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**\*PRESS RELEASE\***

**LAWSUIT FILED TO DECLARE SAFE-T ACT UNCONSTITUTIONAL**  
**"Follow The Constitution: Give The People Of Illinois Their Vote"**

**KANKAKEE, IL** – On September 16, 2022, State's Attorney Jim Rowe filed a lawsuit in the Kankakee County Circuit Court asking that HB3653, the "Safe-T Act", be held unconstitutional. The lawsuit is filed on behalf of the People of the State of Illinois by Jim Rowe in his capacity as State's Attorney, and on behalf of Kankakee County Sheriff Mike Downey; it names Governor JB Pritzker and Attorney General Kwame Raoul as Defendants. The lawsuit seeks injunctive relief based upon the Act violating the Illinois Constitution; violating the single-subject law; violating separation of powers; being unconstitutionally vague; and violating the three-readings requirement.

"This lawsuit should not be necessary", said State's Attorney Jim Rowe, adding that "I surely believe that freedom should not hinge upon one's ability to pay a bond, and that the criminal justice system is in dire need of reform, including bail and beyond. However, regardless of whether you agree with or reject the many reforms of the Safe-T Act, or even how you may interpret them, one thing is for certain: you cannot amend the Illinois Constitution without a referendum or Constitutional Convention (Illinois Constitution, Article XIV)." Indeed, every Amendment to the Illinois Constitution since 1974 has been accomplished by **referendum vote of the people** (the General Assembly's own website speaks to this: <https://www.ilga.gov/commission/lrb/conampro.htm>). In fact, amendments to the current bail section of the Illinois Constitution (Article I, Section 9) were adopted by **referendum vote of the people** in 1982. Most recently in 2014, voters approved amendments to the Victim's Rights Act (Article 1, Section 8.1), also by **referendum vote of the people**. In 2021, those voting Yes for HB3653 ignored this process and attempted to amend the Illinois Constitution by denying voters the right to decide and instead placing the decision unconstitutionally and solely in the hands of legislators. For instance, Article 1, Section 9 of our state Constitution specifically states that:

'All persons shall be bailable by sufficient sureties, except for the following offenses where the proof is evident or the presumption great: capital offenses; offenses for which a sentence of life imprisonment may be imposed as a consequence of conviction; and felony offenses for which a sentence of imprisonment, without conditional and revocable release, shall be imposed by law as a consequence of conviction, when the court, after a hearing, determines that release of the offender would pose a real and present threat to the physical safety of any person.'

"The Safe-T Act has effectively amended this section of the Illinois Constitution **without a referendum vote of the people**. The Legislature does not have that power. This lawsuit and the Illinois Constitution beg our legislators to do what is right and follow the process: **give the people their right to vote**," said Rowe.

Sheriff Mike Downey noted that “from the day HB3653 was signed into law, law enforcement sounded the alarm about how dangerous this legislation would be to law abiding citizens throughout Illinois. Unfortunately, that alarm has fallen upon deaf ears in Springfield. This lawsuit aims to correct these concerns and to simply ensure the process is done in the light of day and in accordance with the Illinois Constitution.”

In addition to the Safe-T Act’s violation of Articles I and XIV of the Illinois Constitution, the Act also violates the single-subject law (Article IV, Section 8(d)) where it is over 750 pages, amends no fewer than 260 state statutes, and touches many clearly distinct subjects, including policing and criminal law, labor relations, redistricting, elections, grants the Attorney General increased powers, and amends whistleblower laws. Pursuant to *People v. Reedy*, 295 Ill. App. 3d 34, 42 (1999), “a public act that violates the single subject rule is not severable, rather **the entire Act is unconstitutional and thus void**”.

Further, Article IV Section 8(d) of the Illinois Constitution requires that every bill “shall be read by title **on three different days in each house.**” This applies not only to the original bill, but to amendments when they represent a substantial departure from the original bill. Oddly, at its 1<sup>st</sup> Reading HB3653 was a 7-page bill to address a mere single statute governing the return of property to inmates upon their release from prison (730 ILCS 5/3-14-1). By the time it was delivered to Senators at 4:30am on January 13, 2021, it had grown 100-fold to over 750 pages and touched 260+ statutes. The 2<sup>nd</sup> and 3<sup>rd</sup> Readings were held **on the same day**, and the votes were cast in both the Senate and House **on the same day**. This process clearly violates the ‘*Three Readings Rule*’ of the Illinois Constitution.

**The Illinois Constitution guarantees the voters a voice in this process.** For these reasons and others articulated in the lawsuit, we turn to the Illinois Courts for a remedy and encourage the Illinois Legislature to correct the process and **give the people their right to vote**. I also encourage *all* citizens of Illinois to read for themselves the Act and those authorities cited in this release. It is a lengthy read, no doubt, but you should read it for yourself so you can fully comprehend its breadth and impact. The importance of this issue is worth the investment of your time.

It gives this Office no joy to file this lawsuit and I do so with some trepidation, well aware of how it may be responded to by those in powerful positions; just know that we welcome criminal justice reform done properly at the will of the people, and we pray that can still be accomplished.

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