

TITLE: THE OUTER LIMITS AND THE EFFECTIVE CONTROL OVER THE COURTS
THAT PRETRIAL FAIRNESS HAS CAUSED:

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Illinois legislature passed the Pretrial Fairness Act in September of 2023: a bill passed to reform the Illinois criminal justice system. Illinois has the County Good Jail Behavior Allowance Act in 1983 which intersects by means of pretrial reform to give defendants day-for-day credit for good behavior. People v. Seymore demonstrates how an ambiguity in the statutory language produced conflicting interpretation among Illinois courts, leading to a review by the Illinois Supreme Court. The statutory ambiguity has created inconsistent sentencing outcomes across all jurisdictions. This undermines the idea to have statewide acts because there is no uniformity in application. As the impositions of this effect thousands of defendants on bail, the studies have shown the downward impact and the systemic consequences of having consequences applied differently across counties. Though the Illinois Supreme Court addresses the gap in Seymore, I suggest that the legislature clarify the language. As we continue with reforming the jail system in order to maintain compliance, and to deter violating condition of pretrial release we must ensure there is no benefit in violating them. It is vital to change the language and goal of the legislature now that we have two years of research and have seen the effects of pretrial release. This article argues that a statutory revision if necessary to ensure the Seymore gaps restore consistency and further the purpose of pretrial reform.

¹ Juris Doctor Candidate Northern Illinois University College of Law Class of 2027. I would first like to thank God for allowing me to be in this position, guiding my path, and giving me the strength to do my best at all times. I would like to thank Professor Jessica Harrill for all her guidance on writing, research, and editing throughout the year. I would also like to thank my family for always allowing me to be my best self in law school and pushing me to always strive for my goals.

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I. INTRODUCTION

There has been a shift in Illinois policy reform regarding the prior cash-bail system—the State wishes to lower crime rates and ensure compliance with court orders. Illinois has had longstanding systems in place to ensure good behavior leads to a better outcome. Hence, Illinois passed the County Jail Good Behavior Allowance Act in 1983, to give defendant’s day-for-day time credit.² This means that every day a defendant has a good day and is compliant, an additional day is taken off their timed served.³ This reformation mechanism is meant to incentivize good behavior. As the state of Illinois has continued to pursue new and different measure to improve criminal compliance, one of the most historic and largest reforms was the Illinois Safety, Accountability, Fairness, and Equity-Today Act or the SAFE-T Act or Pretrial Fairness Act.⁴ This legislation shows a large reform of the criminal justice system, with vast changes to justice reform, pretrial procedures, and corrections.⁵ The biggest change was eliminating the cash-bail system and moving to a pretrial release system, which give defendant’s conditions that they cannot violate while awaiting their court dates.⁶ As both statutes have been mechanisms seeking to advance criminal reform, Illinois courts became divided on a large issue—if defendants are entitled to day-for-day time credit spent in custody due to a violation of

² 730 ILCS 130/3 (West 2024).

³ National Conference of State Legislatures, State Good Time and Earned Time Laws (updated June 11, 2021), <https://www.ncsl.org/civil-and-criminal-justice/state-good-time-and-earned-time-laws>, [].

⁴ Jessica Reichert, Aaron Zivic & Karen Sheley, The 2021 SAFE-T Act: ICJIA Roles and Responsibilities (July 15, 2021), <https://icjia.illinois.gov/researchhub/articles/the-2021-safe-t-act-icjia-roles-and-responsibilities>. [<https://perma.cc/N2NT-HV9U>].

⁵ *Id.*

⁶ *Id.*

pretrial sanction. This disagreement emerged across Illinois judicial circuits in which courts reached opposite conclusions if the credit should be applied within the sanction itself.⁷

The Illinois Supreme Court addressed these issues in *People v. Seymore*, resolving the issue of whether a sanction is appealable under Rule 604(h), and if time credit applies to a sanction itself.⁸ The Court held that credit does not apply to a sanction but applies only once a defendant is sentenced.⁹

This decision carries significant ramifications for defendants subject to pretrial sanctions and raises important concerns about practical operations and statutory misguidances with the operation of pretrial detention under the SAFE-T Act. This article examines the consequences of the statutory tension by different court's interpretation and the solution to clarify the legislature. Offering concrete statutory language will ensure justice reform but allow accountability to stay intact.

A. THE PRETRIAL FAIRNESS ACT AND SECTION 110-6(F)

The Pretrial Fairness Act has been passed to correct inequity amongst class disparities and further criminal justice reform.

Policy makers became increasingly suspicious that cash-bail did not aid public safety or even court appearance rates.¹⁰ Instead, research suggested that cash bail resulted in unnecessary detention without public safety benefits. Illinois modern pretrial reform grew from years of

⁷ Benjamin Lawson, Quick Takes on Illinois Supreme Court Opinion, (Dec. 5, 2025), ISBA Bar News, <https://www.isba.org/barnews/2025/12/quicktakesonillinoisupremecourttopinionissuedthurs> (last visited Feb. 4, 2026). [perma.cc/MB97-E4SF].

⁸ *Seymore*, 2025 IL App (2d) 240616, ¶ 1.

⁹ *Id.* ¶ 27.

