



# Illinois State Association of Counties

October 24, 2022

The Honorable JB Pritzker  
Governor  
State of Illinois  
207 State House  
Springfield, IL 62706

Dear Governor Pritzker:

The Illinois State Association of Counties (ISACo) is a non-partisan, not-for-profit association comprised of 29 counties that in total represent approximately 80% of the state's population. ISACo has been meeting with county officials and staff to discuss challenges associated with SAFE-T Act compliance ahead of the January 1, 2023, effective date. During these discussions, it became evident that several counties seeking to comply with the provisions of the Act are concerned about their ability to do so successfully.

ISACo is aware that various stakeholder groups are seeking changes to the Act for inclusion within a trailer bill. This letter is intended to convey issues ISACo would like to see further examined and addressed.

Our requests are neither ideological nor intended to relitigate the merits of the Act as approved by the General Assembly and enacted into law. While a range of issues have been raised and discussed during debate over the SAFE-T Act, ISACo has chosen to focus our advocacy on ways to improve implementation to effectuate the intended policy goals of achieving a more fair and equitable criminal justice system. The handful of issues we are raising were selected because they pertain to county operations and policy facilitation.

In discussing the Act with our member counties, the issue of funding is the foremost concern. The Act constitutes a significant unfunded state mandate and county officials are grappling with how they will generate the revenue necessary to comply with the law. Without financial assistance from the state, counties may need to look at a considerable shifting of spending priorities within their budgets and/or increasing taxes on their residents to make up for the combination of additional costs and the loss of local funding sources. Even this may not be

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sufficient to offset the cost of full compliance for some counties. ISACo is interested in working with policymakers to identify possible state funding sources to assist counties with compliance.

In addition to the need for state funding assistance, ISACo has identified challenges within the areas of judicial detention, cash bond alternatives and warrants. Several of these challenges are identified below. In seeking input from member counties it became apparent that there is a diversity of opinion and, in some cases, interpretation regarding various provisions within the Act.

### Judicial Detention

- The law provides that defendant risk assessment standards may be developed by the Administrative Office of the Illinois Courts (AOIC). These standards have not been developed or made available and training will be necessary for implementation. There also does not appear to be a distinction between a risk assessment for a defendant and a risk assessment for a defendant charged with a domestic violence crime.
- Some counties have indicated that the law creates uncertainty about detainability for pending cases.
- Some counties indicated they will have a difficult time providing court security officers for hearings that occur on weekends or holidays. Additional staffing obtained will create added personnel costs for counties.
- Some counties conveyed that the pre-trial changes made by the SAFE-T Act will lead to more detainees and trials. These counties believe that the 90-day timetable for holding a trial may not be realistic.
- The discovery required for the detention hearings can include available written, recorded or oral statements of the defendant or witnesses to establish probable cause to hold the defendant. In some counties this will be a burden upon law enforcement to tender, for the State to review and tender and then for the public defender to review the statements prior to a hearing.

### Cash Bond and Alternatives

- Some counties have expressed that the SAFE-T Act makes no provision for dealing with individuals already out on cash bond or who have current warrants with cash bonds attached when the Act goes into effect. A hearing will need to be held for any individuals the State's Attorney believes must remain in custody. State's Attorneys will be required to file hundreds of pleadings and have hearings on those in custody to determine if those individuals need to remain in custody.

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- In lieu of cash bond, the SAFE-T Act may result in increased use of electronic monitoring (EM) and global positioning systems (GPS). Some counties have expressed concerns that not all clients will be able to pay for these services and the cost will be placed upon counties.

#### Warrants

- The SAFE-T Act prohibits the initial issuance of arrest warrants for defendants who fail to appear in court. Instead, there is a requirement to first serve a Rule to Show Cause on defendants. An arrest warrant can be issued if the Rule to Show Cause is not successful. Some counties have indicated that eliminating arrest warrants as a first option may necessitate additional expenditures to hire more personnel in the Sheriff's Office to, in some cases, serve the Rule to Show Cause and an arrest warrant on a defendant.

ISACo stands ready to work with stakeholders to address areas of the law that require modification or clarification. This letter is limited to identifying problems raised by various counties. ISACo has also received policy change suggestions from some counties and is willing to share those suggestions with you and other policymakers upon request.

Thank you for your consideration in this matter. Please feel welcome to contact me at [jmccoy@isacoil.org](mailto:jmccoy@isacoil.org) or 217/679-3368 if I can answer any questions or arrange for the provision of additional information.

Respectfully,



Joe McCoy  
Executive Director