

## Recent Judicial Decisions in Illinois

Federal Court Orders Illinois Department of Corrections to Fulfill Its Duty to Provide Adequate Health Care to Inmates. *More details available at:*

<https://ilsinglepayer.org/article/federal-judge-issues-permanent-injunction-idoc-mental-health-lawsuit>

## Developments in Illinois Justice

“General Assembly Passes SAFT-T Act Language Changes: Peters Says That It Protects Legislation’s Intent”, Hyde Park Herald, December 1, 2022

[https://www.hpherald.com/news/politics/senate-passes-safe-t-act-language-changes-peterssays-it-protects-legislations-intent/article\\_a8febade-714f-11ed-b182-ef8b1b18daa4.html](https://www.hpherald.com/news/politics/senate-passes-safe-t-act-language-changes-peterssays-it-protects-legislations-intent/article_a8febade-714f-11ed-b182-ef8b1b18daa4.html)

October 5, 2022 Press Release: Illinois Department of Corrections Announces Comprehensive College Education in Prison Policy:

<https://www.illinois.gov/news/press-release.25525.html>

Press Release of Illinois Secretary of State Jesse White Announcing a New State ID Program for Those Being Released from Prison – November 3, 2021

<https://www.illinois.gov/news/press-release.24097.html>

On February 22, 2021, Governor Pritzker signed into law the 760 page Omnibus Criminal Justice Reform Bill

proposed by the legislative Black Caucus that the General Assembly passed in January as HB3653.

It included the Pretrial Fairness Act, which:

- Abolishes money bond and allows pretrial detention *only* for certain, specific charges;
- Reforms the process for violations of pretrial release conditions;
- Requires reconsideration of detention and release conditions at every court date;
- Ensures people who are on electronic monitoring pretrial receive time-served credit and guaranteed movement permissions;
- Authorizes law enforcement to release people charged with low-level offenses instead of holding them until they can appear in court;
- Reforms the warrant process;
- Regulates risk assessment tools; and
- Ensures transparency and oversight through data collection, publication, and ongoing advisory groups.

For broader discussion of the many other important provisions in this momentous legislation: on policing, on conditions of arrest, imprisonment and mandatory supervised release, on ending prison gerrymandering, and on victim compensation, see:

Governor Signs HB 3653 Criminal Justice Reform Bill that Abolishes Bail, Requires Body Cameras

<https://kanecountyconnects.com/2021/02/governor-signs-hb-3653-criminal-justice-reform-bill-that-abolishes-bail-requires-body-cameras/>

6 Key Reforms in the Massive Criminal Justice Bill Illinois Lawmakers Passed Last Week

by Patrick Smith for WBEZ (January 20, 2021)

<https://www.wbez.org/stories/6-key-reforms-in-the-massive-criminal-justice-bill-illinois-lawmakers-passed-last-week/5f526342-9f19-40e6-8563-d8e0bbfe1138>

Chicago Appleseed Center for Fair Courts has this summary of the bill:

<https://www.chicagoappleseed.org/victory-illinois-just-ended-money-bond-by-passing-the-pretrial-fairness-act/>

“Illinois criminal justice reform critics playing “Fear-Mongering Bingo”

by State Senator Robert Peters

<https://www.injusticewatch.org/commentary/2021/black-caucus-criminal-justice-reform-end-cash-bail/>

Statement of Governor J.B. Pritzker

<https://www2.illinois.gov/news/release?ReleaseID=22643>

Comments of Cook County Board President Toni Preckwinkle:

[https://paper.suntimes.com/infinity/article\\_popover\\_share.aspx?guid=23852361-79c8-4994-a0a3-014c0bd43838](https://paper.suntimes.com/infinity/article_popover_share.aspx?guid=23852361-79c8-4994-a0a3-014c0bd43838)

Illinois May Be the First State to Eliminate Cash Bail, But the Fight Isn't Over, by Tanya Watkins, Sharlyn Grace, Will Tanzman and Sharone Mitchell Jr. in Truthout, February 2, 2021

<https://truthout.org/articles/illinois-may-be-first-state-to-eliminate-money-bail-but-the-fight-isnt-over/>

Massive Illinois Police Reform Bill Ends Cash Bail, Limits Deadly Force, Mandates Body Cameras, and Makes It Easier To Dump Crooked Cops, January 24, 2021 in Reason

<https://reason.com/2021/01/14/massive-illinois-police-reform-bill-ends-cash-bail-limits-deadly-force-mandates-body-cameras-and-makes-it-easier-to-dump-crooked-cops/>

Sweeping reforms could transform Illinois' criminal justice system, Injustice Watch, January 15

<https://mailchi.mp/injusticewatch/newsletter37-3867637?e=5e64435292>

Governor Pritzker's October 6, 2020 announcement of Reform Principles Aim to Modernize Criminal Code, End Cycles of Recidivism, and Increase Police Accountability.

