

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

Juvenile Expungement: SB 3463, enacted in August 2024, requires automatic scheduling of expungement hearing dates for juveniles two years after a sentence ends

<https://gov-pritzker-newsroom.prezly.com/gov-pritzker-signs-legislation-increasing-opportunity-for-juveniles-seeking-expungement>

Justice, Equity and Opportunity (“JEO”) Initiative website of Lieutenant Governor Juliana Stratton reports on developments in Illinois Justice, with links to the JEO annual reports

<https://ltgov.illinois.gov/priorities/justice.html>

The Restore, Reinvest, Renew (R3) website <https://r3.illinois.gov/> and the Restore, Reinvest, Renew Board website <https://ltgov.illinois.gov/councils/restore-reinvest-renew-r3.html> report on the investment of 25% of tax revenue from adult-use cannabis sales in Illinois to fund grants that support communities that are most impacted by economic disinvestment, violence, and the severe and multi-layer harm caused by the war on drugs:

with links to information on how to apply for grants and links to the R3 Annual Reports and the R3 Board Annual Reports

Healing Beyond Harm Restorative Justice Pilot Program of the Illinois Healing Centered Task Force established in 2023 by Public Act 103-0545

<https://healingbeyondharm.org/#:~:text=Illinois%20is%20joining%2013%20other%20states%20to%20use,have%20a%20letter%20of%20apology%20written%20to%20them.>

City of Chicago Budget – the City’s 2024 budget contains a \$4 million allocation for the City’s Office of Reentry

Facilities Master Plan, Illinois Department of Corrections, released in May 2023

https://static1.squarespace.com/static/5beab48285ede1f7e8102102/t/64c154aff325484b7df01026/1690391744325/Final_IDOC+Master+Plan+Report.pdf

Cook County Policy Roadmap:

Safe and Thriving Communities section on pages 28 through 32)

https://www.cookcountyil.gov/service/policy-roadmap?utm_medium=email&utm_source=govdelivery

Illinois Justice Reform Legislation Enacted in 2023, with support from witness slips filed by citizens

Public ACT 103-0345 (House bill 3345), which provides for the Secretary of State to Issue a standard Illinois ID Card to a person committed to the Illinois Department of Corrections or Department of Juvenile Justice – <https://www.illinois.gov/news/press-release.26504.html>

Public Act 103-0545 (Senate Bill 646)– which created a task force to expand trauma-informed and healing-focused efforts statewide

Public Act 103-1008 (House bill 1496), which

Public Act 103-0397, which extends the jurisdiction of the Illinois Office of Juvenile Ombudsman to cover the 16 county run juvenile detention centers

Public Act 103-0370, which (1) makes the sentencing credits of the SAFE-T Act retroactive and (2) makes the First Time Weapons Offender Program permanent

Public Act 102-1133, which removes the felony bar to name changes

Public Act 103-0271, which made minor changes in the system of mandatory supervised release

Public Act 102-1128, which prospectively ends most life without parole sentences for individuals whose crimes were committed when they were under 21 years of age, and creates parole eligibility after 40 years for people sentenced to natural life for first degree murder on or after June 1, 2019

Public Act 103-1006, which increased the funding for Public Defenders in Illinois

Public Act 103-0403, which liberalizes resentencing of incarcerated survivors of gender-based violence

Public Act 103-0341, which prohibits use of deceptive tactics during interrogation of persons with severe intellectual or developmental disability.

Public Act 103-1379, which eliminates juvenile court fines and fees

Public Act 103-0178, which places limits on the use of solitary confinement for youth

Highlights from the 2022 Spring session of the Illinois General Assembly –

- Overall, the battles in the 2022 session, as in the past, focused on defending against attacks on prior reforms and defeating punitive bills, proposing sentencing enhancement and additional restrictions on the activities of those who have been convicted and served their time, which trend to figure as “accomplishments” in candidate mailings but cause great harm and do little or nothing to contribute to public safety.
- Defending Fundamental Reforms – There was a successful effort to head off amendments to the justice reforms enacted a year ago (in the “SAFE-T Act”, which included the Pretrial Fairness Act), but the last-minute approval by the House (but not the Senate) of changes to the Act underlines the fact that major efforts will continue to be needed from now on to protect those reforms at any time that the legislature is in session.
- New Felonies and Penalty Enhancements – With the help of our witness slips, the advocacy community defeated bills that would have created a new felony for tampering with an electronic monitoring device and penalty enhancements that to single out attacks on employees of the Department of Children and Family Services, which are already subject to severe penalties.
- Confidentiality of Juvenile Records – The bill that would have compromised the confidentiality of juvenile records also failed to pass.
- Retail Theft – A big accomplishment of the advocacy community and the victims’ rights community, which we supported with our witness slips, was to water down the much-hyped retail theft legislation proposed by the Retail Merchants Association with the support of Attorney General Kwame Raoul, which would have increased penalties for retail theft across the board, in spite of the fact that retail theft in Chicago is at its lowest level in decades and that the threshold for treating retail theft as a felony in Illinois is already among the lowest in the country. While disappointing, the penalty enhancements in the bill that passed are limited to narrower situations such as the actions of certain organized theft rings and theft that causes property damage.
- Lifetime Restrictions on Those Who Have Served Their Sentences. Among the disappointing outcomes in this session was the failure to pass the bill that we supported that would have repealed the law

