Illinois becomes first state to end cash bail as part of criminal justice reform law

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CHICAGO — Illinois has set the stage for a significant overhaul of its criminal justice system after Gov. J.B. Pritzker signed off on a new law that not only institutes major police reforms, but also makes the state the first in the nation to completely abolish cash bail.

House Bill 3653, which was several years in the making, aims to make sweeping changes to the state's existing policies on policing and adjudication.
The legislation, which was signed Monday, comes at a critical time as nationwide calls to address racial bias in the justice system have intensified following the killing of George Floyd in Minneapolis police custody in May, Pritzker said after signing the law.

“This legislation marks a substantial step toward dismantling the systemic racism that plagues our communities, our state and our nation and brings us closer to true safety, true fairness and true justice,” he said. "All of this was fueled by the experiences of those who have lived with police brutality and discrimination in this terrible year in the middle of a brutal viral pandemic that hurt Black people and brown people disproportionately.”

The expansive law came together through a massive grassroots mobilization of more than 100 reform organizations, as well as the Illinois Legislative Black Caucus, that helmed the law through the state Legislature last month.

“History will judge how we responded in this moment, which called for big, bold, transformative changes,” said Democratic state Sen. Elgie R. Sims Jr., who sponsored the bill. “This is not a moment for incrementalism, but one which calls for us to reimagine what public safety looks like in this great state.”

Among the most notable facets of the law is the abolishment of the cash bail system under the Illinois Pretrial Fairness Act, which is a part of HB 3653. The new law eliminates wealth-based detention and instead gives judges a more strictly defined decisionmaking process based on a real risk of present threat or willful flight. This will be rolled out slowly under a two-year plan and will not go fully in effect until 2023, while other parts of the law will go into effect as early as July.

The law also encompasses of some of the most extensive police reforms, including a requirement that all police officers wear body cameras by 2025, a ban on all police chokeholds, new guidelines for "decertification" of police officers, and statewide standards and services for officers to receive regular confidential mental health screenings and assistance.
Under HB 3653, police departments are also prohibited from purchasing certain military equipment, such as firearms and ammunition of .50-caliber or higher and tracked armored vehicles.

Detainee rights have also been expanded to include the right to make three free phone calls within three hours of arrival at the police station and before questioning occurs, and the ability to retrieve phone numbers contained in their cellphone’s contact list prior to the phone being placed in inventory.