See [Office of the Illinois Governor news release](#)

Governor Pritzker's Four-Year Plan for Transforming the Illinois Department of Juvenile Justice

<https://www2.illinois.gov/idji/Pages/transformation.aspx>

Announcement video: <https://www.youtube.com/watch?v=6mDU8NGe24U&feature=youtu.be>

John Howard Association's comments:

<https://www.thejha.org/statements-and-testimony/073120>

Evaluation of the Illinois Supreme Court Commission's Final Report and Recommendations on Pretrial Practice, issued on July 22, 2020 by the Illinois Network for Pretrial Justice

<https://endmoneybond.org/2020/07/22/report-release-evaluation-of-the-illinois-supreme-court-commissions-final-report-and-recommendations/>

"Justice For Black Lives" Resolution Passes the Cook County Board of Commissioners – August 22, 2020 report of the Chicago Community Bond Fund

<https://mailchi.mp/chicagobond/justice-for-black-lives-resolution-passes-cook-county-board?e=26813fbadd>

Approval by the Cook County Board, on November 21, 2019, of Rules implementing the Just Housing Amendment to the County's Human Rights Ordinance, enacted early in 2019, prohibiting landlords:

- from refusing to rent to an individual because of an arrest record,
- from having a policy of not renting to anyone who has been convicted of a crime, and
- from refusing to rent to an individual based on a conviction that is more than three years old (Landlords retain the right to consider prior convictions within the last three years on an individual basis under standards set forth in the ordinance.)

*For more details about this significant development, go to <https://justhousinginitiative.org/> and*

<http://campaign.r20.constantcontact.com/render?m=1102405162255&ca=7a450cb8-d28b-4da1-bb96-64814ce14382>

Appointment of a Rob Jeffries as the New Director of the Illinois Department of Corrections

*To read the response of the John Howard Association to his appointment, go to:*

<http://www.thejha.org/statement051419>

New Parole System in Illinois for Juvenile Offenders with long sentences

On April 1st, Governor J.B Pritzker signed HB531 which creates a new parole system, allowing individuals convicted prior to reaching age 20 of crimes committed after June 1,

2019, to petition the Illinois Prisoner Review Board for parole after 10 years (20 years in the case of conviction for first-degree murder or aggravated criminal sexual assault) and to give such individuals information on parole, legal guidance, and rehabilitation.

To learn more click [here](#) or contact Jobi Cates at: [jcates@restorejustice.org](mailto:jcates@restorejustice.org)

#### Justice, Equity and Opportunity Initiative

Quinn Rallins, formerly of the Illinois Justice Project was appointed to lead the Pritzker administration's Justice, Equity and Opportunity Initiative, created by executive order in February 2019 under the auspices of the lieutenant governor's office, to work with state agencies and other organizations across Illinois to conduct research, create pilot programs and advocate for legislation with a "restorative justice" approach, prioritizing rehabilitation over incarceration. There also will be a focus on creating educational and economic opportunities in areas with high crime and incarceration rates.

### **Developments in Federal Justice**

December 2020 Repeal of the 1994 statutory ban on the "Second Chance Pell Grants" to finance the college credit state and Federal prisons –

The repeal of that ban, and repeal of the 1998 law restricting federal financial aid for college students who are convicted of a drug crime, were included in 2020 year-end spending bill.

See: <https://www.politico.com/news/2020/12/20/congress-pell-grant-prisoners-449364>, and <https://us8.campaign-archive.com/?u=6542df2be696ba0ea2f17b66a&id=fa4e549ff1&e=6f6e47c276>

On November 15, 2019, Senators Dick Durbin of Illinois and Mike Lee of Utah introduced the Smarter Sentencing Act, to enact sentencing reform not included in last year's "First Step Act", with cosponsors Senators Patrick Leahy, Sheldon Whitehouse, Richard Blumenthal, Ron Wyden, Angus King, Tim Kaine, Elizabeth Warren, Tammy Baldwin, Cory Booker, and Kamala Harris (D-CA):

<https://www.durbin.senate.gov/newsroom/press-releases/durbin-lee-introduce-smarter-sentencing-act>

On November 14, 2019, Ayanna Presley, Member of Congress from Massachusetts introduced H.Res. 702, as The People's Justice Guarantee, designed to transform the criminal justice system to be based on "Shared Power, Freedom Equality, Safety, and Dignity" by reducing prison populations, transforming the experience of confinement, eliminating wealth based discrimination and corporate profiteering, and investing in impacted communities:

<https://pressley.house.gov/media/press-releases/rep-pressley-launches-bold-progressive-criminal-legal-reform-resolution-people> and

<https://www.congress.gov/116/bills/hres702/BILLS-116hres702ih.pdf>

On March 7, 2019, Senator Cory Booker and Congresswoman Boney Coleman introduced the Next Step Act to follow up the First Step Act enacted last year with Comprehensive Criminal Justice Reform:

[https://www.booker.senate.gov/?p=press\\_release&id=895](https://www.booker.senate.gov/?p=press_release&id=895) and

<https://www.scribd.com/document/401327169/S-697-Next-Step-Act-Booker>

On February 7, 2019, a bipartisan group of Senators and Members of Congress introduced the Fair Chance Act to "Ban the Box" in applications for Federal Employment introduced by–

[https://www.booker.senate.gov/?p=press\\_release&id=888](https://www.booker.senate.gov/?p=press_release&id=888)

#### Juvenile Justice and Delinquency Prevention Act Passed

by Congress on December 13, 2018

Bans states from holding children in adult jails, require states receiving federal funds to collect data on racial disparities in the juvenile system and come up with plans for addressing those inequities, ban the

shackling of pregnant girls, and provide funding for tutoring, mental health, and drug and alcohol programs for kids.

<https://www.themarshallproject.org/2018/12/12/the-criminal-justice-reform-bill-you-ve-never-heardof?ref=hp-2-111>