

# NEW RIGHTS FOR PEOPLE INCARCERATED IN THEIR HOMES ON ELECTRONIC MONITORING



Most people subjected to pretrial electronic monitoring (EM) in Illinois are currently subjected to 24/7 house arrest by default. They are regularly denied the ability to go grocery shopping, access medical or mental health care, attend job interviews, and do the most basic tasks to take care of their families. These restrictions destabilize their lives and the lives of their families, making us all less safe. **While the Pretrial Fairness Act did not eliminate pretrial EM in Illinois, it did dramatically expand the rights of people subjected to it.**



## Guaranteed Movement

Effective January 1, 2022

The Pretrial Fairness Act guarantees periods of movement for people incarcerated in their homes on electronic monitoring! People on electronic monitoring will now be **guaranteed** movement to perform essential tasks. They will also be guaranteed movement at least two days per week so that they are able to take care of themselves and their loved ones.

## Mandatory Review of EM Orders

Effective January 1, 2022

The Pretrial Fairness Act requires that the court hold a hearing every 60 days to determine whether there is a condition or set of conditions less restrictive than EM that would reasonably ensure the safety of others and the person's appearance in court.

## Assured Sentencing Credit

Went into effect July 1, 2021

The Pretrial Fairness Act recognizes that electronic monitoring is a form of incarceration and guarantees that people incarcerated in their homes are given credit towards any future sentence of incarceration. Previously, people subjected to EM were not consistently receiving credit towards sentencing. Courts are now be required to count all the time a person spends incarcerated in their home towards any future sentence.

## Revised Escape Charge Policy

Effective December 6, 2022

The Pretrial Fairness Act requires that people incarcerated in their homes on electronic monitoring can only be charged with felony escape if they are intending to evade prosecution. Previously, many people on EM in Cook County were charged with felony escape for minor rule violations or tardiness getting home. By requiring that someone intentionally violate the boundaries of their release before being charged with escape, the Pretrial Fairness Act ensures that people won't face new felony charges for technical errors or minor violations.



People incarcerated in their homes via electronic monitoring have faced egregious levels of harassment and punishment under our pretrial legal system. These reforms are meant to protect their rights while they are awaiting trial and presumed innocent.

Learn more about the Pretrial Fairness Act at [endmoneybond.org/PretrialFairness](https://endmoneybond.org/PretrialFairness).