

LET'S TALK ABOUT THE

# ILLINOIS PRETRIAL FAIRNESS ACT



## THE WHAT

The **Pretrial Fairness Act (PFA)** is the part of the larger SAFE-T Act that was signed into law in February 2021. The law makes reforms to Illinois' criminal justice system centered on increasing **Safety, Accountability, Fairness and Equity**. The Pretrial Fairness Act:

- **Ends the use of money bond** so that access to wealth no longer plays a role in whether someone is jailed while awaiting trial.
- **Regulates who is initially eligible for jail detention** to ensure incarceration is only imposed to prevent risk to another person in the community or flight from prosecution.
- **Expands law enforcement's use of citations instead of arrests** for certain low-level offenses to avoid unnecessary detention.
- **Ensures movement for people on electronic monitoring** so they can continue to take care of essential tasks and family obligations while awaiting trial.
- **Promotes transparency** and makes other changes to ensure our pretrial system is effective and equitable.



## THE WHEN

- January 1, 2022 - Changes to electronic monitoring went into effect
- September 18, 2023 - Remaining changes went into effect, including end of money bond (*postponed from 1/1/23 by Illinois Supreme Court*)



## THE FACTS

- In the American justice system, every person accused of a crime is considered innocent until proven guilty.
- The harmful consequences of pretrial jailing impact whole communities. People who have been in jail for just 3 days are 2.5 times more likely to suffer from unemployment within a year. They are 40% more likely to be rearrested in the future.
- Money bond has proven not to be effective in ensuring people attend court hearings, but many supports such as court date reminders and transportation assistance are.
- Independent research confirms thoughtful criminal justice reform is safe and effective. Cook County and other jurisdictions have been able to increase pretrial release rates without any significant increase in new arrests or missed court dates.
- The vast majority of people on pretrial electronic monitoring are successful; they follow the rules & are not rearrested while awaiting trial.
- People accused of low-level offenses generally do not need to be monitored pretrial. Electronic Monitoring is a form of custody (like jail) and should be used only when a judge decides it is needed.



Some opponents of reform have shared myths and misinformation about the Pretrial Fairness Act. Let's stick to the facts!



## THE WHY

We all agree that our current criminal justice system should be better. In Cook County, Black people make up about 74% of the jail population but are 24% of the total population. Mass incarceration has disproportionately impacted communities of color in many ways. Overuse of pretrial jailing does not keep communities safe or help people avoid future involvement in the system.



## THE PRINCIPLES

The Pretrial Fairness Act makes our system more

**EQUITABLE  
EFFECTIVE  
& SAFE**



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