



Greene and Scott Counties Join Other Counties Challenging Constitutionality Of SAFE-T Act

by Submitted by Greene County State's Attorney's Office
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WEST CENTRAL – Greene and Scott Counties have joined the ever-growing number of Illinois Counties to file a lawsuit challenging the constitutionality of the controversial SAFE-T Act. The SAFE-T Act, set to take effect January 1, 2023, eliminates cash bail and designates only a limited number of offenses for which the person arrested may be held in custody prior to trial.



The complaints, filed by both Caleb Briscoe in Greene County, and Richard Crews in Scott County seek a permanent injunction of the SAFE-T Act claiming the Act is unconstitutional, that it violates the single subject rule, violates the separation of powers clause, is unconstitutionally vague, and violated the three (3) readings requirement. The goal of the lawsuit for the Counties would be to stop the law, as written, from going into effect on January 1, 2023.

“The Act was voted on and passed in a lame duck legislative session at 4:30 in the morning, with limited opportunity for comment, or debate. Prosecutors, law enforcement, probation, the entire criminal justice system, were not given an opportunity to discuss the merits of the bill and its impact. The result was a fundamental change to what is laid out in the Illinois Constitution, and you cannot change the Constitution without a referendum vote or constitutional convention,” said Greene County State’s Attorney, Caleb Briscoe.

“Every other time the Illinois Constitution has been amended in terms of criminal justice reform, it has been done by referendum, by a vote of the people of the State of Illinois, as it should be,” added Scott County State’s Attorney Richard Crews.

Both the Greene and Scott County State’s Attorney’s recognize the concern and position of those in favor of the SAFE-T Act, and hope that, regardless of the lawsuit, the legislature will continue to work with those in the criminal justice system and law enforcement on the issue of bail reform. Both attorneys added their top priority is the safety of the citizens in Greene and Scott County. “I think both Mr. Crews and I, believe that the law, as written, creates a public safety concern for the law abiding, good people, of our counties,” said State’s Attorney Briscoe. State’s Attorney Crews added, “The lawsuit is to ensure that Mr. Briscoe and I are doing everything we can do for the safety of the people in our counties.”

Greene County Sheriff Rob McMillen joined State’s Attorney Briscoe’s complaint, as did Scott County Sheriff Tom Eddinger to State’s Attorney Crews.

Both complaints, along with those filed by Morgan County State’s Attorney Noll and Jersey County State’s Attorney Goetten, and all other State’s Attorneys around the State will most likely be consolidated into one case, that will be heard in Sangamon County.