



FACT AND FICTION ILLINOIS' HISTORIC PRETRIAL FAIRNESS ACT

For more info go to:
pretrialfairness.org

FALSE: The Pretrial Fairness Act (part of the wider SAFE-T Act) is flawed and was rushed through without debate.

- **TRUE:** The law was passed two years ago. Implementation work has been going on ever since, with guidance provided every week by task forces that include law enforcement members.
- **TRUE:** Versions of the law go back to 2017 and are based on recommendations from a commission that included law enforcement.
- **TRUE:** Multiple hearings about the bill, before it became law, featured testimony from experts, advocates and law enforcement.

FALSE: Judges will let people out of jail without considering if they are a threat to the community.

- **TRUE:** Money bond will not be used to detain people, but courts can still detain someone awaiting trial.
- **TRUE:** Judges will consider circumstances and allegations in a comprehensive, individualized hearing.
- **TRUE:** Judges will consider whether the accused person is a threat to a person or persons, and whether the accused person is a flight risk.

FALSE: Murderers will be let out of jail.

- **TRUE:** People accused of violent felonies can be denied release until trial if prosecutors present evidence to a judge that the person poses a danger to someone else or is a flight risk.

FALSE: Judges won't be able to issue warrants for people who do not show up in court.

- **TRUE:** Judges retain the power to issue warrants when people do not appear for court and prosecutors retain the ability to file violations when someone does not comply with their conditions of pretrial release. Judges may revoke release in response to violations.

FALSE: The law will "set free" people charged with offenses such as kidnapping and robbery.

- **TRUE:** People accused of those offenses can be denied release if they pose a flight risk.
- **TRUE:** Anyone accused of a crime involving the use of a gun can be denied release if the judge finds they pose a danger or are a flight risk.

FALSE: The law prohibits police officers from arresting and removing trespassers.

- **TRUE:** Police are not barred from arresting anyone they believe poses a threat to public safety, such as a trespasser who is violating the law and refuses to stop.
- **TRUE:** The law requires police to ticket people with low-level charges unless they pose an obvious threat to themselves, any person or the community.