



## RESOLUTION OF THE SOUTH CAROLINA ACCESS TO JUSTICE COMMISSION

### Certificate of Action Taken by Consent

February 16, 2023

The members of the South Carolina Access to Justice Commission consent to adopt and take the following resolutions as the action of the Commission:

#### **Establishment of a Homeless Court Program in Rock Hill**

**WHEREAS** the Commission recognizes that certain members of the homeless population in South Carolina are in need of rehabilitative services and treatment for physical and mental health and to treat substance use disorders, and

**WHEREAS** the Commission recognizes that certain members of the homeless population in South Carolina have been charged with, and carry convictions for, minor criminal offenses within the jurisdiction of the City of Rock Hill, and

**WHEREAS** the Commission recognizes that the adjudication of these minor criminal offense can, at times, prevent the proper administration of justice specific to this segment of our state's homeless population and does not fully promote the necessary rehabilitation and treatment they need, and

**WHEREAS** the Commission recognizes that there is a significant need to provide rehabilitation and treatment to certain members of the homeless population in Rock Hill and that the establishment of a specialty Homeless Court program will meet this need and will promote the administration of justice in the City of Rock Hill, and

**WHEREAS** the Commission has supported the establishment of Homeless Court programs in a number of other cities in South Carolina, including Columbia, Charleston, Myrtle Beach, Florence, and Spartanburg.

**THEREFORE BE IT RESOLVED**, that the Commission supports the establishment of a Homeless Court program in Rock Hill, and recommends that the Supreme Court of South Carolina establish such a program to adjudicate minor criminal offenses against qualifying homeless participants according to the attached criteria proposed by the program partners in Rock Hill, and as may be modified at a later date.

The above resolutions are taken by a majority of the members of the South Carolina Access to Justice Commission as of February 16, 2023.

## Criteria for the Rock Hill Homeless Court Program

1. A person is considered “homeless” for purposes of the Homeless Court Program (HCP) if they are currently homeless, formerly homeless, or facing homelessness as a result of pending or past charges or bench warrants
2. The Solicitor has the gatekeeper function and discretion to admit or deny participation in the Homeless Court Program (HCP). No individual can participate in the HCP without authorization and consent of the Sixteenth Circuit Solicitor’s Office and/or the City of Rock Hill’s Solicitor’s Office.
3. The Court will look to providers to identify potential candidates and submit applications for the Court’s consideration. The ideal candidate is someone who is actively receiving assistance/treatment and is making progress towards their goals but has criminal convictions or charges that are posing barriers to re-entering society.
4. The HCP can address any offense within the Municipal Court’s jurisdiction except for:
  - Driving Under the Influence/DUAC
  - Assault & Battery 3rd Degree
  - Domestic Violence
5. The HCP will not handle any violent offenders with a victim at this time.
6. Anticipated Court process:
  - Participant makes application to the HCP through service provider.
  - The Solicitor and the Public Defender agree to the participation.
  - Participant is introduced at the initial Homeless Court session.
  - Public Defender and providers give monthly status updates during Homeless Court sessions as the participant progresses through treatment/service provider goals.
  - Once the participant meets their goals, the Homeless Court will assess whether to suspend fines, or expunge prior convictions at the recommendation of the Solicitor and Public Defender.
  - There will be a role for private attorneys’ legal services to play in assisting with clearing up civil issues such as identification, driver’s licenses, evictions, benefits, and other civil matters.
    - Providers are encouraged to look out for these issues as well so the Court can help connect the participant to the appropriate resource.
  - As the HCP is established and progresses, it is foreseeable that some of the criteria will need to be readdressed and may change as has become evident in many Homeless Courts across the Country.

### Jurisdiction of the Court

1. This program will be established in the City of Rock Hill, South Carolina Municipal Court creating a Homeless Court for minor criminal offenses properly filed and subject to jurisdiction and venue in the City of Rock Hill Municipal Court, or properly transferred to the City pursuant to §15-7-100 of the South Carolina Code of Laws.
2. In addition to her other duties, Municipal Judge Jane P. Modla will preside over the Rock Hill Homeless Court. Judge Modla may name successor judges as appropriate.
3. Upon a homeless participant's successful completion of the program, the Rock Hill Homeless Court Program will notify the Municipal Court. If a homeless participant fails to complete the program, or voluntarily withdraws, the participant's criminal charges will be referred back to the Municipal Court for disposition.