



Statewide Reaction To Judge's Ruling On SAFE-T Act

by Submitted by state officials
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State Rep. Adam Niemerg: Court Ruling on SAFE-T Act Confirms Critics Constitutional Concerns

The ruling of 21st Judicial Circuit Chief Judge Thomas Cunningham on the SAFE-T Act confirms what State Representative Adam Niemerg (R-Dietrich) has been warning about since the legislation was first introduced.

“One of the reasons I voted against this bill was because I believed it was an overreach from the legislative and executive branches of government,” Niemerg said. “We should not paint our judicial process with a broad brush because every case is different. The SAFE-T Act handcuffs the ability of judges to keep our communities safe and there is no question it is a major overreach.”

Judge Cunningham’s ruling strikes down the cash bail and pre-trial release provisions of the SAFE-T Act for the 65 counties that challenged the law’s constitutionality. In his ruling, Cunningham stated that the law violates the Separation of Powers clause of the Constitution by stripping away important tools courts have to keep communities safe. It also violates the Victim Rights Act and makes unconstitutional changes to the bail provisions in Article 1 Section 9 of our Constitution.

“The cash bail provisions we have in Illinois law are part of our Constitution,” Niemerg said. “The Legislature cannot alter the Constitution by passing a bill. We have a process to place Constitutional Amendments on the ballot and to give voters the opportunity to vote on potential changes to our Constitution. This ruling will undoubtedly be appealed but there is no question Judge Cunningham’s ruling is a significant step forward in preventing some of the more outrageous aspects of the SAFE-T Act from becoming law. While the courts continue to weigh in on the SAFE-T Act, I will continue my efforts to repeal the law in the Legislature. The safety of our communities is paramount.”

Attorney General Raoul Responds To Kankakee Judge's Opinion On SAFE-T Act

Attorney General Kwame Raoul today issued the following statement in response to Kankakee County Circuit Court Judge Thomas W. Cunningham's opinion that the pretrial release portions of the Safety, Accountability, Fairness and Equity-Today (SAFE-T) Act violate Illinois' Constitution. The court's opinion does not disturb other portions of the SAFE-T Act that have been in effect for more than a year.

“Although the court's decision is binding in the 64 cases that were consolidated in Kankakee County, it is important to note that it is not binding in any other case, including those involving criminal defendants in any of the state's 102 counties. To definitively resolve this challenge to the pretrial release portions of the SAFE-T Act, Governor Pritzker, the legislative leaders named in the consolidated cases and I intend to appeal the circuit court's decision directly to the Illinois Supreme Court, where we will ask the court to reverse the circuit court's decision.

“Most of the SAFE-T Act's provisions have been in effect for more than a year, and regardless of today's circuit court decision, all parts of the SAFE-T Act, including the pretrial release portions addressed in the court's decision, will go into effect Jan 1. For instance, the right of individuals awaiting criminal trials – people who have not been convicted of a crime and are presumed innocent – to seek release from jail without having to pay cash bail will go into effect in a few short days, despite the court's ruling against those provisions. Illinois residents in all counties should be aware that the circuit court's decision has no effect on their ability to exercise their rights that are protected by the SAFE-T Act and the Illinois Constitution.”



Illinois Freedom Caucus: Court Ruling Correct In Asserting SAFE-T Act Is An Unconstitutional Overreach

The Illinois Freedom Caucus today is issuing the following statement on the recent court ruling striking down the pre-trial release and cash bail provisions in the SAFE-T Act, which were set to become law on January 1st.

“We applaud 21st Judicial Circuit Chief Judge Thomas Cunnington’s ruling to strike down the cash bail provisions in the SAFE-T Act. He is absolutely correct in his assertion that this measure set to fully become law on January 1st is a violation of the separation of powers clause of the Constitution and represents a significant overreach from the legislative and executive branches of government.

The Illinois Constitution explicitly addresses bail in Article 1 Section 9. It is not the place of the Legislature to unilaterally act to change our Constitution. Simply passing a bill with a majority vote is not the way to make changes to our Constitution. We have a process to place amendments on the ballot to allow voters to decide any changes to our Constitution and the Legislature did not follow that process.

The SAFE-T Act violates the Separation of Powers clause of the Constitution by stripping away important tools courts have to keep communities safe. It also violates the Victim Rights Act and makes unconstitutional changes to the bail provisions in Article 1 Section 9 of our Constitution. This ruling affirms what the members of the Illinois Freedom Caucus have been saying since Day One about the SAFE-T ACT. The abolishment of cash bail, and egregious inmate release policy put forward in the SAFE-T ACT are not only dangerous, but outright unconstitutional. We are grateful to Kankakee County State's Attorney Jim Rowe who has led the fight in our courts against the SAFE-T Act. His tireless efforts have resulted in a significant victory for our Constitution and for the safety of our communities. There is no doubt this ruling will be appealed but the decision in the 21st Circuit Court is a significant step forward to stopping some of the most egregious aspects of the SAFE-T Act and keeping our communities safe.”

