

THE PRETRIAL FAIRNESS ACT AND DOMESTIC VIOLENCE

Right now in Illinois, some people charged with Domestic Violence are released soon after they are arrested because they can afford to pay a cash bond. Meanwhile, people much less likely to endanger the community languish in jail because they do not have enough money to bail out.

*The **Pretrial Fairness Act takes money out of the equation** by ensuring pretrial decisions are made based on the likelihood the accused person may hurt someone if released, not on whether or not that person has money.*

CURRENT LAW	PRETRIAL FAIRNESS ACT
Money determines which people charged with domestic violence stay in jail.	The court decides whether or not releasing a person would pose a clear threat to the alleged victim.
State's Attorneys make their argument for whether a person should remain in jail with only a few minutes per case to prepare.	If a State's Attorney is concerned for the victim's safety and wants to jail the accused person, they have 24-48 hours to prepare for a hearing.
Only one, quick court date ("bond hearing") determines if person will be held in custody for domestic violence—much of what is discussed is the amount of money the accused can afford to pay.	When the State's Attorney asks for an accused person to be jailed, longer detention hearings focus on specific facts that relate to the safety of the victim(s) if the person is released, as well as for the judge to enter orders of protection and other conditions of release.
Some domestic violence survivors face internal and external pressure to bail out their abusers or have other family members bail them out.	Without money bail, all decisions about whether an accused person stays in jail or gets out are made by a judge and are not placed in the hands of the survivor or their family.
Some survivors of domestic violence are improperly arrested as perpetrators , which can cause them to sit in jail for weeks, months, or even years – just because they are unable to pay a money bond.	Every person facing jail gets a comprehensive hearing allowing for the defense to call witnesses and explain their side. If a person <i>is</i> jailed, the written order must explicitly state why the judge believed they posed a danger. That order can be appealed.
If an accused person becomes able to pay a money bond at any time while the case is pending, they are free to go—sometimes giving survivors little time to prepare a safety plan.	Because hearing will be comprehensive, a person must have a scheduled court date to request release while awaiting trial.



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