

# ELIMINATION OF CASH BAIL IN ILLINOIS: FINANCIAL IMPACT ANALYSIS

## EXECUTIVE SUMMARY

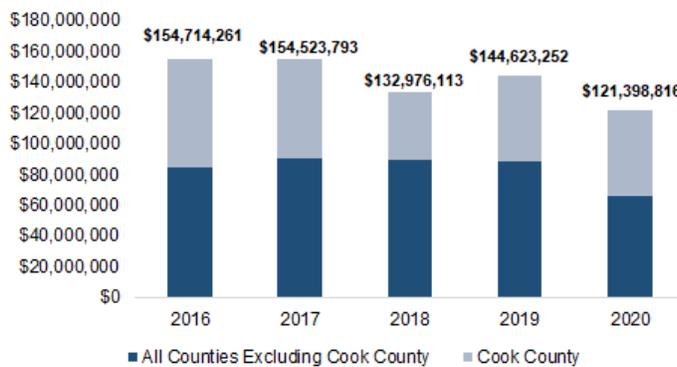
In preparation for the elimination of cash bail beginning in January 2023, the Illinois Supreme Court Pretrial Practices Implementation Task Force set out to measure the financial impact this policy change will have on counties throughout the State of Illinois, and specifically circuit court clerks who will no longer retain up to 10% of bond deposits as bond processing fees. In a first-of-its kind analysis, the Task Force compiled data on the annual total bond payments across Illinois over the past five years. The focus of the report is the amount of bond payments applied, which means bonds processed and disbursed at the conclusion of a criminal case, and how clerks of circuit courts distributed those bond amounts. The findings focus on bonds applied, rather than bond payments collected at the time of pretrial release, in order to understand how those funds are used for a variety of purposes, including to satisfy fines, fees and assessments, restitution payments, and refunds to the person who paid the bond.

### SUMMARY OF FINDINGS

#### Total Bond Payments Processed

Across the 96 Illinois counties that provided data, bond payments processed in criminal cases totaled \$154.7 million in 2016. This amount decreased to \$121.4 million in 2020. Bonds processed in Cook County represented approximately 40% of the state total on average across the five-year period. 2020 is not a representative year due to disruptions caused by the COVID-19 pandemic. Court closures and case delays, combined with a reduction in crime and arrests, likely led to a much lower volume of processed cases in 2020 and therefore fewer court fees and fines processed compared to prior years.

**Total Bond Payments Applied in Illinois**



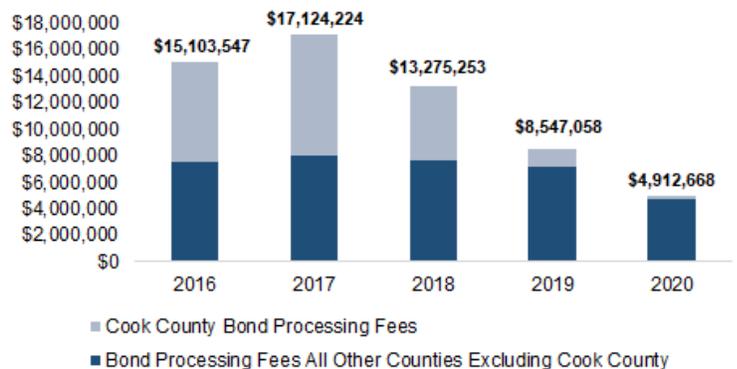
Of the total bond payments processed:

- The majority—70%—were applied to satisfy court-ordered fees;
- 10% were applied to satisfy fines and restitution payments; and
- The remaining 20% were refunded to the person who paid the bond or paid to private attorneys who represented the defendant.

#### Circuit Court Clerk Bond Processing Fees

- Clerks of circuit courts collected a total of \$15.1 million in bond processing fees (also known as bail bond costs) in 2016. This amount decreased to \$4.9 million in 2020.
- On average over this period, bond processing fees represented 8% of total bonds applied.
- These bond processing fees will be eliminated with the abolishment of cash bail.

