

Haine Announces Judicial Ruling Halting Elimination Of Cash Bail

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EDWARDSVILLE — Madison County State’s Attorney Tom Haine announced that yesterday Circuit Judge Thomas Cunnington, Chief Judge of the 21st Judicial Circuit, issued his ruling in the case of Rowe, et al., v. Pritzker, et al. Judge Cunnington ruled in favor of the Plaintiffs and held the Pre-Trial Fairness Act, specifically the bail reform and pretrial release provisions, unconstitutional.

The immediate net effect of this ruling is that the pre-trial release provisions and bail reform will not go into effect in the 65 counties that were party to the lawsuit, which includes Madison County. The other provisions of the Safe-T Act, such as body cameras, training, etc., were upheld.

The Plaintiffs in this lawsuit consisted of 65 counties throughout Illinois who filed suit against Governor JB Pritzker, Attorney General Kwame Raoul, Senate President Donald Harmon, and Speaker of the House Christopher Welch. Kankakee County and Will County were the first counties to file suit; thereafter, the Illinois Supreme Court consolidated all 65 cases into the Kankakee County case.

The Plaintiffs were collectively represented by a litigation team consisting of the State's Attorney and their Assistant State's Attorneys from Kankakee, Will, Vermilion, Kendall, McHenry, and Sangamon Counties. The parties argued their positions before Judge Cunningham on Dec. 20, and Wednesday's ruling concludes the state court action. Any appeal, should the Defendants choose to pursue one, must now be filed with the Illinois Supreme Court.

Haine issued the following statement: "Yesterday's ruling on the SAFE-T Act was welcome news across the State. As this ruling explains, the core of this 765-page bill - the elimination of judicial discretion over monetary bail - was an attempt by the General Assembly to amend the bail provisions of our Illinois Constitution without giving the citizens their Constitutionally-required opportunity to vote on such an amendment. Thankfully, due to this ruling, the elimination of cash bail has been halted in Madison County for now. But, this is far from over. We expect the defendants to appeal, and if so, Madison County will continue the fight against this law in the court system along with the other litigating parties."

Judge Cunningham held the Safe-T Act unconstitutional on the basis that it violates the Separation of Powers clause, violates the Victim Rights Act, and unconstitutionally amends Article I Section 9 of the Constitution because the voters were denied their right to vote on such amendments. In his ruling, Judge Cunningham found that "had the Legislature wanted to change the provisions in the Constitution regarding eliminating monetary bail...they should have submitted the question on the ballot to the electorate at a general election"; he further stated that the Legislature's action in violation of Separation of Powers "stripped away" the Court's ability to ensure the safety of the victim and victim's family.