



RESTORING BALANCE: PRACTICAL REFORMS TO STRENGTHEN PUBLIC SAFETY AND JUDICIAL DISCRETION UNDER THE ILLINOIS SAFE-T ACT (PRETRIAL FAIRNESS ACT)

Prepared by Chief Tom Weitzel (Ret.), Fellow of Law Enforcement





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ABOUT US

AWAKE ILLINOIS IS A FEARLESS, UNCANCELLABLE GRASSROOTS MOVEMENT DEDICATED TO DEFENDING PARENTAL RIGHTS, RESTORING ACADEMIC EXCELLENCE AND TRANSPARENCY IN EDUCATION, PROTECTING CHILDREN'S INNOCENCE, AND ADVANCING CONSTITUTIONAL LIBERTIES ACROSS OUR STATE.

WE EMPOWER EVERYDAY ILLINOIS CITIZENS TO CONFRONT OVERREACHING "WOKE" POLICIES, GOVERNMENT OVERREACH, AND INSTITUTIONAL FAILURES, THAT UNDERMINE FAMILIES, COMMUNITIES, AND INDIVIDUAL FREEDOMS.

THROUGH RELENTLESS ADVOCACY, STRATEGIC ACTIVISM, LEGAL ACTION, AND COMMUNITY MOBILIZATION, WE FIGHT FOR TRUTH, EQUALITY UNDER THE LAW.

WE STAND UNAPOLOGETICALLY FOR LIBERTY, JUSTICE, AND COMMON SENSE IN A BLUE STATE THAT NEEDS AWAKENING—BECAUSE FREEDOM ISN'T GIVEN; IT'S DEFENDED.

AWAKE ILLINOIS FELLOWS ARE EXPERTS IN THEIR FIELD THAT OFFER REAL-WORLD INSIGHT INTO VARIOUS ADVOCACY AND POLICY ISSUES.

CHIEF TOM WEITZEL (RET.), AWAKE ILLINOIS LAW ENFORCEMENT FELLOW

CHIEF THOMAS WEITZEL (RET.) IS A 37-YEAR VETERAN OF LAW ENFORCEMENT, HAVING SERVED THE RIVERSIDE, ILLINOIS POLICE DEPARTMENT FROM 1984 UNTIL HIS RETIREMENT IN 2021, INCLUDING 13 YEARS AS CHIEF OF POLICE. RISING THROUGH EVERY RANK IN THE DEPARTMENT—FROM PATROL OFFICER TO DETECTIVE, SERGEANT, LIEUTENANT, DEPUTY CHIEF, AND CHIEF—HE HELD KEY ROLES SUCH AS FIELD TRAINING OFFICER, CRIME PREVENTION COORDINATOR, PUBLIC INFORMATION OFFICER, AND INTERNAL AFFAIRS SUPERVISOR.

AS FELLOW OF LAW ENFORCEMENT AT AWAKE ILLINOIS, HE CONTRIBUTES EXPERT ANALYSIS TO THE [AWAKE AND ARMED VIDEO PODCASTS](#) AND EXCLUSIVE OP-EDS ON THE [AWAKE ILLINOIS BLOG](#), GROUNDING DISCUSSIONS IN REAL-WORLD EXPERIENCE TO PROMOTE SAFER COMMUNITIES AND BETTER-SUPPORTED OFFICERS. HIS [SUBSTACK THE 'MEMO'](#) OFFERS THE PUBLIC HIS FAIR, FACT-BASED VIEW OF LAW ENFORCEMENT. FOLLOW HIM ON X [@CHIEFWEITZEL](#).



EXECUTIVE SUMMARY, PART 1

The Illinois Safety, Accountability, Fairness, and Equity–Today Act (SAFE-T Act), enacted as Public Act 101-0652, is a sweeping omnibus criminal justice reform law signed by Governor J.B. Pritzker on February 22, 2021. It was passed by the Illinois General Assembly in January 2021 as House Bill 3653 and incorporates recommendations from the Illinois Supreme Court Commission on Pretrial Practices (final report issued April 2020).

The legislation spans policing, pretrial detention, sentencing, and corrections, with its most prominent and controversial component—the Pretrial Fairness Act (PFA)—aimed at overhauling the state’s pretrial justice system. At its core, the Pretrial Fairness Act eliminates cash bail (money bond) statewide, making Illinois the first state in the nation to do so comprehensively.

Under the new framework, pretrial release decisions are based on risk assessments conducted by pretrial services agencies, with judges required to impose the least restrictive conditions necessary to ensure court appearance and public safety. The law severely limits the offenses eligible for pretrial detention, imposes a high evidentiary burden on prosecutors to justify detention, and narrows judicial discretion in assessing flight risk and dangerousness. Most provisions of the SAFE-T Act took effect in phases beginning July 2021, with the Pretrial Fairness Act fully implemented on September 18, 2023, following legal challenges and Illinois Supreme Court review that upheld its constitutionality.



EXECUTIVE SUMMARY, PART 2

While this reform meant to address concerns about inequities in the pre-2023 bail system, the SAFE-T Act's implementation has produced significant negative consequences.

