

## Appendix VI – States with Involuntary Servitude and Slavery (Slave Trade) in the State Constitution and in Statute

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Undocumented individuals who are victims of criminal activities covered by the U visa may be eligible to obtain legal status through the U visa program. As part of the U visa application process, an individual must obtain certification from a government agency confirming that the applicant was helpful, is being helpful, or was likely to be helpful to law enforcement, prosecutors, judges, or other government agency officials in the detection, investigation, prosecution, conviction, or sentencing of the criminal activity. Government agencies authorized to sign U visa certifications include the U.S. Department of Labor (“DOL”), the U.S. Equal Employment Opportunity Commission (“EEOC”), state labor enforcement agencies, police, prosecutors, child and adult protective services, and other government agencies with civil, criminal, or administrative investigative authority. According to the Department of Homeland Security (“DHS”), agencies can certify U visa applications based on an enumerated list of Qualifying Criminal Activity (“QCA”), and “any similar activity,” including “criminal offenses in which the nature and elements of the offenses are substantially similar to the statutorily enumerated list of criminal activities.”<sup>1</sup>

Involuntary servitude and slave trade laws vary from state to state. This chart catalogues states that have involuntary servitude<sup>2</sup> and slave trade<sup>3</sup> in the state constitution and in state statute and identifies potential U visa qualifying criminal activity that can fall within the relevant elements of the state’s constitution and statutes. The definitions used for the qualifying criminal activity comparisons are taken from federal law, model state codes, United States sentencing guidelines, and federal treatises. The applicable state statutory and constitutional language on involuntary servitude and slave trade is included below any other potentially applicable qualified criminal activities on the U visa list that DOL, EEOC, state labor departments, and any other certifiers may detect in the context of an involuntary servitude and slave trade investigations. This chart will also assist DHS adjudicators by providing a state-by-state tool that will facilitate understanding of the types of qualified criminal activities or similar activities present in cases involving state

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<sup>1</sup> 8 C.F.R. 214.14(a)(9).

<sup>2</sup> Involuntary Servitude – “Involuntary servitude means a condition of servitude induced by means of any scheme, plan, or pattern intended to cause a person to believe that, if the person did not enter into or continue in such condition, that person or another person would suffer serious harm or physical restraint; or the abuse or threatened abuse of legal process.” Bender’s Immigration Regulations Service § 214.11(a).

<sup>3</sup> Slave Trade – ““Slave trade” means and includes all acts involved in the capture, acquisition, or disposal of a person with intent to reduce him to slavery; all acts involved in the acquisition of a slave with a view to selling or exchanging him; all acts of disposal by sale or exchange of a person acquired with a view to being sold or exchanged; and, in general, every act of trade or transport in slaves by whatever means of conveyance.” 1956 U.S.T. 3201 § 1, Art. 7(c).

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constitutions and criminal statutes on involuntary servitude and slave trade. This chart will also assist attorneys and advocates working with involuntary servitude and slave trade victims in identifying a more complete list of U visa qualifying criminal activities that involuntary servitude and slave trade victims may also have suffered.

State	Statute	Potentially applicable QCAs for which DHS could certify based on state statutory language	Other potentially applicable QCAs for which DHS and DOL could certify based on state statutory language
Alabama	<u>Alabama Const. Art. 1, Sec. 32 – Slavery Prohibited; involuntary servitude.</u> That no form of slavery shall exist in this state; and there shall not be any <b>involuntary servitude</b> , otherwise than for the punishment of crime, of which the party shall have been duly convicted.		<u>Peonage</u> <sup>4</sup> “...there shall not be any involuntary servitude...”
California	<u>Cal Const, Art. I § 6 – Involuntary servitude</u> Slavery is prohibited. <b>Involuntary servitude</b> is prohibited except to punish crime.		<u>Peonage</u> “Involuntary servitude is prohibited...”
Georgia	<u>Ga. Const. Art. I, § I, Para. XXII – Involuntary servitude</u> There shall be no <b>involuntary servitude</b> within the State of Georgia except as a punishment for crime after legal conviction thereof or for contempt of court.		<u>Peonage</u> “There shall be no involuntary servitude...”
Indiana	<u>Const. Art. 1, § 37 – Slavery and involuntary servitude</u> There shall be neither slavery, nor involuntary servitude, within the State, otherwise than for the punishment of crimes, whereof the party shall have been duly convicted.		<u>Peonage</u> “There shall be neither...nor involuntary servitude...”
Iowa	<u>I.C.A. Const. Art. 1, § 23 – Slavery--<b>penal servitude</b></u> There shall be no slavery in this state; nor shall there be <b>involuntary servitude</b> , unless for the punishment of crime.		<u>Peonage</u> “...nor shall there be involuntary servitude...”

<sup>4</sup> Peonage – “Peonage means a status or condition of involuntary servitude based upon real or alleged indebtedness.” Bender’s Immigration Regulations Service § 214.11(a).