¹⁰ Worrell, *Bail-ing Out of Cash Bail*, *supra*, at 653-654.

court-led study about the ineffective bond practices.¹¹ In 2017, the Illinois Supreme Court created a Commission on Pretrial Practices to evaluate statewide pretrial systems.¹²

Effective September 28, 2023, The Illinois Pretrial fairness act enacted as part of the SAFE-T Act, which fundamentally altered the state's pretrial criminal justice system.¹³ The General Assembly enacted the Pretrial Fairness Act and set forth provisions for Illinois to abolish cash-bail and replace it with a risk-based, pretrial, and detention standards.¹⁴ Under this framework, courts must determine if a defendant should be released, released with conditions, or detained based on an individualized assessment of public safety.¹⁵ This looks to the harm that a particular individual poses to society and their flight risk rather than a defendant's financial capability to post bail.¹⁶ The Act abolishes enumerated categories of offences which are detainable.¹⁷ The burden is on the State to prove clear and convincing evidence in where detention is necessary and requires the courts to consider the least restrictive ways to ensure community safety and court appearance.¹⁸ It also imposes procedural safeguards such as prompt detention hearings and ongoing review of the detention decisions.¹⁹

The Act eliminates automatic detention categories, limits detention to enumerated categories, and places burden on the State to show clear and convincing evidence that detention is

¹¹ The Pretrial Fairness Act: One Year On (Sept. 16, 2024), <https://advancingpretrial.org/announcement/the-pretrial-fairness-act-one-year-on/>. [perma.cc/GVL5-JLUC].

¹² Marcia M. Meis, Pretrial Services in Illinois – The Long Road from 1986-2023 (Jan. 26, 2022), <https://www.illinoiscourts.gov/News/1057/Pretrial-services-in-Illinois-The-long-road-from-19862023/news-detail/>. [perma.cc/WY7P-C83G].

¹³ Patrick Griffin, Branden DuPont, Don Stemen, Dave Olson & Amanda Ward, The First Year of the Pretrial Fairness Act 645 (Sept. 24, 2024), <https://pfa-1yr.loyolaccj.org>. [perma.cc/7HQS-CE5Q].

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ Public Act 101-0652, 101st Ill. Gen. Assemb. (Feb. 22, 2021), <https://www.ilga.gov/documents/legislation/publicacts/101/101-0652.htm>. [perma.cc/9XNQ-AY94].

¹⁷ *Id.*

¹⁸ Public Act 102-0028, 102nd Ill. Gen. Assemb. (2021), <https://www.ilga.gov/ftp/Public%20Acts/102/102-0028.htm>; [perma.cc/9CDL-RTNH]; Summary of Amendments to Public Act 101-0652, the SAFE-T Act (Dec. 16, 2022), <https://www.civiced.org/civic-federation/blog/summary-amendments-public-act-101-0652-safe-t-act>. [https://perma.cc/B9AZ-5LFZ].

¹⁹ 55 ILCS 5 et seq. (County Code) (2005), <https://law.justia.com/codes/illinois/2005/chapter55/2005.html>; []; 730 ILCS 130/3 (West 2024).

necessary to protect the public from harm. As the Pretrial Fairness Act shows Illinois movement to reduce class disparity and ensure justice, the County Jail Good Behavior Allowance Act also looks to further incentivize good behavior and compliance within county jails.

B. THE COUNTY JAIL GOOD BEHAVIOR ALLOWANCE ACT (730 ILCS 130)

The County Jail Good Behavior Allowance Act passed in 1983 and was amended to update statutory language and narrow the scope of appellate jurisdiction under the Pretrial Fairness Act following the enactment of the Pretrial Fairness Act.²⁰ In particular, disagreements started over whether Illinois Supreme Court Rule 604(h) permits interlocutory review of a short jail term imposed for violating pretrial release conditions.²¹ To further understand the issues, it is important to clarify what is an interlocutory order. An interlocutory order is a temporary, non-final ruling issued during the pending case, and such orders typically are not immediately appealable.²² Courts have split on short custodial sanction fits within Rule 604(h)'s limited to grant appellate.²³ This jurisdictional uncertainty is compounded by a related issue, if whether good-conduct credit applies to jail sanctions imposed by pretrial release violations. The result of lack of consistency emphasizes the need for a clear limitation on appellate jurisdiction under Rule 604(h) and clarification of whether day-for-day credit applies to sanctions.

1. Clarifying Appellate Jurisdiction and Good-Conduct Credit After *People v. Seymore*

²⁰ *Id.*

²¹ Justice Judy Cates, What Is a Motion for Relief?, Bench & Bar Section Newsletter, Ill. State Bar Ass'n (Mar. 2025), <https://www.isba.org/sections/bench/newsletter/2025/03/whatisamotionforrelief> (last visited Feb. 4, 2026).

²² *Id.*

²³ *Id.*

The appellate court's decision in *People v. Seymore* was properly reversed by the Illinois Supreme Court because the appellate court exceeded its jurisdiction under Rule 604(h) and incorrectly applied the County Jail Good Behavior Allowance Act.²⁴

The unclarity around appellate jurisdiction and the application of good-conduct credit under the Pretrial Fairness Act was addressed head on in *People v. Seymore*. The case addresses the main concerns with the circuit split if a short-term jail sanction imposed for violating a condition of pretrial release, that it constitutes the meaning of a sentence within the intent of the statute. The Court in *Seymore* clarifies what the limits are within Rule 604(h) and additionally clarifies there is a difference with sanctions and sentences.²⁵

Rule 604(h) strictly limited by the plain language of Rule 604(h), which and the legislature's intent to limit interlocutory appeals in non-trial matters.²⁶ This is not just a technical decision; it effects how Illinois court functions and what the legislature's intent was at the time of writing. It is also vital to have consistency within the system, as different circuits applied credit or did not within the sanction time.²⁷ If the courts extend beyond the review of interlocutory orders outside the scope of the limits set forth, courts risk inconsistency, unfairness, and the breach separation of powers by making their own law.²⁸ Thus, the limits cannot be expanded, which the Supreme Court correctly held and did not reach beyond the scope of the legislature intent.