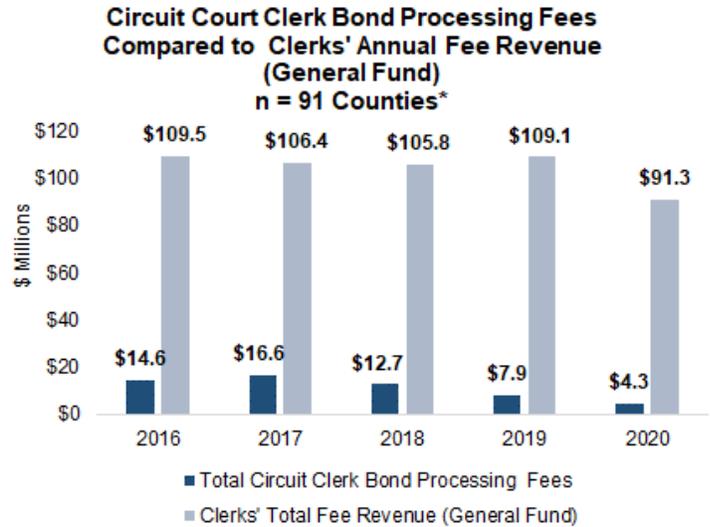
**Bond Processing Fees Received by Circuit Court Clerks in Illinois**



## SUMMARY OF FINDINGS (CONTINUED)

### Bond Processing Fees Compared to Clerks' Total Fee Revenue

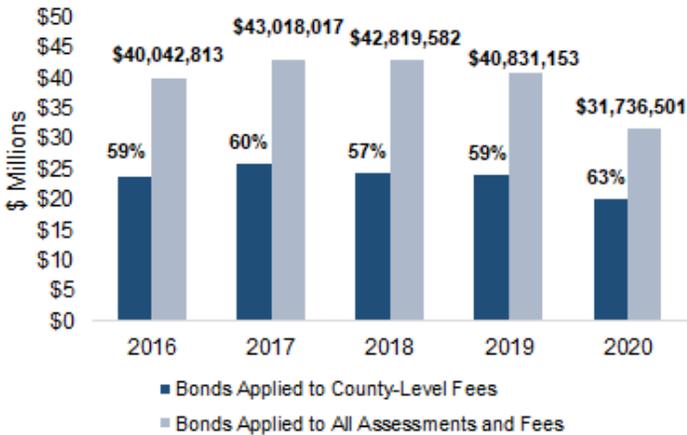
Bond processing fees are budgeted as circuit court clerks' fee revenue within the county general fund. To demonstrate the magnitude of "revenue loss" these bond processing payments represent in context of clerks' total fee revenue, the figure to the right shows this comparison. When compared to circuit court clerks' total general fund fee revenue, bond processing fees represented 11% of clerks' fee revenue on average over the five-year period from 2016 through 2020.



\*Excludes 5 counties: Calhoun, Macoupin, Morgan, Shelby and Winnebago.

### Bonds Applied to County-Level Fees as a Percentage of Bonds Applied to All Fees

n = 92 Counties\*



\*Excludes 4 counties: Cook, Peoria, St. Clair and Tazewell.

### Bond Payments Applied to Satisfy Fees

A significant portion of bond payments (70%) are used to satisfy court-ordered fees and assessments. These fees support a variety of government functions at the state, county and municipal level. Fees, assessments and fines (other than circuit clerks' bond processing fees) will not be eliminated through the SAFE-T Act. However, bond payments will no longer be used to satisfy the payment of fees.

The figure to the left shows the total bond payments applied to fees from 2016 through 2020. On average over this period, 60% of these bond payments were distributed to county-specific fees, while the remaining 40% of bonds applied to fees were directed to other state or municipal fees.

*Additional findings are detailed in the full report. For details about the information included in the analysis and the limitations and challenges with data used to complete the analysis, please see the Methodology and Data Limitations sections of the full report.*