

OFFICER JOHN BARTHOLOMEW PUBLIC SAFETY AND PRETRIAL JUSTICE ACT

An Act to amend the Code of Criminal Procedure of 1963 and the Pretrial Fairness Act (P.A. 101-652) to strengthen pretrial detention standards, restore electronic monitoring integrity, and protect public safety.

PREAMBLE

BE IT ENACTED BY THE PEOPLE OF THE STATE OF ILLINOIS, represented in the General Assembly:

ARTICLE I — LEGISLATIVE FINDINGS

Section 1.01 — Findings of Fact

The General Assembly makes the following findings:

- On April 26, 2026, Chicago Police Officer John Bartholomew was murdered in the line of duty while performing his sworn obligations to protect the public. Officer Bartholomew died as a direct consequence of systemic failures in Illinois's pretrial release framework.
- Despite documented evidence of serious violent charges, having violated conditions of electronic monitoring, and being a confirmed parole absconder at the time of the offense, the individual charged with Officer Bartholomew's murder, Alphanson Talley, had been released pretrial on multiple prior occasions.
- Officer Bartholomew's death is not an isolated incident. It is part of a documented pattern of violent offenses committed by defendants released under the Pretrial Fairness Act's current standards, a pattern the General Assembly has both the authority and the obligation to address.
- The current 'clear and convincing evidence' detention standard in the Pretrial Fairness Act is the highest evidentiary burden applied to any pretrial determination in Illinois and exceeds the standard used in the federal system and the majority of states.
- Electronic monitoring as currently administered under the Pretrial Fairness Act lacks adequate enforcement infrastructure, fails to protect the public from defendants who tamper with or remove devices, and in many jurisdictions is supervised by contractors who possess no law enforcement authority and no ability to respond to violations in real time.
- The General Assembly further finds that reforms to the pretrial detention standard and to electronic monitoring enforcement are narrowly tailored to protect public safety and do not constitute a return to a wealth-based system of detention; the ability to pay shall

remain a prohibited basis for detention, and robust indigency protections are expressly preserved herein.

Section 1.02 — Purpose

This Act honors Officer John Bartholomew by amending the Pretrial Fairness Act to: (1) calibrate the pretrial detention standard to a constitutionally appropriate and operationally workable threshold; (2) restore meaningful electronic monitoring enforcement; (3) establish minimum infrastructure standards for agencies supervising high-risk defendants; and (4) ensure that pretrial release decisions reflect the actual threat posed by an individual defendant rather than administrative inertia.

ARTICLE II — PRETRIAL DETENTION STANDARD

Section 2.01 — Evidentiary Standard for Detention

Section 110-6.1 of the Code of Criminal Procedure of 1963 is amended as follows:

(a) General Standard

A defendant may be detained pretrial upon a finding by the court, by a preponderance of the evidence, that the defendant poses a real and present threat to the safety of any person or the community, or that the defendant presents a high risk of willful flight to avoid prosecution.

***Drafting Note:** The shift from 'clear and convincing evidence' to 'preponderance of the evidence' aligns Illinois with the federal standard under 18 U.S.C. § 3142 and the majority of state frameworks. It remains a meaningful evidentiary threshold and does not authorize detention without individualized judicial findings.*

(b) Factors for Consideration

In making the detention determination, the court shall consider all relevant factors, including:

- The nature, circumstances, and severity of the charged offense;
- The defendant's prior criminal history, including prior convictions, prior charges, and prior failures to appear;
- The defendant's history of compliance or noncompliance with conditions of pretrial release, probation, parole, or supervised release;
- Whether the defendant was on pretrial release, probation, parole, or supervised release at the time of the charged offense;
- The defendant's ties to the community, including employment, family, and length of residence;
- Evidence of threatened harm to any identified victim or witness;
- The availability of conditions or combinations of conditions that would adequately protect the public and reasonably ensure the defendant's appearance.

(c) Prohibited Basis — Financial Status

The court shall not detain a defendant on the basis of the defendant's financial status or socioeconomic circumstances. Consistent with Illinois law eliminating monetary bail, no monetary condition of release shall be imposed under this Act. The detention determination shall be based solely on individualized findings of dangerousness or flight risk as set forth in this Article.

Section 2.02 — Rebuttable Presumption of Detention

A rebuttable presumption in favor of detention shall arise when the State demonstrates by a preponderance of the evidence that any of the following circumstances apply:

1. The defendant has a prior conviction for a violent felony, as defined in Section 2 of the Rights of Crime Victims and Witnesses Act;
2. The defendant has a prior conviction for, or has a pending charge of, aggravated battery of a peace officer, aggravated discharge of a firearm, or any offense involving the use or threatened use of a dangerous weapon against a law enforcement officer;
3. The defendant has an active arrest warrant, a documented failure to appear within the preceding five (5) years, or is confirmed as an absconder from parole, mandatory supervised release, or any other form of post-conviction supervision at the time of the current charge;
4. The defendant is charged with a new violent offense while currently on pretrial release, probation, parole, mandatory supervised release, or any other form of court supervision;
5. The defendant has been arrested for a violent offense on two or more occasions within the preceding seven (7) years, regardless of disposition.

