



UPDATE ON THE SAFE-T ACT





SAFE-T ACT

- Adopted January 13, 2021
- Broad bill that included criminal justice reform on:
 - Cash Bail
 - Police Training and Certification
 - Reporting Requirements
 - Use of Force
 - Detainee Rights
 - Officer Misconduct



Effective July 1, 2021

- Anonymous Complaints Allowed
- Duty to Render Medical Aid
- Duty to Intervene for Unauthorized Use of Force
- No-Knock Warrants only if BWC in Use
- Body Worn Cameras
- Reporting to ISP and ICJIA
- Retention of Police Misconduct Records
- Training



Effective January 1, 2022

- Police Certification Every 3 Years
- Reporting to ILETSB on De-Certification Conduct



Effective January 1, 2023

Law Enforcement Misconduct

- Anonymous complaints can be filed with ILETSB on “any official misconduct” an officer has committed.
- ILETSB can investigate and initiate the decertification process.



Effective January 1, 2023

Monetary Bail

- Abolished for certain offenses and conditions upon which pretrial release may be granted or denied;
- Judge has authority to determine release without appearance;
- Criminal defendants can be released on personal recognizance if defendant attends all required court proceedings, does not re-offend or commit criminal offense; additional conditions may be imposed if it will assure defendant's appearance in court.



Effective January 1, 2023

Person Arrested

- Citations in lieu of arrest, upon proper identification, for traffic and Class B and C criminal misdemeanor offenses who pose no obvious threat to the community or who have obvious medical or mental health issues; must appear within 21 days.
- Cannot arrest person for obstructing a peace officer unless there is an underlying offense.



Effective January 1, 2023

Pretrial Release

- All persons charged with an offense shall be eligible for pretrial release before conviction.
- Can only be denied when a person is charged with a detainable felony.



TRAILER BILL(S)

- Veto Session
 - November 15 — 17
 - November 29 — December 1
- Multiple Entities are working on proposals
- SB 4228 filed 9/26/22



Senate Bill 4228

- **Allows arrest:**
 - All felonies and Class A misdemeanors;
 - Officer reasonably believes individual poses a threat to the community;
 - Officer reasonably believes arrest is necessary to discontinue criminal behavior.
- Removes requirement that persons released on citation be scheduled in court within 21 days.



Senate Bill 4228

- Clarifies that abolition of bail applies to offenses committed on or after January 1, 2023.
- Pretrial release presumption would not apply if life sentence could potentially be imposed.
- Pretrial release conditions can include (1) protection of community and (2) protection of witnesses and jurors.



Senate Bill 4228

- Courts do not have to explain why less restrictive conditions are ineffective when detaining defendants.
- Eases requirements for issuing warrants after FTA.
- Allows courts to consider whether defendants obstructed criminal justice process.



Senate Bill 4228

- Adds section denying pretrial release if charged with a crime where court believes there is a risk:
 - That defendant will not appear;
 - That defendant will pose a danger to any other person;
 - That defendant will threaten a prospective witness or jurors.



LITIGATION

- Lawsuits by Will, Grundy, Kankakee, Vermillion, McHenry, Brown and Jo Daviess and McHenry Counties
- The lawsuits claim no cash bond violates the bail provisions and single-subject law of the IL Constitution.
- The suits also claim the Act violates the separation of powers clause of the IL Constitution.