# Model amendment: prohibition of slavery and involuntary servitude

Abolish Slavery National Network · Model text, November 2026 · abolishslavery.us/the-bill.html

## TEXT

**[Section number.]** 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 section, slavery is the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised. The exercise of such powers includes: 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. Possession alone is not slavery. Legal title and total dominion over the person are not required. 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.

(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 that would 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 psychological, financial, or reputational harm and the deprivation of a basic human need, that is sufficiently serious, under all the circumstances, to compel a reasonable person of the same background and in the same circumstances to perform or continue labor or service to avoid it. The definitions in this section are independent of one another.

(c) Labor or service performed for the State, a subdivision, or any other person or entity by a confined person, or by any person by reason of a charge, conviction, or sentence, that is not voluntary under this subsection is prohibited, and the State, subdivision, person, or entity bears the burden of proving by clear and convincing evidence, without deference, that the labor was voluntary. Labor or service includes any work, task, detail, chore, or program activity, however designated. Labor is voluntary only if the person retains the unimpeded right to refuse or cease it without penalty. A penalty includes any sanction imposed because a person refused or ceased labor, whatever the charge, order, or rule under which it is imposed, and the loss, denial, or delay

of any credit, reduction of sentence, or release opportunity conditioned upon labor. Labor that is voluntary under this subsection is not the exercise of a power under subsection (a). No consent, waiver, plea, agreement, or condition of sentence or supervision is a defense under this section.

(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 section is self-executing. Any person subjected to a violation of this section may bring a civil action and may obtain injunctive, declaratory, and monetary relief, including damages and reasonable attorney's fees and costs. The action is an original action in [the trial court of general jurisdiction]. 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 subsection (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. Those damages are measured by the duration of the status and the powers exercised and shall not be nominal. A person held in involuntary servitude is likewise entitled to a judgment declaring that condition and to compensatory damages for it. Because relief under one subsection does not supply the remedy of another, a claim under subsection (a) or (b) is not rendered moot, unnecessary, or subject to discretionary refusal by relief available or awarded under any other subsection, and a person who brings such a claim may obtain a judgment determining it. A judgment under this section is payable without further appropriation. A claim under this section may be brought while the status or condition continues, and the time to bring it does not begin to run until it ends. This remedy is in addition to any other remedy available at law or in equity.

(f) No immunity, including sovereign, qualified, and good-faith immunity, however denominated, shall bar, limit, or delay an action or remedy under this section. No notice requirement, limitation on liability, or restriction on remedies under [the State's tort claims and governmental immunity statutes] or any successor law shall bar, limit, or delay an action or remedy under this section. The State, a subdivision, or an entity is liable for a violation committed by its officers, employees, agents, or contractors, or by any person or entity to which it transfers, contracts, or commits a person in its custody or under its sentence, and this section protects such a person wherever held.

(g) Any law, regulation, rule, order, contract, or practice inconsistent with this section, whether adopted before or after this section takes effect, is void to the extent of the conflict.

## BALLOT QUESTION

Do you approve amending the Constitution to prohibit slavery and involuntary servitude in all circumstances, including as punishment for crime, without exception, so that the State may confine a person but may not exercise the powers of an owner over anyone?

## BALLOT SUMMARY

In 1929 the United States undertook, for every territory under its jurisdiction, to bring about the complete abolition of slavery in all its forms. This amendment keeps that undertaking. It bans slavery and involuntary servitude in [State] in every circumstance, including as punishment for a crime. 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 under law. It may not use that person or punish that person for refusing to be used. A person in custody or serving a sentence may still choose to work, including community service, and may stop. 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.

---

Each state supplies the names in brackets. The definition in subsection (a) follows Article 1(1) of the 1926 Slavery Convention, to which the United States adhered on March 21, 1929. Part-by-part notes are on the web page. This text may be copied and circulated without permission.