Rebuttal Standard

To rebut the presumption, the defendant bears the burden of producing credible evidence sufficient to demonstrate, by a preponderance, that no condition or combination of conditions of release will adequately protect the public and ensure the defendant's appearance. The court shall state its findings on the record when granting release over a presumption.

***Constitutional Note:** Rebuttable presumptions in detention proceedings are constitutionally permissible under *United States v. Salerno*, 481 U.S. 739 (1987), and consistent with the federal Bail Reform Act framework, provided the defendant retains a meaningful opportunity to rebut. This provision preserves that opportunity and requires the court to articulate its reasoning.*

ARTICLE III — ELECTRONIC MONITORING REFORM

Section 3.01 — Repeal of Mandatory 'Essential Movement' Provisions

The provisions of the Pretrial Fairness Act requiring courts to authorize mandatory 'essential movement' windows as a condition of all electronic monitoring orders are hereby repealed.

Courts retain full discretion to authorize specific, individualized movement permissions upon written motion and a showing of necessity by the defendant, subject to the supervision and approval of the monitoring agency.

Section 3.02 — Electronic Monitoring Agency Certification Standards

No agency, entity, contractor, or instrumentality shall supervise a defendant on electronic monitoring in a case involving a violent offense or a presumptively detainable offense under Section 2.02 of this Act unless the supervising entity meets all of the following minimum standards:

- The agency possesses full law enforcement authority under Illinois law, including the authority to arrest without a warrant any supervised individual who violates the conditions of electronic monitoring;
- The agency maintains a 24-hours-a-day, 7-days-a-week, 365-days-a-year real-time monitoring capability, with a staffed operations center capable of initiating an immediate law enforcement response upon detection of any device alert, tamper signal, zone violation, or loss of contact;
- The agency maintains an average response-to-alert time of no more than thirty (30) minutes for confirmed violations;
- The agency is subject to annual independent audits of its monitoring and response performance, with audit results filed with the Illinois Criminal Justice Information Authority and made publicly available.

If a supervising agency cannot certify compliance with all standards set forth in this Section, electronic monitoring shall not be authorized as a condition of pretrial release for defendants charged with a violent offense or qualifying under Section 2.02. In such cases, the court shall make a detention determination under Article II.

Operational Note: *This provision addresses the documented failure mode of contractor-supervised EM programs that cannot effectuate an arrest upon violation. It does not prohibit EM by private contractors who achieve certification; it requires that certification be demonstrated, not assumed.*

Section 3.03 — Mandatory Revocation Upon Violation

Upon any of the following violation events, the supervising agency shall immediately notify the court and the State's Attorney, and the court shall conduct a revocation hearing within forty-eight (48) hours:

- Tampering with, disabling, or removing the electronic monitoring device;
- Any curfew breach exceeding fifteen (15) minutes;
- Failure to charge the device resulting in a loss of signal exceeding two (2) hours;
- Any unmonitored period not authorized in writing by the court in advance;
- A new arrest for any offense;
- Any contact, direct or indirect, with a named victim or protected witness.

At the revocation hearing, there shall be a rebuttable presumption in favor of detention. The defendant shall bear the burden of demonstrating, by a preponderance of the evidence, that the violation was not willful and that the defendant does not pose a present threat to public safety. No 48-hour grace period, cure period, or heightened-intent requirement shall apply to revocation proceedings under this Section.

Section 3.04 — Elimination of Mandatory Custody Credit for EM in Violent Cases

In cases involving a violent felony as defined in Section 2 of the Rights of Crime Victims and Witnesses Act, time spent on pretrial electronic monitoring shall not be credited as time served toward any sentence of imprisonment. Courts may, in their discretion, grant partial credit upon written motion and a finding of substantial compliance throughout the entirety of the monitoring period. This provision does not affect credit for actual physical custody.

Section 3.05 — EM Insufficient as Sole Release Condition for High-Risk Defendants

Electronic monitoring shall not be imposed as the sole condition of pretrial release for any defendant who qualifies for the rebuttable presumption of detention under Section 2.02 of this Act. Illinois law does not permit monetary bail; accordingly, release of a presumptively detainable defendant on electronic monitoring alone is insufficient to protect the public and is prohibited under this Act.

