

SB 4228 VIOLATES PEOPLE'S RIGHTS AND FURTHERS THE HARMS CAUSED BY MASS INCARCERATION

The Illinois Network for Pretrial Justice strongly opposes SB4228, the SAFE-T Act trailer bill introduced today to modify the Pretrial Fairness provisions of the law. Under the SAFE-T Act, individuals can still be detained pretrial if they're a public safety risk or a flight risk. If passed, this bill would cause the number of people jailed while awaiting trial to skyrocket and exacerbate racial disparities in Illinois jails.

SB4228 VIOLATES INDIVIDUALS' RIGHTS

- Creates a presumption of detention for people charged with crimes that would require them to serve life in prison if convicted. The Illinois Constitution requires that the state have the burden to prove that an individual should be detained. The individual cannot be given the burden to prove they deserve release.
- Removes the ability of defense attorneys to meaningfully challenge unlawfully obtained evidence at the detention hearing stage, making suspect evidence admissible in court later.
- Allows prosecutors to rely on evidence that they do not give to the defense to make their arguments for jail, removing accused people's ability to challenge the evidence being used to take their freedom.
- Changes the timeline with which someone is brought to trial from 90 days to 120 days, longer than the existing standard.

SB 4228 FURTHERS MASS INCARCERATION

- Removes the Pretrial Fairness Act's provisions requiring tickets instead of arrests for very minor, non-violent crimes, allowing police to arrest in nearly every circumstance.
- Restricts application of the law to charges committed after January 1, 2023, stranding tens of thousands of people in jail on unpaid money bonds.
- Allows prosecutors to ask that anyone be jailed indefinitely without bail, beyond the authority they had prior to the passage of the SAFE-T Act.
- Allows judges to use vague, broad standards to make decisions about whether someone should be jailed indefinitely.

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**THE PRETRIAL
FAIRNESS ACT**