

SENATE CHAMBER
PROPOSED AMENDMENT TO THE CONSTITUTION
OF THE STATE OF VERMONT

Offered by: Senators White and Vyhovsky

Subject: General provisions; punishment at hard labor

PROPOSAL 2

Sec. 1. PURPOSE

(a) Since 1777, attitudes toward incarceration and the treatment of justice-involved individuals have changed considerably. The idea that the commission of crimes is effectively deterred “by continued visible punishments of long duration” is outmoded.

(b) This proposal would amend the Constitution of the State of Vermont to repeal the section calling for criminals to be punished at hard labor. Guidelines for the proper treatment of justice-involved individuals can, and should, continue to evolve; such methods should not be enshrined in a state’s constitution.

Sec. 2. Section 64 of Chapter II of the Vermont Constitution is amended to read:

§ 64. ~~[PUNISHMENT AT HARD LABOR, WHEN]~~

~~To deter more effectually from the commission of crimes, by continued visible punishments of long duration, and to make sanguinary punishments less necessary, means ought to be provided for punishing by hard labor, those who~~

~~shall be convicted of crimes not capital, whereby the criminal shall be employed for the benefit of the public, or for the reparation of injuries done to private persons: and all persons at proper times ought to be permitted to see them at their labor. [Repealed.]~~

Sec. 3. EFFECTIVE DATE

The amendment set forth in Sec. 2 shall become a part of the Constitution of the State of Vermont on the first Tuesday after the first Monday of November 2026 when ratified and adopted by the people of this State in accordance with the provisions of 17 V.S.A. chapter 32.