

# The Supreme Court of South Carolina

Re: Thirteenth Circuit New Start Substance Abuse  
Diversionary Program

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## ADMINISTRATIVE ORDER

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I find that the Thirteenth Judicial Circuit Solicitor's Office desires to offer drug rehabilitation services for non-violent offenders who have been charged with criminal offenses that are drug-related; and

I further find that the establishment of a substance abuse diversionary program for non-violent offenders charged with general sessions criminal offenses that are drug-related may assist in the reduction of drug addiction and a corresponding decrease in drug-related crime.

Therefore, at the request of the Thirteenth Judicial Circuit Solicitor, and pursuant to the provisions of Article V, Section 4 of the South Carolina Constitution,

IT IS ORDERED that the Thirteenth Circuit New Start Substance Abuse Diversionary Program (the Program) may be established as a pilot program in the Thirteenth Judicial Circuit for a period of one year [1] from the date of this Order. The Program shall operate at the direction of the Solicitor as set forth below:

A. Defendants who have been charged with one or more offenses that are drug-related, unaccompanied by any charges involving violence, may be eligible to participate in the Program. The determination of whether a Defendant is eligible based on the charge(s) against the defendant is in the discretion of the Thirteenth Circuit Solicitor or his designee. Participation in the Program is voluntary.

B. Defendants with drug-related offenses identified by the Solicitor or his designee as appropriate candidates, who consent to participation, shall apply for rehabilitation services with the Phoenix Center and FAVOR (Drug Rehabilitation Centers), which have developed an intensive, twelve-week out-patient rehabilitation program (the Program). The Program has been approved by the Solicitor. Should the Drug Rehabilitation Centers desire to amend the Program, such change shall be presented to, and subject to acceptance by, the Solicitor prior to any such change becoming effective. Any additional drug rehabilitation providers who wish to offer a similar twelve-week out-patient rehabilitation program may submit their program to the Solicitor for consideration and, if accepted, may also serve as a Drug Rehabilitation Center for the Program.

C. Upon admission to the Program, the drug-related charges shall be stayed pending completion of the twelve-week drug rehabilitation program. [2] Defendants will be required to pay a fee to be admitted to the Program; however, the fee may be waived upon a showing of indigency.

D. If a defendant successfully completes the Program, the applicable Drug Rehabilitation Center shall send a Certificate of Completion to the Thirteenth Circuit Solicitor's Office and, upon receipt

the defendant.

E. If the defendant fails to complete the rehabilitation program within the designated time period or is charged with another criminal offense prior to dismissal of the drug-related charge, the case shall be referred back to the Thirteenth Circuit Solicitor's Office for prosecution.

F. The Thirteenth Judicial Circuit Solicitor's Office shall maintain statistics concerning the effectiveness of the Program as required by South Carolina Code Ann. § 17-22-1120. The Thirteenth Circuit Solicitor's Office shall also track persons who have successfully completed the Program to evaluate the Program's efforts to reduce recidivism.

s/Donald W. Beatty  
Donald W. Beatty  
Chief Justice of South Carolina

Columbia, South Carolina  
April 18, 2017

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**[1]** If the Solicitor desires to extend this pilot program, the Solicitor shall submit a written request to my office, with a copy to the Clerk of the Supreme Court, not later than forty-five days prior to the conclusion of this pilot program.

**[2]** Charges that are not drug-related are unaffected by a defendant's participation in the Program, although the Solicitor may, in his discretion, elect to hold such charge(s) in abeyance pending the defendant's participation in the Program.