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New Lawsuit Challenges Criminalization of Homelessness in Missouri

St. Louis, Missouri – Homelessness in Missouri will become a criminal offense beginning January 1. Today, a critical lawsuit was filed challenging this criminalization of homelessness. Missouri recently passed a law, House Bill 1606, which will make it a crime for people to sleep or camp on public land. The lawsuit is seeking expedited relief in federal court to prevent this law from taking effect on January 1—if not stopped, hundreds of people experiencing homelessness will be at risk of unjust criminal prosecution.

Instead of providing much-needed housing to those who are struggling, the State of Missouri is punishing people for their poverty. Not only is this cruel—it's unconstitutional. The statute allows for one warning before an individual is cited for a violation; however, a single warning will prove futile if there is no safe alternative to sleep the next day. Assuming that each day of sleeping outside is a separate violation, sleeping outside for just a week could subject a homeless defendant to 105 days in jail and \$5,250 in fines.

Ronald Benson, a named Plaintiff in this case, is a disabled veteran who served 12 years in the Army Airborne. He is currently unemployed and sleeps on public land when shelters have proven overcrowded or unsafe. Mr. Benson is concerned that criminal prosecution for sleeping outside will affect his future ability to enroll in rental assistance programs and other public benefits, and that it will affect prospective employment opportunities. Given the lack of free, reliable, and safe housing options, Plaintiffs like Mr. Benson often have no choice but to sleep or camp on public land, and for this, they may be prosecuted, unless the law is stopped.

Equal Justice Under Law Under Law, along with local partners at The Cook Group, represent Plaintiffs in this case. Phil Telfeyan, Executive Director of Equal Justice Under Law, states, “When it comes to addressing the problem of homelessness, criminalization is not compassion; it is cruelty. In this instance, criminalization violates the constitutional rights of people who have no safe alternatives for housing.”

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Equal Justice Under Law is a legal nonprofit providing pro-bono legal services to those most in need. The organization is dedicated to achieving equality in our justice system by litigating against wealth-based discrimination. Since its founding in 2014, Equal Justice Under Law has filed 43 lawsuits in 17 states targeted at ending unequal practices in our justice system.