By excluding numerous serious offenses from presumptive detention eligibility, creating an overly burdensome "no conditions sufficient" standard for prosecutors, and narrowing the definitions of flight risk and release violations, the law has constrained judicial authority, limited law enforcement tools, and compromised public safety in ways its drafters did not anticipate. These shortcomings have eroded confidence in the criminal justice system, placed victims and communities at increased risk, and strained the operational capacity of police, prosecutors, and courts.

This report, prepared by Chief Tom Weitzel (Ret.)-Fellow of Law Enforcement at Awake Illinois-and Awake Illinois Board of Directors, offers targeted, practical revisions to the SAFE-T Act. These recommendations preserve the Act's foundational commitment to fairness while restoring balance through expanded detainable offenses, strengthened accountability measures, and greater judicial discretion grounded in real-world risk factors. The proposed changes do not roll back reform—they refine and strengthen it to ensure that public safety, victim rights, and the rule of law are fully protected alongside equity. Illinois has the opportunity to lead the nation in responsible pretrial justice reform. These adjustments provide a clear, responsible path forward.



KEY AREAS REQUIRING REFORM PART 1

1. Expand the List of Detainable Offenses

The current statute excludes several serious offenses from eligibility for pretrial detention, even when they pose clear risks to the public. This limitation restricts prosecutors and judges from acting in the interest of community safety.

Recommended Changes:

Add the following offenses as eligible for detention.

- **Burglary**
- **Aggravated fleeing and eluding**
- **Organized retail theft**
- **Financial exploitation of the elderly**
- **Possession of a stolen motor vehicle**
- **Possession of a stolen firearm**
- **Possession of a firearm with a defaced serial number**
- **Felony criminal damage to property**
- **Reckless discharge of a firearm**
- **Trespass to residence**
- **Class 2 or higher DUI**

2. Mandatory Detention for Aggravated Battery Against First Responders

Violence against law enforcement officers and first responders is a direct assault on the rule of law.

Recommended Change:

- **Make aggravated battery against police officers, firefighters, and EMTs a mandatory detainable offense.**

Allowing individuals accused of these acts to be released pretrial sends a dangerous message—that attacks on those who protect the public carry no immediate consequence. This must be corrected.



KEY AREAS REQUIRING REFORM PART 2

3. Reframe the “Prong Three” Standard

The current statutory language places an unrealistic burden on prosecutors to prove that no condition of release can mitigate risk. This standard is impractical and disconnected from real-world applications.

Recommended Changes:

Shift the burden to a “substantial likelihood” standard that conditions of release are insufficient.

- Allow judges to consider:
- Criminal history
- Recent violent conduct
- Patterns of behavior

Judges must be empowered to evaluate risk based on facts—not hypothetical scenarios.

4. Restore Common-Sense Flight Risk Standards

The current definition of willful flight is overly narrow and fails to account for obvious indicators of non-compliance.

Recommended Changes:

- **Expand the definition of willful flight to include:**
- **Prior failures to appear in court**
- **Active attempts to flee or evade law enforcement**
- **Lack of ties to the jurisdiction where charges are filed**

Prosecutors should not be required to prove a detailed, premeditated escape plan to establish flight risk. The law must reflect common sense.



KEY AREAS REQUIRING REFORM PART 3

5. Strengthen Pretrial Release Revocation Standards

Violations of pretrial release conditions currently lack meaningful consequences in many cases.

Recommended Changes:

Allow revocation of pretrial release for:

- **Missing court appearances**
- **Violating any condition of release**

Accountability must be restored. Conditions of release are not suggestions—they are court orders.

6. Eliminate the “Postcard” Warrant Practice

In some jurisdictions, individuals who fail to appear in court are issued notices rather than warrants.

Recommended Change:

- **Require the issuance of warrants for all missed court appearances.**

Anything less undermines judicial authority and signals that court orders can be ignored without consequence.

7. Eliminate “Essential Movement Days” Under Electronic Monitoring

Electronic monitoring is already a limited alternative to detention. Allowing individuals additional unsupervised movement further weakens its effectiveness.

Recommended Change:

- **Eliminate “essential movement days” for individuals on electronic monitoring.**

If an individual poses enough risk to require monitoring, unrestricted movement contradicts the purpose of that supervision.



CONCLUSION

Public trust is the foundation of effective policing and prosecution. When that trust erodes, cooperation declines, reporting decreases, and crime becomes harder to control. These reforms are not radical, they are reasonable, necessary adjustments that align the law with operational reality. They preserve the intent of reform while correcting its most dangerous deficiencies.



Illinois can lead in criminal justice reform—but only if it is done responsibly. The SAFE-T Act, in its current form, fails to strike the necessary balance between reform and public safety.

The changes outlined in this report provide a clear path forward. They restore judicial discretion, strengthen accountability, and prioritize community safety without abandoning fairness.

The time for adjustment is now. Each day that passes without reform increases the risk to the public and further erodes confidence in the system. Amending the SAFE-T Act is not optional; it is essential. Anything less is a failure to act in the public interest and to uphold public safety and justice.

Our team can be contacted at info@awakeil.com to discuss this report and/or to collaborate on any reform efforts.