



# ENDING MONEY BOND

## ACLU Illinois

**As of September 2023, Illinois officially becomes the first state to abolish the unfair practice of jailing people accused of crimes simply because they cannot afford to pay a money bond.**

### WHY DID WE NEED TO END MONEY BOND?

Money bond is the system in which a judge sets a dollar amount for people charged with a crime to buy their freedom while waiting for their trial. Courts routinely set bond amounts that far exceed the ability of an individual or their family to pay. This leads to a two-tiered system where those with access to money can buy their freedom, while those without access to wealth must wait in jail – preventing them from working or caring for their children. Spending even a few days in jail can completely destabilize a person's life, and when someone is held in custody before their case is heard, they are more likely to be convicted and to receive a longer sentence.

Ending the money bond system in Illinois also addresses mass incarceration and racial disparities in Illinois' criminal legal system. Evidence shows that the use of money bonds exacerbates racial disparities, more often leading to the detention of people of color.

### IMPORTANT THINGS TO KNOW ABOUT ENDING MONEY BOND:

- Ending money bond assures that the criminal legal system treats people accused of a crime as innocent until proven guilty.
- Ending money bond means that a person's access to wealth will no longer determine whether they are free or locked up before trial.
- A judge still will consider whether an accused person should be denied release because they would pose a threat to other people, or because they would be likely to flee.
- Spending even a few days in jail can completely destabilize a person's life - causing them to lose their job, home, or custody of their children.
- There is no evidence that forcing someone to pay a money bond increases the likelihood that someone appears for their court proceedings.
- Money bond exacerbates racial disparities, more often leading to the detention of people of color.
- Jail increases recidivism and decreases public safety over time. Ending money bond will ensure that pretrial incarceration is used only as a last resort to ensure community safety and the person's appearance in court.

### WHAT DOES THE CRIMINAL LEGAL SYSTEM LOOK LIKE AFTER ENDING MONEY BOND?

Instead of using a money bond, judges will make individualized determinations if someone should be detained pretrial because there is evidence that they pose a safety risk to others or are likely to flee.

Ending the use of money bond is a major step forward in creating a more fair criminal legal system. But there is more work to do.

### HOW DID ILLINOIS END MONEY BOND?

Illinois elected officials supported the end of money bond through the Pretrial Fairness Act, which was signed into law in early 2021. The Pretrial Fairness Act was part of the SAFE-T Act, a broader package of policing and criminal legal system reforms championed by the Illinois Legislative Black Caucus and the Coalition to End Money Bond and Illinois Network for Pretrial Justice.

**FIND MORE INFORMATION AT:**  
**[WWW.ACLU-IL.ORG/MONEYBOND](http://WWW.ACLU-IL.ORG/MONEYBOND)**  
**[WWW.ENDMONEYBOND.ORG](http://WWW.ENDMONEYBOND.ORG)**  
**[WWW.PRETRIALFAIRNESS.ORG](http://WWW.PRETRIALFAIRNESS.ORG)**