Kansas	<u>K.S.A. Const. Bill of Rights § 6 – Slavery prohibited; servitude for conviction of crime</u> There shall be no slavery in this state; and no involuntary servitude, except for the punishment of crime, whereof the party shall have been duly convicted.		<u>Peonage</u> “...and no involuntary servitude...”
Kentucky	<u>Ky Const § 25 Slavery and involuntary servitude forbidden</u> Slavery and involuntary servitude in this State are forbidden, except as a punishment for crime, whereof the party shall have been duly convicted.		<u>Peonage</u> “...involuntary servitude in this state [is] forbidden...”
Louisiana	<u>LSA-Const. Art. 1, § 3 – Right to Individual Dignity</u> No person shall be denied the equal protection of the laws. No law shall discriminate against a person because of race or religious ideas, beliefs, or affiliations. No law shall arbitrarily, capriciously, or unreasonably discriminate against a person because of birth, age, sex, culture, physical condition, or political ideas or affiliations. Slavery and <b>involuntary servitude</b> are prohibited, except in the latter case as punishment for crime.		<u>Peonage</u> “...involuntary servitude [is] prohibited...”
Michigan	<u>M.C.L.A. Const. Art. 1, § 9 – Slavery and involuntary servitude</u> Neither slavery, nor <b>involuntary servitude</b> unless for the punishment of crime, shall ever be tolerated in this state.		<u>Peonage</u> “Neither...nor involuntary servitude...shall ever be tolerated in this state.”
Mississippi	<u>MS Const. Art. 3, § 15 – Slavery and involuntary servitude prohibited; punishment for crime</u> There shall be neither slavery nor involuntary servitude in this state, otherwise than in the punishment of crime, whereof the party shall have been duly convicted.		<u>Peonage</u> “There shall be neither...nor involuntary servitude in this state...”
Nebraska	<u>Ne.Rev.St. CONST. Art. I, § 2 – Slavery prohibited</u> There shall be neither slavery nor <b>involuntary servitude</b> in this state, otherwise than for		<u>Peonage</u> “There shall be neither...nor involuntary servitude in this state...”

	punishment of crime, whereof the party shall have been duly convicted.		
Nevada	<p><u>N.R.S. Const. Art. 1, § 17 – Slavery and involuntary servitude prohibited</u> Neither Slavery nor involuntary servitude unless for the punishment of crimes shall ever be tolerated in this State.</p> <p><u>N.R.S. 200.465 – Assuming rights of ownership over another person; purchase or sale of person; penalty</u> A person who:</p> <ol style="list-style-type: none"> <li>1. Assumes or attempts to assume rights of ownership over another person;</li> <li>2. Sells or attempts to sell a person to another;</li> <li>3. Receives money or anything of value in consideration of placing a person in the custody or under the control of another;</li> <li>4. Buys or attempts to buy a person;</li> <li>5. Except as otherwise provided in chapter 127 of NRS, pays money or delivers anything of value to another in consideration of having a person placed in his or her custody or under his or her power or control; or</li> <li>6. Knowingly aids or assists in any manner a person who violates any provision of this section, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 5 years and a maximum term of not more than 20 years, and may be further punished by a fine of not more than \$50,000.</li> </ol>	<p><u>False Imprisonment<sup>5</sup></u> “Receives money or anything of value in consideration of placing a person in the custody or under the control of another...”</p> <p><u>Unlawful criminal restraint</u> “Receives money or anything of value in consideration of placing a person in the custody or under the control of another...”</p>	<p><u>Peonage</u> “Neither...nor involuntary servitude...shall ever be tolerated in this State.”</p>

<sup>5</sup> False Imprisonment – “...[K]knowingly restrain[ing] another unlawfully so as to interfere substantially with his liberty.” Model Penal Code § 212.3 (2001).

North Carolina	<u>N.C. Const. art. I, § 17 – Slavery and involuntary servitude</u> Slavery is forever prohibited. Involuntary servitude, except as a punishment for crime whereof the parties have been adjudged guilty, is forever prohibited.		<u>Peonage</u> “Involuntary servitude...is forever prohibited.”
North Dakota	<u>N. D. Const. Art. 1, § 6 – Involuntary Servitude</u> Neither slavery nor <b>involuntary servitude</b> , unless for the punishment of crime, shall ever be tolerated in this state.		<u>Peonage</u> “Neither...nor involuntary servitude...shall ever be tolerated in this state.”
Ohio	<u>Oh. Const. Art. I, § 6 – Slavery and involuntary servitude</u> There shall be no slavery in this state; nor <b>involuntary servitude</b> , unless for the punishment of crime.		<u>Peonage</u> “There shall be no...involuntary servitude...”
Oregon	<u>Ore. Const. Art. I, § 34 – Slavery or Involuntary Servitude</u> There shall be neither slavery, nor involuntary servitude in the State, otherwise than as a punishment for crime, whereof the party shall have been duly convicted.		<u>Peonage</u> “There shall be neither...not involuntary servitude in the State...”
Rhode Island	<u>R.I. Const. Art. I, § 4 – Slavery prohibited</u> Slavery shall not be permitted in this state.		
Tennessee	<u>Tenn. Const. Art I, § 33. Slavery</u> That slavery and <b>involuntary servitude</b> , except as a punishment for crime, whereof the party shall have been duly convicted, are forever prohibited in this State.		<u>Peonage</u> “...involuntary servitude...[is] forever prohibited in this State.”
Utah	<u>Utah Const. Art. 1, § 21— [Slavery forbidden]</u> Neither slavery nor <b>involuntary servitude</b> , except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within this State.		<u>Peonage</u> “...nor involuntary servitude...shall exist within this State.”

Wisconsin	<u>Wis. Const. Art. I, § 2 – Slavery prohibited</u> There shall be neither slavery, nor <b>involuntary servitude</b> in this state, otherwise than for the punishment of crime, whereof the party shall have been duly convicted.		<u>Peonage</u> “There shall be neither...nor involuntary servitude in this state...”
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