In addition, another issue which was raised in *Seymore* was that his appeal was moot because the 30-day jail sanction was completed. Declining the review would have continued the uncertainty across the circuits and since there is already inconsistent outcomes that affect other

²⁴ *Seymore*, 2025 IL 131564, ¶ 25.

²⁵ *Seymore*, 2025 IL 131564, ¶ 19.

²⁶ *People v. Boose*, 2024 IL App (1st) 230003, ¶ 15.

²⁷ *Lawson*, supra note 5.

²⁸ *Lawson*, supra note 5.

defendants it is vital to answer the question.²⁹ Mootness does not permit the court to make a decision unless a recognized exception applies.³⁰ The exceptions that were said the apply to *Seymore* is the public interest exception.³¹ The issue is one that presented a question of public importance, it will likely recur, and the answer will guide public officials.³² The meaning of this addresses any questions that will be moot, but the public should be getting an answer. As there is a circuit split across Illinois, the importance of clarifying the way the statutes are being inconstantly applied needs to be addresses by the Supreme Court of Illinois.

The next issue which the Illinois Supreme Court was faced with, is if the defendant is entitled to good conduct credit under the Behavior Allowance Act because *Seymore* was never sentenced within the meaning of the statute.³³ The Act applies to individuals who serve jail time with a sentence as explicitly written in the rule.³⁴ The sanction was not a sentence under the Act, the defendant is not entitled to credit, and the appellate court erred and justly the decision was reversed. These issues are faced across Illinois which were addressed by the Supreme Court in *Seymore* allowing a decision on the issues that seemed to be occurring across the state.³⁵

C. People v. Seymore

In *People v. Seymore*, the Illinois appellate court considered whether a defendant sanctioned with 30 days county jail violating pretrial release conditions was entitled to day-for-day credit for good-conduct under the Good Behavior Allowance Act.³⁶ The Supreme Court of Illinois rendered a decision that the issue was not moot since it fell into the public interest

²⁹ *In re Alfred H.H.*, 233 Ill. 2d 345 (2009).

³⁰ *People v. Tibbs*, 2025 IL App (4th) 240378, ¶ 15.

³¹ *Seymore*, 2025 IL 131564, ¶ 6.

³² *Seymore*, 2025 IL App (2d) 240616, ¶ 18.

³³ 730 ILCS 130/3 (West 2024).

³⁴ *People v. Davis*, 405 Ill. App. 3d 585, 592 (1st Dist. 2010).

³⁵ *Lawson*, supra note 5.

³⁶ *Seymore*, 2025 IL App (2d) 240616, ¶ 1.

exception, good conduct credit did not apply, and there was jurisdiction under a different order.³⁷ First the 30-day jail sanction was imposed under § 110-6(f)(2); the court held it was not an interlocutory order that is appealable under Rule 604(h)(1).³⁸ But it is vital to understand how the court got to their decision and what the appellate court decided.

1. Illinois Appellate Court Decision

a. Factual Background and Holding of the Case

The defendant Goeffrey Seymore was charged with drug-related crimes and released on electronic monitors within the guidelines of the Pretrial Fairness Act.³⁹ After violating release conditions, the State petitioned for sanctions under section 110-6(f) the code of Criminal Procedure.⁴⁰ The trial court ordered 30 days of imprisonment, holding “no good time to apply.”⁴¹ Seymore then filed a motion under Illinois Supreme Court Rule 604(h)(2), arguing that the Behavior Allowance Act allowed for time credit with the time served of the 30-day sanction. The trial court denied, holding that a “sanction” was not a “sentence,” leading for no credit to apply within the sanction.⁴²

On appeal Seymore argued that the sanction constituted a final appealable order and alternatively, fell within Rule 604(h)(1).⁴³ The enumerated categories of Rule 604(h)(1) limit appellate review of record material permitting the court to determine if a jail sanction

³⁷ *People v. Seymore*, 2025 IL 131564.

³⁸ *Seymore*, 2025 IL 131564, ¶ 25.

³⁹ *Id.* ¶ 3.

⁴⁰ *Id.*

⁴¹ *Id.* ¶ 4.

⁴² *Seymore*, 2025 IL 131564, ¶ 6.

⁴³ *Id.* ¶ 9.

temporarily revoked pretrial release, denied release, or imposed a condition of the pretrial release terms.

The State then articulated that there was no jurisdiction because sanctions are not among the rule’s permitted interlocutory appeals.⁴⁴ The appellate court disagreed, concluding that a jail sanction temporarily revoked release, imposed condition, and in effect denied release fitting within Rule 604(h)(1).⁴⁵ The appellate court held that there was jurisdiction under Rule 604(h).

Another issue which was raised was mootness since Seymore had already served the 30-day jail term, but the court applied the “public-interest” and “capable of repetition yet evading review” exceptions.⁴⁶ The court reasoned that the issue was of reoccurring importance and evaded review due to the short duration of the sanctions.⁴⁷ Thus, the appellate court rendered the decision is not moot.

The next issue the appellate court looked to was regarding the Behavior Allowance Act, and the court held that the Act applies to all fixed jail terms unless there was an exception.⁴⁸ Sanctions were not included under section 110-6(f). The court reasoned that “sanction” and “sentence” were non-material differences in relation to good-conduct credit.⁴⁹

2. Illinois Supreme Court Decision

a. Factual Background and Holding of the Case

⁴⁴ *Id.* ¶ 10-11.

⁴⁵ *Id.* ¶ 12.

⁴⁶ *Seymore*, 2025 IL 131564, ¶ 25.

⁴⁷ *Id.* ¶ 17.

⁴⁸ *Id.* ¶ 19.