The Illinois Freedom Caucus is comprised of State Representatives Adam Niemerg (R-Dieterich); Chris Miller (R-Oakland); Brad Halbrook (R-Shelbyville); Blaine Wilhour (R-Beecher City) and Dan Caulkins (R-Decatur). The members of the Illinois Freedom Caucus are members of the Illinois General Assembly who are advocating for limited government, lower taxes and accountability and integrity in government.

This Is A Statement from the Illinois Network for Pretrial Justice on the [SAFE-T Act lawsuit ruling](#):

"Today, a Kankakee County judge sided with the 58 State's Attorneys and sheriffs suing Illinois over the SAFE-T Act. This disappointing ruling is as political as the frivolous lawsuits that spurred it. The decision from Judge Thomas W. Cunnington could delay justice in counties across the state but will not deny it. The court did not issue an injunction and the Pretrial Fairness Act will still be the law in Illinois on January 1st. We anticipate that this poorly reasoned decision will be swiftly corrected by the Illinois Supreme Court.

"In the nearly two years since the [Pretrial Fairness Act](#) was passed into law as part of the SAFE-T Act, some members of law enforcement have been trying to undermine it. Their efforts have not been about justice or public safety; they are simply about preserving the power to jail people because they're poor.

"Delaying the implementation of the Pretrial Fairness Act harms marginalized communities and survivors of violence. The current money bond system prioritizes access to wealth over public safety. Every year, thousands of people lose their jobs, housing, and custody of their children—not because a judge believes they're dangerous,

but only because they don't have the money to buy their freedom. By protecting the status quo, the State's Attorneys and sheriffs behind this lawsuit are making our communities less safe.

"Not all members of law enforcement have participated in these efforts to deny justice and undermine historic racial justice reforms. Some members of law enforcement have worked diligently to prepare for successful implementation on January 1st either in their own counties or as part of [working groups led by the Administrative Office of Illinois Courts](#). Others participated in negotiations throughout the summer and fall to develop clarifying amendments to the law, which were [passed earlier this month](#). Notably, the State's Attorneys representing two of Illinois' largest counties and a combined 47% of the population of the state, Cook and Lake, have championed the reforms included in the Pretrial Fairness Act long before they even became law. State's Attorneys representing the second and fifth largest counties, DuPage and Kane respectively, were active participants in legislative negotiations and the Champaign County State's Attorney testified in favor of the amendments made just weeks ago.

"While many counties have diligently worked to prepare for the end of money bond, the State's Attorneys behind these lawsuits have been working to preserve one of the greatest racial and economic injustices in our legal system.

"The Illinois Network for Pretrial Justice stands by the Pretrial Fairness Act and is ready to work with the stakeholders in all counties to ensure that the law is successfully implemented after the Supreme Court responds to today's ruling."

State Rep. Blaine Wilhour Applauds Court Ruling Striking Down Portions Of The SAFE-T Act

A recent court ruling striking down portions of the SAFE-T Act is a significant win for the rule of law and the safety of Illinois communities, according to State Representative Blaine Wilhour (R-Beecher City).

"The Constitutional concerns with the SAFE-T Act were raised on multiple occasions, but the majority party chose to ignore these arguments," Wilhour said. "The SAFE-T Act was never about keeping communities safe. It was about infusing our criminal justice system with woke ideology and completely upending our Constitution. The courts have called out the majority party in the Legislature for ignoring the Constitution by enacting the SAFE-T Act into law. However, we cannot rely entirely on the courts when it comes to stopping the SAFE-T Act. We must keep putting pressure on the majority party in the House and the Senate to repeal it. That is the only sure-fire way to

completely stop this egregious legislation. I will continue to speak out against the SAFE-T Act in the Legislature, but we need honest citizens to stand together and keep putting pressure on lawmakers to repeal the new law.”

Judge Cunningham’s ruling strikes down the cash bail and pre-trial release provisions of the SAFE-T Act for the 65 counties that challenged the law’s constitutionality. In his ruling, Cunningham stated that the law violates the Separation of Powers clause of the Constitution by stripping away important tools courts have to keep communities safe. It also violates the Victim Rights Act and makes unconstitutional changes to the bail provisions in Article 1 Section 9 of our Constitution.

“I am disappointed that the ruling only narrowly applies to the counties that participated in the lawsuit,” Wilhour said. “The SAFE-T Act applies to the entire state. If it is unconstitutional in some parts of the state – it is unconstitutional in all parts of the state. We are a long way from a final resolution to the SAFE-T Act in the courts, but with this ruling we are headed in the right direction. We have had a lot of very bad days in Illinois but today is a good one for a change.”