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State's Attorney



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*******PRESS RELEASE*******

In September, 2022, I filed a motion for declaratory judgement and injunctive relief in my official capacity as Vermilion County State's Attorney and on behalf of the People of the State of Illinois. The motion requested the Court to find that Public Act 102-1104 violates Article I, section 8.1(a)(9); Article I, section 9; Article II, section 1; and Article IV, section 8(d) of the Illinois Constitution of 1970 and declare the law null and void. Similar motions that were filed by numerous other State's Attorneys throughout Illinois were consolidated into Kankakee County, Illinois.

On December 28, 2022, 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 that the Pre-Trial Fairness Act, specifically the bail reform and pre-trial release provisions, is **unconstitutional**. The other provisions of the Safe-T Act were upheld.

The Plaintiffs in this lawsuit were collectively represented by a litigation team consisting of the State's Attorney and their Assistant State's Attorneys from Kankakee, Kendall, McHenry, Sangamon, Will, and Vermilion Counties. The defendants (Governor JB Pritzker, Attorney General Kwame Raoul, Senate President Donald Harmon, and Speaker of the House Christopher Welch) appealed to the Illinois Supreme Court.

On July 18, 2023, the Illinois Supreme Court issued its opinion overturning the Circuit Court and found the pre-trial fairness act **constitutional**. To say I am disappointed is an understatement. I firmly believe that this decision will be a detriment to the criminal justice system and the People of Vermilion County. First, the act will limit the ability for Judges to protect the public and victims as well as to ensure the offender will appear in court. Second, the legislature has now been given the power to change the Illinois Constitution without putting forth a referendum to the voters of the State of Illinois. Third, requiring an unwarranted additional presumption of no bail clearly contradicts previously established and superior law, places crime victims at a greater risk to be re-victimized, and unnecessarily subjects witnesses to threats and intimidation.

As the Chief Legal Officer in Vermilion County, I pledge to work with our law enforcement partners and to continue to do what is right for Vermilion County.

Honorable Jacqueline M. Lacy, Vermilion County State's Attorney