⁴⁹ *Id.* ¶ 23-24.

The State then filed an appeal which then became before the Illinois Supreme Court. Upon judicial review, however, the Supreme Court reached a different conclusion.⁵⁰ The Court held there was no jurisdiction under Rule 604(h), and the issue is not moot because it falls under the public-interest exception.⁵¹ It also currently determined that no good-time credit applies.⁵² The State's main difference is that 604 does not authorize appeal of order, then argued the order is not interlocutory. The State furthered their argument by saying it is a final, appealable collateral order so there is jurisdiction, but it does not exist under 604(h).⁵³ Then the defendant's position continued to argue that 604(h) applies as the condition revoked and imposed conditions conferring jurisdiction under Rule 604(h).⁵⁴ These arguments impacted the decision of the court which led to their judicial holding.

The Supreme Court held the 30-day jail sanction imposed under § 110-6(f)(2), was not an interlocutory order that was appealable. Because it did not impose, revoke or deny pretrial release. The order was final and appealable as a right because it resolved a distinct, collateral proceeding such as contempt, but it was not appealable under Rule 604(h).⁵⁵ The Court found jurisdiction that the two orders did dispose of a distinct collateral matter, and in which contempt arises where the imposition of a sanction did not affect the outcome of the main action.⁵⁶ The Court found jurisdiction because the sanction orders similar to a contempt proceeding where the imposition of a sanction is final even though the principal action was pending.⁵⁷

⁵⁰ *Seymore*, 2025 IL 131564, ¶ 24.

⁵¹ *Id.*

⁵² *Seymore*, 2025 IL 131564, ¶ 27.

⁵³ *Id.* ¶ 37.

⁵⁴ *Id.* ¶ 40.

⁵⁵ *Seymore*, 2025 IL 131564, ¶ 25.

⁵⁶ *Seymore*, 2025 IL 131564, ¶ 28.

⁵⁷ *Id.*

When the Supreme Court looked at the mootness issue, the court held the 30-day sanction would never be in appellate court while serving 30-day sanction.⁵⁸ The Supreme Court agreed with the appellate court that the public interest exception applied.⁵⁹ The Court clarified that this narrow exception authorizes review only in the appellate court and this does not create a binding precedent.⁶⁰ Thus, the Court rendered the decision was not moot.

The Court finally addressed the Behavior Allowance Act's exceptions and clarified that the intent of the legislature was only to apply to sentences, not sanctions.⁶¹ The State argued that a 30-day sanction for imprisonment is not a sentence.⁶² The defendant responded that a 30-day sanction is not listed as one of the exceptions in the Act where good-conduct credit does not apply.⁶³ The Supreme Court explained that the Act's exceptions clarify the legislatures intent that good-conduct only applies to sentences and not sanctions.⁶⁴ Thus, the defendant's 30-day imprisonment sanction was not a sentence and is not entitled to good-conduct credit.⁶⁵

II. THE COURT LACKED JURISDICTION UNDER RULE 604(H) BECAUSE THE 30-DAY JAIL SANCTION WAS NOT AN IMPOSITION, REVOCATION, OR DENIAL OF PRETRIAL RELEASE.

The appellate court did not have jurisdiction under Illinois Supreme Court Rule 604(h) because the sanction did not create a way that gives jurisdiction that would modify, deny, or revoke the release. Only limited pretrial release orders are appealable, and the defendant's appeal concerns a sanction for violating pretrial release, not an order that denied, modified, or revoked

⁵⁸ *Id.*, ¶ 32.

⁵⁹ *Id.*

⁶⁰ *Id.*, ¶ 37.

⁶¹ *Seymore*, 2025 IL 131564, ¶ 43.

⁶² *Id.*, ¶ 40.

⁶³ *Id.*

⁶⁴ *Id.*, ¶ 43.

⁶⁵ *Id.*, ¶ 46.

release.⁶⁶ The imposed sanction falls outside the categories authorized by Rule 604(h), and the appellate court lacked jurisdiction, and the Supreme Court was correct in holding that.

Appellate jurisdiction allows the court to have authority to hear and determine a case, without jurisdiction a court cannot issue a valid determination.⁶⁷ Illinois Supreme Court Rule 604(h) defines the narrow scope of interlocutory appeals relating to pretrial release and detention.⁶⁸ Rule 604(h) allows appeals for specific categories of pretrial release orders.⁶⁹ This means that if the order does not modify, deny, or revoke pretrial release terms, the appellate court does not have jurisdiction to make a ruling.⁷⁰ Courts have strictly interpreted Rule 604(h), rejecting many appeals that fall outside the categories.⁷¹

Rule 604(h) is silent on whether a defendant may appeal sanctions or punishments after a defendant's release.⁷² Courts are required to strictly construe legislation and may not expand beyond the rules.⁷³ When a statute or rule lacks language on a specific issue, just as Rule 604(h) lacks language on sanctions, jurisdiction cannot exist. Rule 604(h) has not been expanded beyond the legislature's express language.⁷⁴ The Illinois Supreme Court has interpreted statutory language to require reading without exception or condition.⁷⁵ Judicial interpretations cannot be inserted when the text reads plainly.⁷⁶ The sanctions imposed are not mentioned by Rule 604(h).⁷⁷ In addition, courts that have directly addressed Rule 604(h) have said the orders listed

⁶⁶ Ill. S. Ct. R. 604(h)(1)(i) (eff. Apr. 15, 2024).

⁶⁷ *People v. Rivera*, 2024 IL App (1st) 240520, ¶ 11.

⁶⁸ *Rivera*, 2024 IL App (1st) 240520, ¶ 22.

