph (a) is not rendered moot, unnecessary, or subject to discretionary refusal by relief available or awarded under those subparagraphs, and a person who brings such a claim may obtain a judgment determining whether the person was held in slavery. This remedy is in addition to any other remedy available at law or in equity.
- (f) Sovereign immunity shall not bar any action arising under this paragraph. No remedy may be denied on the ground of the immunity of the State, its counties, municipalities, or their agencies, officers, or employees. This subparagraph applies to qualified and good-faith immunity as well as sovereign immunity, and no notice requirement, limitation on liability, or restriction on remedies

under Title 59 of the New Jersey Statutes or any successor law shall bar, limit, or delay an action or remedy under this paragraph.

(g) Any law, regulation, or practice inconsistent with this paragraph is void to the extent of the conflict.

PUBLIC QUESTION

Do you approve amending the Constitution to prohibit slavery and involuntary servitude in all circumstances, including as punishment for crime, without exception?

INTERPRETIVE STATEMENT

This amendment bans slavery and involuntary servitude in New Jersey in every circumstance, including as punishment for a crime. The State Constitution has no such ban today. The amendment defines slavery as the United States has by treaty since 1929: exercising over a person the powers of an owner, whether or not anyone claims to own that person. The State may still confine a person convicted of a crime. It may not use that person as property, take what that person produces, or punish that person for refusing to be used. A person in custody may still choose to work. A person held in slavery may go to court for a judgment and damages, the State may not claim immunity, and laws and rules that conflict with the ban no longer apply. A "YES" vote adds this protection. A "NO" vote leaves the Constitution unchanged.

Paragraph-by-paragraph notes are on the web page. The definition in subparagraph (a) follows Article 1(1) of the 1926 Slavery Convention, to which the United States adhered on March 21, 1929. This text may be copied and circulated without permission.