

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
CHAMPAIGN COUNTY**

ADMINISTRATIVE ORDER 2023-5

SUBJECT: IMPLEMENTATION OF SAFE-T ACT Re: MISC. ISSUES

WHEREAS the SAFE-T Act and related Acts (Acts) were adopted by the Illinois General Assembly, a prominent feature of which is the elimination of cash bail, effective Sept. 18, 2023;

WHEREAS the Acts require, in certain circumstances, continued findings to be noted that are lengthy, extending the length of court proceedings and making docket entries excessively and unnecessarily difficult to read if included in each docket entry:

WHEREAS the Acts require the in-person appearance by a defendant at a detention hearing unless the Court determines that the physical health and safety of any person necessary to the proceedings would be endangered by appearing in court, or the Chief Judge of the circuit orders use of that system due to operational challenges in conducting the hearing in person.

WHEREAS the Chief Judge finds that the physical health and safety of correctional officer and inmates would be endangered by appearing in court and that there are operational challenges for in-person detention hearings based on the following: the Champaign County Sheriff's Office currently has 10 vacant correctional officer positions, positions which are needed to transport defendants safely from the Champaign County Correctional Center to the courthouse, which is about one mile away.

WHEREAS prior to Sept. 18, 2023, arrest warrants were issued in dollar amounts. Except in rare instances, the law allowed a person to post 10% of the warrant amount to be released. *See* 725 ILCS 5/110-7. The Acts repealed that provision which would now require persons arrested on and after Sept. 18, 2023, to post the full amount on arrest warrants. Fairness

and the purposes of the Acts dictate that persons should be released after posting a portion of the warrant amount:

WHEREAS prior to Sept. 18, 2023, persons charged with category B offenses had their bail bond reduced by \$30 for each day held in custody; once the balance reached \$0, the person would be released on recognizance. *See* 725 ILCS 5/110-14. The Acts repealed that provision.

WHEREAS the Acts require the Sheriff to release a person being held only on an out-of-county warrant if they are not picked up by the requesting county within 5 calendar days. In the absence of the State seeking specific conditions of release, only the statutorily-required conditions of release should be imposed.

THEREFORE:

A. REVIEW OF DETENTION/RELEASE:

Each time a docket entry is made in a criminal case referring to this Administrative Order, it shall be understood to include each of the following findings if applicable, as if fully set forth therein:

1. Person was released pretrial: The Court finds that “The current conditions imposed are necessary to reasonably ensure the appearance of the defendant as required, the safety of any other person, and the compliance of the defendant with all the conditions of pretrial release”, as required by 725 ILCS 5/110-5(f-5).

2. Pretrial release was denied under Section 110-6.1: The Court finds that “Continued detention is necessary to avoid a real and present threat to the safety of any person or persons or the community, based on the specific articulable facts of the case, or to prevent the defendant’s willful flight from prosecution”, as required by 725 ILCS 5/110-6.1(i-5).

3. Pretrial release was revoked: The Court finds that “Continued detention is necessary to reasonably ensure the appearance of the defendant for later hearings or to prevent

the defendant from being charged with a subsequent felony or Class A misdemeanor”, as required by 725 ILCS 5/110-6(j).

4. GPS/Electronic Monitoring/Home Confinement was ordered as a condition of pretrial release: The Court finds that “No less restrictive conditions of release or combination of less restrictive conditions of release would reasonably ensure the appearance, or continued appearance, of the defendant for later hearings or protect an identifiable person or persons from imminent threat of serious physical harm”, as required by 725 ILCS 5/110-5(i).

B. REMOTE PROCEEDINGS:

Until further notice, Defendants will appear remotely for hearings to deny pretrial release, at which conditions of pretrial release are determined, and at which pretrial release may be revoked, until such time that the Chief Judge, with the approval of the Administrative Office of the Illinois Courts, determines that the operational challenges for in-person hearings on these issues are reduced sufficiently so that the physical health and safety of correctional officers and inmates would no longer be endangered.

C. BAIL AMOUNT:

Effective Sept. 18, 2023, for any Champaign County arrest warrant issued with a dollar amount of bail and for persons in custody on a dollar amount of bail, the defendant may obtain release by executing the bail bond/conditions of release and depositing with the Champaign County Circuit Clerk a sum of money equal to 10% of the bail plus any bond fee authorized by law, unless the underlying warrant requires 100% to be posted, which is uncommon. An example is a warrant issued in 2022 in the amount of \$10,000. The defendant is arrested on the warrant on or after Sept. 18, 2023. The warrant amount is reduced to 10%, per this Order, to \$1,000. To be released on bond, the defendant would have to post \$1,000 plus any bond fee authorized by law. Once deposited, the monetary bail security will be treated the same as any

previously deposited bail security under 725 ILCS 5/110-7.5.

D. CATEGORY B OFFENSES:

For any person in custody with a bail bond amount on a category B offense, the bond will be modified to the amount that exists on September 18, 2023, accounting for any reduction as set forth in the law and frozen at that amount. Ten percent (10%) of the modified amount must be posted for release as noted above in Section C. An example is a person placed in custody on Sept. 16, 2023, on a \$1,000 bond. The person cannot post and the bond is statutorily reduced by \$30 for each day he is in jail. On Sept. 18, 2023, his bond has been reduced by \$60 to \$930. To be released on bond on or after Sept. 18, 2023, the defendant would have to post \$93 plus any bond fee authorized by law.

E. OUT OF COUNTY WARRANTS:

A person being held only on an out-of-county warrant shall be released after 5 calendar days if they are not picked up by the requesting county. In the absence of the State seeking specific conditions of release, only the statutorily-required conditions of release shall be imposed per 725 ILCS 5/110-10(a) and 110-12, including that the person a) must appear in court, b) submit to orders and process of the court, c) notify the Circuit Clerk in writing within 24 hours of any change of address and d) not violate any criminal statute of any jurisdiction..

This Order is effective September 18, 2023.

Date: 9-11-23

ENTER: R. B. Rosenbaum

Presiding Judge Randall B Rosenbaum