⁶⁹ *Boose*, 2024 IL App (1st) 230003, ¶ 16.

⁷⁰ *People v. Sedelsky*, 2013 IL App (2d) 111042, ¶ 9.

⁷¹ E.g., *People v. Vinet*, 2025 IL App (1st) 250186-U, ¶ 28.

⁷² *Id.* ¶ 13.; Ill. S. Ct. R. 604(h)(1)(i)-(iv).

⁷³ *People v. Vinet*, 2025 IL App (1st) 250186-U, ¶ 28.

⁷⁴ *Boose*, 2024 IL App (1st) 230003, ¶ 16.

⁷⁵ *Id.*

⁷⁶ *Lindzeris v. City of Chicago*, 2023 IL 127547, ¶ 12.

⁷⁷ *Boose*, 2024 IL App (1st) 230003, ¶ 19.

are the only orders that grant jurisdiction solidifying the statute must be strictly construed. Sanctions are not mentioned within the rule, meaning the appellate court lacked jurisdiction and thus the Supreme Court properly held that there was no jurisdiction under Rule 604(h).⁷⁸

A. Mootness

In addition to Rule 604(h) jurisdiction, the issue of mootness within *Seymore* was raised, and mootness would not allow the court to have jurisdiction over the case.⁷⁹ A case becomes moot when the issue no longer exists because of intervening events, and there is no longer a live issue to redress.⁸⁰ There are exceptions to mootness which include the question of public nature, or the needs of authoritative guidance for each case, or it is likely to recur yet evading review.⁸¹ However, for the harm to reoccur yet evade review, it is the same complaining party that will be subject to the same action again.⁸² Though the Illinois Supreme Court held that it had jurisdiction to hear the case because of the public interest exception.⁸³ The issue presents a question of public importance, it will likely recur, and the answer will guide public officials.⁸⁴ Though the issue is moot, there is a strong need to resolve the inconsistency, which is what the Illinois Supreme Court did in *Seymore*. The following cases present the other courts who have come to the same conclusion.

B. People V. Boose

⁷⁸ *Id.*

⁷⁹ *Davis v. Yenchko*, 2024 IL 129751, ¶ 25.

⁸⁰ *Id.*

⁸¹ *Id.*

⁸² *In re D.F.*, 2024 IL App (1st) 241566, ¶ 48.

⁸³ *Seymore*, 2025 IL 131564, ¶ 6.

⁸⁴ *Seymore*, 2025 IL App (2d) 240616, ¶ 18.

In *People v. Boose*, the court illustrated the strict jurisdictional limits that apply when reviewing jail sanctions that fall outside the scope of Rule 604(h).⁸⁵ Accordingly, the court correctly reached the same conclusions.⁸⁶ The trial court ordered the defendant to serve 30 days in jail as a sanction under section 110-6(f) of the Code.⁸⁷ The defendant sought credit, which the trial court denied, and the defendant appealed.⁸⁸ The appellate court dismissed the appeal for lack of jurisdiction under Rule 604(h).⁸⁹ The court held that the defendant's 30-day sanction did not form a denial or revocation of pretrial release, not falling under Rule 604(h).⁹⁰ The court explained that rule 604(h) authorizes appeals for orders that impose, revoke, or deny pretrial release.⁹¹ In addition, the court rejected the defendant's contention on unrelated statutory provisions and stated that the appellate court must have jurisdiction that strictly construes statutes and Supreme Court rules.⁹² The court said that the defendant's petition under the Behavior Allowance Act was not a type of order appealable under Rule 604(h), thus, it did not provide appellate court jurisdiction.⁹³

In *Seymore*, the Supreme Court was correct because it lacked jurisdiction as *Seymore* had 30-day sanction which was not a revocation, denial, or condition of pretrial release. Because it is not an enumerated category that is strictly listed in the legislature, the Supreme Court was correct in holding that there was no jurisdiction. Therefore, under a strict interpretation of Illinois Supreme Court Rule 604(h), it is not appealable. In *Boose*, the appellate court strictly interpreted Rule 604(h) holding that the appellate court only has jurisdiction over orders that impose,

⁸⁵ *Boose*, IL App (1st) 230003, ¶ 3.

⁸⁶ *Id.*

⁸⁷ *Id.* ¶ 5.

⁸⁸ *Id.* ¶ 6.

⁸⁹ *Id.* ¶¶ 18-19.

⁹⁰ *Id.* ¶ 14.

⁹¹ *Boose*, 2024 IL App (1st) 230003, ¶ 13.; Ill. S. Ct. R. 604(h)(1)(i)-(iv).

⁹² *Id.*

⁹³ *Id.* ¶¶ 15-16.

revoke, or deny pretrial release.⁹⁴ *Seymore* is analogous to *Boose*, and the same jurisdictional limitation controls as well.⁹⁵ As such in the present case the defendant's sanction was imposed solely for noncompliance and did not modify the terms of her release.⁹⁶ Moreover, the defendant's motion under Rule 604(h) sought relief only concerning good conduct of credit, not the terms of her pretrial release. The core principle established in *Boose* is that Rule 604 (h) must be strictly construed, and appellate jurisdiction cannot be implied where it is expressly given. In *Boose*, the court found the appeal improper because sanctions did not fall within any enumerated category for violating conditions of release and were not part of an order revoking or denying release. This reasoning shows why the Illinois Supreme Court reached the correct results in *Seymore*.⁹⁷ Applying the same reasoning here, the defendant's sanctions cannot be considered a modification of pretrial release because it did not affect her release status. In *Boose*, the court highlighted that Rule 604(h) must be strictly construed, and appellate jurisdiction cannot be implied where it is not expressly granted.⁹⁸ Just as the court did in *Boose*, where it found the appeal improper because sanctions were not an enumerated category, *Seymore*'s appeal should have failed for the same reason. Applying the strict interpretation, the appellate court lacks jurisdiction to review a sanction imposed for noncompliance.⁹⁹ *Seymore*, like the *Boose* defendant, appealed a sanction that did not deny, impose, revoke, or modify pretrial release.¹⁰⁰ The defendant in the present case presents identical facts and procedural circumstances to those

⁹⁴ *Boose*, 2024 IL App (1st) 230003, ¶ 13.

