June 25, 2019

Honorable Robbin J. Stuckert
Presiding Judge, 23rd Judicial Circuit
DeKalb County Courthouse 133 W.
State Street Sycamore, IL 60178

RE: Illinois Supreme Court Commission on Pretrial Practices

Dear Hon. Judge Stuckert:

On behalf of myself and the Progressive Caucus of the Illinois House of Representatives, I am pleased to submit testimony to the Illinois Supreme Court Commission on Pretrial Practices. Our caucus strongly opposes the continued use of secured money bond in Illinois and is working with our colleagues in Springfield to put an end to the practice. I urge the Commission to recommend the adoption of the proposed Supreme Court Rule that would prohibit pretrial incarceration based on the inability to pay a money bond.

A common argument in opposition of ending money bond is that funds collected from bonds posted currently provide necessary funds for the operation of important programs such as public defenders and victims’ services programs. We also believe these services are vital—so vital, in fact, that they should be funded reliably and fairly through Illinois’ state budget process. There are ample alternative sources of funding for these services, such as increasing taxes on corporations and closing current tax loopholes. The Progressive Caucus is committed to finding money to pay for these services without threatening legally innocent people with incarceration.

The presumption of innocence is a cornerstone of our criminal justice system. The practice of locking up individuals who are presumed innocent for weeks or even months unless someone who cares about them pays a sum of money is exploitative and unjust. Using bond money to fund vital government services is immoral and creates a perverse incentive for its ongoing use by the courts. Nevertheless, we continue to hear that funding these services is an excuse to continue the extortion of family members of people in jail. In fact, at a legislative subject matter hearing in April of this year, guaranteeing income to both fund services and collect on other court fines, fees, and costs was the primary objection raised to abolishing secured money bond. This is a shameful motivation for bad policy, and we are looking forward to changing it.
The Progressive Caucus of the Illinois House of Representatives appreciates your commitment to improving pretrial practices across Illinois. We urge you to consider alternative ways to raise revenue to pay for the vital programs that revenue from money bonds is currently funding, and we urge you to completely abolish secured money bond. Thank you for the opportunity to provide this written testimony.

Sincerely,
Will Guzzardi Illinois State Representative, 39th District Co-Chair of the Illinois House Progressive Caucus