prohibiting people convicted of felonies from acting as an executor of an estate. Our witness slips contributed, however, to the defeat on a 13-13 tie vote in committee of HB2538, which would have restricted those convicted of a felony from being licensed the general contractor, adding to the hundreds of Illinois laws that already restrict the ability of people who have served their time to earn a living. Unfortunately, as Ben reports, we were unable to defeat the bill expanding the categories of fairs and other such events in which of sex offenders (broadly defined) are prohibited from working for the rest of their lives.

- Carjacking – Like so many other areas, this is one in which little can be accomplished by additional legislation, but in which legislators feel political pressure to do something. Of the proposals that were floated, the bills that passed create a new felony for possessing a key fob to unlock a car door with the intent to commit a theft or a felony and provisions to assist victims of car theft to pay the resulting red light and speed camera tickets and towing and storage fees.

2021 Enactment of the SAFT-T Act, Including the Pretrial Fairness Act and the Elimination of Cash Bail

In addition to eliminating cash bail, The Pretrial Fairness Act enacted a comprehensive reform of the system of pretrial proceedings and detention pretrial:

- It conditions pretrial detention on judicial determination that the accused is a flight risk or a danger to other people
- It reformed the process for violations of pretrial release conditions;
- It requires reconsideration of detention and release conditions at every court date;
- It ensures people who are on electronic monitoring pretrial receive time-served credit and guaranteed movement permissions;
- It authorizes law enforcement to release people charged with low-level offenses instead of holding them until they can appear in court;
- It reformed the warrant process;
- It regulates risk assessment tools; and
- It ensures transparency and oversight through data collection, publication, and ongoing advisory groups.

Information about the passage and implementation of the Pretrial Fairness Act at this link:

[Pretrial Fairness Act](#), and in the following sources:

- Separating Fact from Fiction: the Pretrial Fairness Act, from the Chicago Community Bond Fund
<https://chicagobond.org/2022/09/27/debunking-fake-news-about-the-pretrial-fairness-act/>
- Setting the Record Straight on the Safe-T Act, National Public Radio “The 21st Show, with J Hanley, Sharone Mitchell and Garien Gatewood
https://will.illinois.edu/nfs/21st_092022_segaandb.mp3
- “Dollars and Sense in Cook County, 2021 analysis by Loyola University Chicago “s Center for Criminal Justice Research, Policy, and Practice, concluding that Cook County’s 2017 bond reform, which limited the use of cash bail in felony bond court, did not increase crime rates in Cook County
<https://safetyandjusticechallenge.org/resources/dollars-and-sense-in-cook-county/>

Join the Coalition to End Money Bond and subscribe to its mailing list at:

<https://endmoneybond.org/>

“General Assembly Passage of 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

For broader discussion of the many other important provisions in The Omnibus Criminal Justice Reform Bill (the SAFT-T Act) on policing, on conditions of arrest, on imprisonment and mandatory supervised release, on ending prison gerrymandering, and on victim compensation, see:

“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 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 “

Massive Illinois Police Reform Bill Ends Cash Bail, Limits Deadly Force, Mandates Body

<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>

Cameras, and Makes It Easier To Dump Crooked Cops, January 24, 2021 in Reason 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/>

Illinois Department of Juvenile Justice Wins National Award for Family Engagement,

Illinois.gov press release of August 22, 2023

<https://www.illinois.gov/news/press-release.26915.html>

also - <https://www.thetelegraph.com/news/article/grafon-youth-facility-earns-national-honor-18328902.php>

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>

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/idjj/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>

Formation of Special Senate Committee on Public Safety in February 2020, to set legislative priorities on Criminal Justice Reform

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 Enacted in Illinois for Juvenile Offenders with long sentences

Allows 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

Justice, Equity and Opportunity Initiative

in 2019 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 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-presley-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 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

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>