⁹⁵ *Seymore*, 2025 IL App (2d) 240616, ¶ 22.

⁹⁶ *Id.*

⁹⁷ *Id.* ¶ 15.

⁹⁸ *Boose*, 2024 IL App (1st) 230003, ¶ 16.

⁹⁹ *Id.*

¹⁰⁰ *Id.* ¶ 15.

in *Boose*. Therefore, the *Boose* court further reinforces that Rule 604(h) does not allow jurisdiction to review sanctions, and the Court was correct in reversing the appellate decision.¹⁰¹

C. *People v. Vinet*

The court in *People v. Vinet* affirms that Rule 604(h) has a limited scope to appellate court jurisdiction by denying the review of claims that did not fall within Rule 604(h).¹⁰² The defendant appealed to the trial court's denial of pretrial release under 604(h).¹⁰³ The appellate court affirmed the denial of pretrial release, and the claims made by the defendant exceeded the scope of Rule 604(h).¹⁰⁴ Jurisdiction within Rule 604(h) is limited to reviewing pretrial release, and appellate courts are not permitted to review unrelated issues.¹⁰⁵ As the court clarified, appellate courts have refused to listen to arguments that fall out of scope of imposing, revoking, or denying pretrial release.¹⁰⁶ As the defendant raised issues not related to pretrial release, the appellate court further established that their jurisdiction lies only within the listed categories.¹⁰⁷ Therefore, appellate review under the rule is not available for all mattering involving pretrial release, it is limited.¹⁰⁸

The court in *Vinet* confirms that Rule 604(h) is narrowly defined and does not permit expansion.¹⁰⁹ This principle is critical to Seymore's case, where the 30-day jail term was labeled as a sanction and not a revocation or modification of release. In *Vinet*, the defendant tried to raise

¹⁰¹ *Id.* ¶ 13.

¹⁰² *Vinet*, 2025 IL App (1st) 250186-U, ¶ 28.

¹⁰³ *Id.* ¶ 4.

¹⁰⁴ *Id.* ¶ 29.

¹⁰⁵ *Id.* ¶ 23.

¹⁰⁶ *Id.*

¹⁰⁷ *Vinet*, 2025 IL App (1st) 250186-U, ¶ 16.

¹⁰⁸ *Id.* ¶ 24.

¹⁰⁹ *Vinet*, 2025 IL App (1st) 250186-U, ¶ 28.

a Rule 604(h) challenge of denial of pretrial release.¹¹⁰ The appellate court affirmed that only issues directly tied to the denial, modification, or revocation of pretrial release are within jurisdiction.¹¹¹ Here too, the lower court dissent correctly stated that Rule 604(h) does not apply to sanctions like the one Seymore received. The court reiterated that Rule 604(h) does not allow jurisdiction to review claims pertaining to sanctions that do fall within the listed categories.¹¹² Seymore's appeal mirrors this limitation exactly since her claim challenges the sanctions and not her pretrial release itself. The court emphasized that appellate courts have declined to hear claims that do not include pretrial release.¹¹³ Seymore's sanctions were never labeled as a modification, and the record supports that the sanctions stood separate from her release terms. The court also further pointed out that Rule 604(h) does not guarantee jurisdiction, unless it is listed.¹¹⁴ Therefore, just as the *Vinet* court refused to expand jurisdiction beyond what Rule 604(h) expressly allows, the same outcome should happen, and the *Seymore*'s appeal should have been dismissed.

III. COURTS HAVE BEEN MISGUIDED BY THE OVEREXPANSION OF RULE 604(H)

Despite the limits expressly set out in Rule 604(h) some courts, including the lower court in *People v. Seymore*, reached beyond the language of the statute. Many cases improperly expanded Rule 604(h) by interpreting it too broadly to include sanctions which are not encompassed within the exceptions listed.¹¹⁵ This means that the legislature's intent was not to include short-term sanctions to get credit.¹¹⁶

¹¹⁰ *Id.* ¶ 15.

¹¹¹ *Id.* ¶ 29; Ill. S. Ct. R. 604(h)(1)(i)-(iv).

¹¹² *Id.* ¶ 23.

¹¹³ *Id.*

¹¹⁴ *Id.* ¶ 24.

¹¹⁵ *Seymore*, 2025 IL App (2d) 240616, ¶ 22.