If the court determines, pursuant to Section 2.02, that release is appropriate notwithstanding the rebuttable presumption, the court shall impose electronic monitoring only in combination with at least two of the following additional conditions, selected based on the individual defendant's risk profile and offense characteristics:

- Mandatory daily in-person or video reporting to a pretrial services officer;
- Geographic exclusion zones prohibiting the defendant from entering specified areas, including the victim's residence, workplace, or neighborhood;
- Mandatory participation in a substance use monitoring program with no less than weekly testing;
- A no-contact order covering all named victims, witnesses, and their immediate family members, enforceable by immediate arrest upon any violation;
- A curfew of no less than twelve (12) hours per day, with movement authorized only for employment, medical care, legal appointments, and court-approved activities;
- Surrender of any firearm, firearm owner identification card, and concealed carry license for the duration of pretrial release;
- Any other condition the court finds, on the record, to be necessary to adequately protect the public given the specific facts of the case.

The court's written release order shall state, for each condition imposed, the specific factual basis supporting the court's conclusion that the combination of conditions is sufficient to protect the public. A general recitation that conditions are adequate shall not satisfy this requirement.

Drafting Note: *Because Illinois eliminated monetary bail in September 2023, the detention/release decision is binary: detention, or release with conditions. This section ensures that for the most dangerous defendants, release on EM alone — which the Talley case illustrates is functionally no supervision at all — is not an available outcome. It preserves the no-cash-bail framework while closing the gap that allowed Talley to cycle through the system.*

ARTICLE IV — DOWNSTATE AND RURAL COUNTY IMPLEMENTATION

Section 4.01 — Phased Compliance Timeline

The General Assembly recognizes that many counties outside the Chicago metropolitan area currently contract with electronic monitoring providers that do not meet the certification standards established in Section 3.02. The following phased compliance timeline shall apply:

- Cook, DuPage, Lake, Kane, and Will Counties: Compliance required within 180 days of enactment;
- All other counties with a population exceeding 100,000: Compliance required within 365 days of enactment;
- All remaining counties: Compliance required within 540 days of enactment.

During any applicable compliance period, a county that cannot certify compliance under Section 3.02 shall not authorize electronic monitoring for violent or presumptively detainable defendants. The court shall instead conduct a detention hearing under Article II. The purpose of this provision is to ensure that the absence of certified EM infrastructure results in a detention determination — not in an unsupervised release.

Section 4.02 — State Funding and Technical Assistance

The Illinois Criminal Justice Information Authority, in coordination with the Illinois State Police, shall establish a grant program to assist counties in achieving compliance with Section 3.02 standards. Grant funds may be used for technology upgrades, intergovernmental agreements with certified supervising agencies, and personnel costs associated with 24/7 monitoring operations. The General Assembly shall appropriate funds sufficient to implement this section within the first fiscal year following enactment.

ARTICLE V — SEVERABILITY AND CONSTRUCTION

Section 5.01 — Severability

If any provision of this Act, or the application of any provision to any person or circumstance, is held invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions or applications of this Act that can be given effect without the invalid provision or application. The

General Assembly hereby declares that it would have enacted this Act even if any particular provision were held invalid, and it is the intent of the General Assembly that the remaining provisions be enforced to the fullest extent permissible under the Constitution of the United States and the Constitution of the State of Illinois.

Drafting Note: *An explicit severability clause is essential given the likelihood of constitutional challenge to the rebuttable presumption provisions and the EM agency certification standards. This section ensures that a successful challenge to any single provision does not void the Act in its entirety.*

Section 5.02 — Relationship to Federal Law

Nothing in this Act shall be construed to preclude or limit the application of more protective provisions of federal constitutional law, including the Eighth Amendment to the Constitution of the United States and applicable due process protections as interpreted by the Supreme Court of the United States. Where any provision of this Act conflicts with a binding interpretation of federal constitutional law, the federal constitutional standard shall control.

Section 5.03 — Construction — No Restoration of Monetary Bail

Nothing in this Act shall be construed to reinstate, restore, or authorize monetary bail as a condition of pretrial release. Illinois law has eliminated monetary bail, and this Act operates entirely within that framework. All references to conditions of release in this Act refer exclusively to non-monetary conditions as authorized under the Code of Criminal Procedure of 1963 as amended by the Pretrial Fairness Act.

ARTICLE VI — EFFECTIVE DATE

This Act takes effect upon becoming law, except as provided in Section 4.01 (phased compliance for EM agency certification). All proceedings pending on the effective date shall be governed by the law in effect at the time the detention or release determination was made, except that any defendant currently on electronic monitoring that does not satisfy the standards of Section 3.02 shall be subject to a review hearing within 90 days of the effective date.

IN MEMORY OF OFFICER JOHN BARTHOLOMEW

End of Watch: April 26, 2026

Chicago Police Department