

ADMINISTRATIVE ORDER NO. 2023-18
22ND Judicial Circuit
McHenry County, Illinois

FILED

SEP 26 2023

KATHERINE M. KEEFE
McHENRY CTY. CIR. CLK.

(Implementation of Pretrial Fairness Act - Pretrial Monitoring Fees)

WHEREAS, in 2021, the Illinois General Assembly passed, and the Governor signed into law, Public Act 101-652, which is commonly known as the Safety, Accountability, Fairness and Equity- Today Act (the "SAFE-T Act"). *See Rowe v. Raoul*, 2023 IL 129248 ¶ 3 (July 18, 2023).

WHEREAS, through the SAFE-T Act and Public Act 102-1104 which was signed into law in follow-up, the statutory framework for the pretrial release of criminal defendants in Illinois was dismantled and rebuilt. *Id.*

WHEREAS, said statutory framework for pretrial release had been separately introduced but then legislated through the SAFE-T Act, and is also considered as the Pretrial Fairness Act (the "PFA").

WHEREAS, the PFA had been stayed through the handling of litigation which challenged its constitutionality, and this stay will end on September 18, 2023. *See Rowe v. Raoul*, 2023 IL 129248 ¶ 52 (July 18, 2023).

(Pretrial Monitoring Fees)

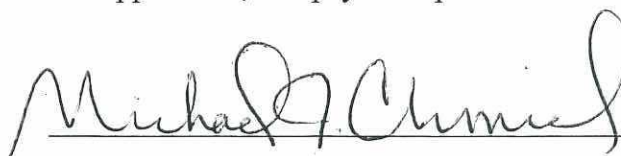
WHEREAS, the PFA includes a presumption for release with the least restrictive conditions available while also considering a myriad of additional factors which may be applicable to each case/defendant.

WHEREAS, some defendants may require various forms of Pretrial Monitoring as a condition of release.

WHEREAS, appropriate and necessary fees must be assessed for various forms of Pretrial Monitoring and should be levied upon each defendant, payable upon conviction unless waived by the Court. *See Appendix 1*, which includes a listing of Pretrial Monitoring services and associated fees.

NOW, THEREFORE, IT IS ORDERED that when a defendant is released while awaiting trial and the defendant's release conditions include some form of Pretrial Monitoring, the appropriate Pretrial Monitoring fees shall be assessed as outlined in Appendix 1, and payable upon conviction unless waived by the Court.

DATED: September 26, 2023


MICHAEL J. CHMIEL
CHIEF JUDGE

Appendix 1

(Pretrial Monitoring Services and Associated Fees)

CONDITION	COST	TIME REQUIRED
Pretrial Supervision: In-person contact on Court dates, phone calls, records checks and general compliance	\$75 fee	Promptly upon order-same day
Electric Monitoring ("EM"): Curfew enforcement	\$5/day	Promptly upon order-same day
GPS Monitoring: Domestic Violation cases to protect victims/specific locations	\$8.50/day	Promptly upon order-same day
Continuous Alcohol Monitoring ("CAM"): 2 nd or Subsequent DUI Offenses	\$10/day	Promptly upon order-same day
Alcohol/Drug Testing (limited to 2 per month)	\$35 fee	Promptly upon order-same day

*Fees are subject to revision per Administrative Order of the Court.