¹¹⁶ *Id.*

The lower court’s decision reflects a misinterpretation that extends beyond the legislature of Rule 604(h), which then created a circuit split.¹¹⁷ The court reasoned that the sanction functioned as revocation or modification of pretrial release qualifying under Rule 604(h)(1).¹¹⁸ However, that conclusion is not based on the rule’s plain text.¹¹⁹ Rule 604(h) only authorizes appeals that “impose, modify revoke, or deny conditions of release.”¹²⁰ Sanctions are not mentioned, and courts may not infer exceptions or expand statutory language.¹²¹ In fact, “the most reliable indicator of legislative intent is the language,” which “must be read without exception, limitation, or condition.”¹²² In addition, courts have reinforced the principle that no judicial exceptions may be inserted when the statutory text remains plain.¹²³ The court has directly addressed that in Rule 604(h) the orders listed are only the ones that are appealable, and the courts may not infer where the text is plain and lay out those exemptions.¹²⁴ In *Seymore*’s case, the 30-day jail term was a sanction imposed for violating conditions of pretrial release, not a modification or revocation of pretrial release. This means it does not fall within the categories authorized by Rule 604(h). Under a rule of strict construction in favor of the defendant, Rule 604(h) does not permit jurisdiction because a sanction is before the Court. These cases illustrate how *Seymore* misinterpreted Rule 604(h) to expand beyond its text and should not be followed.¹²⁵

In addition, courts argued that they should interpret statutes concerning the good-conduct credit broadly. The Behavior Allowance Act applies to individuals who “commence a sentence

¹¹⁷ *Id.*

¹¹⁸ *Id.* ¶ 10.

¹¹⁹ *Id.*

¹²⁰ Ill. S. Ct. R. 604(h)(1)(i)-(iv).

¹²¹ *People v. Sedelsky*, 2013 IL App (2d) 111042, ¶ 9.

¹²² *Id.*

¹²³ *Lindzeris v. City of Chicago*, 2023 IL 127547, ¶ 12.

¹²⁴ *People v. Badie*, 2025 IL App (3d) 250033, ¶ 11.

¹²⁵ E.g. *Badie*, 2025 IL App (3d) 250033, ¶ 11; *City of Chicago*, 2023 IL 127547, ¶ 12; *Sedelsky*, 2013 IL App (2d) 111042, ¶ 9

of confinement,” not to temporary sanctions under section 110-6(f).¹²⁶ The Illinois Supreme Court has held that when statutory language is unambiguous, courts must apply the plain meaning.¹²⁷ As the Behavior Allowance Act unambiguously states that it applies to “sentenced” individuals and makes no reference to sanctioned individuals.¹²⁸ This exclusion is deliberate and leaves no room for judicial expansion. The plain language reflects the legislature’s intent to provide credit only to those serving a criminal sentence.¹²⁹ This shows how courts have not relied on the plain language of the statute but expanded beyond the scope of the legislature’s intent. Thus, as the circuit split started across Illinois, and the Illinois Supreme Court addressed the intent of the statute was not to expand beyond the intent of the legislature.¹³⁰

A. Mootness

Along with lack of jurisdiction under Rule 604(h), *Seymore*’s claim was technically moot because the 30-day jail sanction has been completed.¹³¹ An appeal becomes moot when events occurring after judgment make it impossible for the court to grant effective relief and no live controversy remains.¹³² In *Seymore*, the defendant had already served sanction, meaning the court can no longer provide practical relief.¹³³ Courts addressing similar short-term sanctions have consistently recognized that once a punishment is served the appeal is moot.¹³⁴

Illinois courts recognize limited exceptions to the mootness doctrine where the issue is capable of repetition yet evading review, or a question of public importance.¹³⁵ These exceptions

¹²⁶ 730 ILCS 130/3 (West 2024).

¹²⁷ *Roberts*, 214 Ill. 2d 106, 118 (2005).

¹²⁸ 730 ILCS 130/3 (West 2024).

¹²⁹ *Roberts*, 214 Ill. 2d 106, 118 (2005).

¹³⁰ *People v. Woods*, 193 Ill. 2d 483, 488 (2000).

¹³¹ *Seymore*, 2025 IL 131564, ¶ 43.

¹³² E.g. *People v. Benny M.*, 2017 IL 120133, ¶ 17.

¹³³ *Seymore*, 2025 IL App (2d) 240616, ¶ 22.

¹³⁴ *People v. Shaw*, 2014 IL App (4th) 120804-U, ¶¶ 15–17.

¹³⁵ *People v. Craig H.*, 2022 IL 126256.

are applied narrowly. The capable of repetition exception requires a reasonable expectation that the same party will again be subjected to the same action.¹³⁶ In addition, the public interest exception only applies if the issue is of public nature, there is a need for guidance, and the issue is likely to recur.¹³⁷ Courts have held that the mere possibility of recurrence is not enough, and the exception only applies when the same party is likely to experience this issue, and the facts are unlikely to change.¹³⁸ As held in *Tibbs*, once a short-term sanction has been served, the appeal is moot because there is no longer any effectual relief available.¹³⁹

Accordingly, just as in *Shaw* and *Tibbs*, the defendant in *Seymore*, having completed his sanction leaves no live issue for the court to resolve, and the mootness exceptions do not save the case.¹⁴⁰ Also, it is not an issue of public nature as this is narrow and fact specific about the defendant's conditions. It does not need further guidance, because courts such as *Boose*, *Vinet*, and *Davis* all provide clear guidance.¹⁴¹ Finally, it is unlikely to recur because short-term sanctions will end before it goes up for appellate review.¹⁴² Any future cases will depend on individualized facts and the trial court decides that.¹⁴³ Speculation that a similar situation is not sufficient to justify the public-interest exception. Therefore, the Supreme Court's decision that it falls within a public interest exception is flawed because it improperly expands a construed beyond the intended limits.¹⁴⁴

¹³⁶ *In re Alfred H.H.*, 233 Ill. 2d 345 (2009).

¹³⁷ *Craig H.*, 2022 IL 126256, ¶ 20.

¹³⁸ *Craig H.*, 2022 IL 126256, ¶ 21.

¹³⁹ *Tibbs*, 2025 IL App (4th) 240378, ¶¶ 13–16.

¹⁴⁰ *Tibbs*, 2025 IL App (4th) 240378, ¶ 16; *Shaw*, 2014 IL App (4th) 120804-U, ¶17.

