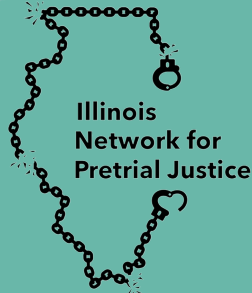


# THE PRETRIAL FAIRNESS ACT

ENDING MONEY BOND AND DRAMATICALLY REDUCING THE NUMBER OF PEOPLE INCARCERATED PRETRIAL IN ILLINOIS

 **Coalition to End Money Bond**

EndMoneyBond.org  
PretrialFairness.org



## KEY ACCOMPLISHMENTS OF THE PRETRIAL FAIRNESS ACT

On January 13, 2021, the Illinois legislature passed the Pretrial Fairness Act as part of the Illinois Legislative Black Caucus' criminal justice reform omnibus bill, the SAFE-T Act. The Pretrial Fairness Act was developed by advocates and organizers in the Coalition to End Money Bond and the Illinois Network for Pretrial Justice. It was championed in Springfield by Senator Elgie Sims, Senator Robert Peters, and Representative Justin Slaughter. The passage of the bill was only made possible because of the thousands of people and more than 100 organizations in our robust and diverse movement for pretrial freedom. The main pretrial provisions of the law go into effect on September 18, 2023.

### 1 ABOLISHES MONEY BOND

The Pretrial Fairness Act completely eliminates the role of money bond in Illinois, ensuring access to wealth will play no role in release or detention decisions.

### 2 LIMITS ELIGIBILITY FOR PRETRIAL INCARCERATION

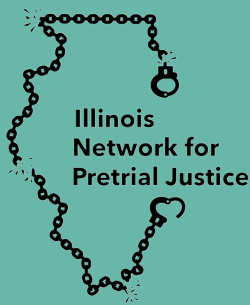
The Pretrial Fairness Act allows only people accused of qualifying charges to be detained pretrial, and only if a judge finds they pose a risk of willfully fleeing prosecution or pose a "real and present threat to the safety of any person or the community."

### 3 REGULATES RISK ASSESSMENT TOOLS

The Pretrial Fairness Act ensures that risk assessment tools cannot be the sole basis for pretrial incarceration. It requires information about the scoring systems used in a risk assessment to be given to accused people and their defense attorneys and allows defense attorneys to challenge the validity of a risk assessment tool in court.

### 4 AUTHORIZES RELEASE BY LAW ENFORCEMENT

The Pretrial Fairness Act avoids unnecessary pretrial jailing by requiring police to give some people tickets without arresting them. In cases with no risk to public safety, police are authorized to release arrested people with a court date instead of holding them for days to see a judge.



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## 5 REDUCES PENALTIES FOR VIOLATIONS OF PRETRIAL RELEASE CONDITIONS

Technical violations of pretrial release (such as missing a court date) and misdemeanor arrests will no longer result in people indefinitely losing their pretrial freedom. Minor violations of pretrial release conditions will no longer be charged as new criminal offenses.

## 6 REQUIRES RECONSIDERATION OF DETENTION AND RELEASE CONDITIONS

Judges will be required to reconsider pretrial conditions or incarceration at each court date and determine whether a less restrictive set of conditions would be sufficient to ensure safety and court appearance.

## 7 ENSURES CREDIT & MOVEMENT FOR PEOPLE ON ELECTRONIC MONITORING

The Pretrial Fairness Act requires judges to reconsider electronic monitoring conditions every 60 days to determine if someone on electronic monitoring can be given less restrictive conditions. It also guarantees movement for people on electronic monitoring to complete essential functions and ensures time spent on electronic monitoring will count toward a future sentence of incarceration.

## 8 REFORMS WARRANT PROCESS

When someone misses court, judges will now be able to issue a notice to the person to appear in court within 48 hours voluntarily, instead of immediately issuing a warrant for arrest that forcefully brings people to court who might otherwise appear on their own.

## 9 ENSURES TRANSPARENCY AND OVERSIGHT THROUGH DATA COLLECTION & PUBLICATION

Data on outcomes at bond hearings and bond status of people in jail in every county will be collected and made publicly available.