

THE SEVEN ESSENTIAL ELEMENTS OF THE PRETRIAL FAIRNESS ACT

1. End Use of Money Bond

The Act prohibits courts from requiring the payment of money in exchange for release from jail for people who are merely accused and not convicted.

2. Create Clear Process for Bond Hearings

The Act establishes a process in which judges make a clear decision at an initial bond hearing and either detain or release the accused person pending trial. Money plays no role in the new process, which allows judges to consider risks regarding safety and flight while still respecting the U.S and Illinois state constitutions' protections guaranteeing most people their right to pretrial liberty.

3. Simplify Factors for Determining Release and Detention Decisions

The Act establishes six clear factors for determining conditions of release that fully encompass any community safety considerations and the need to ensure that accused individuals return to court by replacing the overly burdensome 37 factors in the current statute with:

- nature and circumstance of the offense charged;
- weight of the evidence against the accused;
- the history and characteristics of the accused;
- the risk of danger to another person;
- the risk of obstruction of justice/flight; and
- the optional use of a risk assessment tool.

4. Give Law Enforcement Release Authority

The Act gives police the authority to release a recently arrested person without requiring an appearance before a judge in all cases except for first-degree murder, attempted first-degree murder, and a violent sexual offense.

5. Options for Warrant Alternatives

If a released individual does not appear for a court date or violates a condition of release, the Act gives the court the option to issue an order to show cause and deliver it to the home of the accused in lieu of issuing an immediate arrest warrant. This frees up law enforcement from the requirement of immediately and forcefully bringing in an accused person who may voluntarily return to court.

6. Reform Sentences for Pretrial Release Violations

The Act reduces the penalty for violating a condition of pretrial release or electronic monitoring. The penalty would be reduced from the current Class 3 felony (punishable by 3 to 7 years in prison) to a Class A misdemeanor (punishable by up to 365 days in jail) for most cases.

7. Plan for State Data Collection

The Act requires state leaders to develop a plan for the statewide collection and publication of data on outcomes at bond hearings and the bond status of people in jail. Local court officials would be required to provide the data, which would then be analyzed and published by state.