¹⁴¹ *Shaw*, 2014 IL App (4th) 120804-U, ¶17.

¹⁴² *Id.*

¹⁴³ *In re D.F.*, 2024 IL App (1st) 241566, ¶ 48.

¹⁴⁴ *Seymore*, 2025 IL 131564, ¶ 41.

Thus, Seymore’s appeal concerned a sanction for violating a condition of release, not an order that denied, modified, or revoked release. Appellate court jurisdiction under Rule 604(h) is not available.¹⁴⁵ The rule must be narrowly construed, and sanctions fall outside its limits.¹⁴⁶ Also, the 30-day sanction has already been served, and moot since this same exact sanction will not occur to the defendants.¹⁴⁷ Rule 604(h) does not apply which the court held, the issue is moot and the appeal should have been dismissed.

IV. EVEN IF JURISDICTION EXISTED, THE GOOD-CONDUCT CREDIT STATUTE DOES NOT APPLY TO SHORT-TERM PRETRIAL SANCTIONS BECAUSE SANCTIONS ARE REGULATORY MEASURES FOR NONCOMPLIANCE, WHICH ARE NOT SENTENCES

The Behavior Allowance Act does not apply to short term-pretrial sanctions. The Act expressly states that it is for sentenced inmates and does not make any reference to sanctions,

The prisoner shall receive one day of good behavior allowance for each day of service of sentence in the county jail, and one day of good behavior allowance for each day of incarceration in the county jail before sentencing for the offense that he or she is currently serving sentence but was unable to comply with the conditions of pretrial release before sentencing, except that a prisoner serving a sentence of periodic imprisonment under Section 5-7-1 of the Unified Code of Corrections shall only be eligible to receive good behavior allowance if authorized by the sentencing judge.¹⁴⁸

As the statute is silent on pretrial sanctions and Illinois court have treated sanctions and sentences differently, good-conduct credit does not apply.¹⁴⁹ Therefore, the Court appropriately recognized that the credit does not apply.

The Behavior Allowance Act allows county jails to award sentence-reduction credits to inmates for good conduct, but it applies only to individuals serving a sentence.¹⁵⁰ The statute

¹⁴⁵ *Boose*, 2024 IL App (1st) 230003, ¶¶ 13–15; *Vinet*, 2025 IL App (1st) 250186-U, ¶¶ 23–29.

¹⁴⁶ *Badie*, 2025 IL App (3d) 250033, ¶ 11.

¹⁴⁷ *Yenchko*, 2024 IL 129751, ¶ 25.

¹⁴⁸ 730 ILCS 130/3 (West 2024).

¹⁴⁹ *People v. Roberts*, 214 Ill. 2d 106, 118 (2005).

¹⁵⁰ 730 ILCS 130/3 (West 2024).

permits one day of credit for each day of good behavior, but this provision applies only to individuals who have commenced a sentence of confinement as a result of a criminal conviction.¹⁵¹ The plain text of the statute says, “[t]he good behavior of any person who commences a sentence of confinement in a county jail for a fixed term of imprisonment... shall entitle such person to a good behavior allowance.”¹⁵² The Act contains no reference to sanctions or individuals who are held in custody for other reasons than serving a sentence.¹⁵³ Thus, the statute is silent to the applicability of good-conduct credit to pretrial sanctions.

Sanctions are short-term imposed to enforce compliance with court-ordered convictions, and not punishments resulting from criminal convictions.¹⁵⁴ They are not sentences, and they do not reflect, and they do not reflect a judicial determination of guilt.¹⁵⁵ Statutes must be interpreted according to their plain language, and where a statute is unambiguous, courts may not add provisions the legislature chose to omit.¹⁵⁶ The Behavior Allowance Act is unambiguous and applies only to sentences inmates, it does not extend to sanctions imposed during pretrial proceedings.¹⁵⁷ The cases illustrated below further show how the lower courts correctly interpreted that short-term sanctions are not included in the Behavior Allowance Act.

A. *People v. Boose*

The court in *People v. Boose* held that a 30-day jail sanction imposed was not part of a sentence not eligible for good conduct credit, this should be followed as Seymore’s sanction also

¹⁵¹ *Id.*

¹⁵² 730 ILCS 130/3 (West 2024).

¹⁵³ *Id.*

¹⁵⁴ *Roberts v. Williams*, No. 21-CV-00085-SPM, 2021 U.S. Dist. LEXIS 182898, at *6 (S.D. Ill. Sept. 24, 2021).

¹⁵⁵ *Id.*

¹⁵⁶ *Roberts*, 214 Ill. 2d 106, 118 (2005).

¹⁵⁷ *Id.*

falls outside the scope of the Good Behavior Act.¹⁵⁸ The defendant gained a 30-day sanction and while serving she petitioned for sentence credit.¹⁵⁹ The appellate court found that Rule 604(h) only governs appeals from orders that impose, deny, revoke, or modify pretrial release, not sanctions.¹⁶⁰ In addition, the court explained that sanctions for violating pretrial conditions are regulatory, not punitive, thus not equating to a sentence.¹⁶¹ Because sentence credits only apply to imposed sentences, good conduct does not apply.¹⁶² The court highlighted that no credit could be granted unless the statute expressly allows it.¹⁶³ The court concluded that statute did not provide entitled to credit, and that properly dismissed.¹⁶⁴

The court's reasoning in *Boose* applies to Seymore's case, thus good-conduct credit does not apply. Like the defendant in *Boose*, Seymore received a 30-day jail sanction for violating a condition of her pretrial release, not as part of her sentence.¹⁶⁵ Rule 604(h) is narrowly limited to specific orders involving pretrial release, and *Boose* confirms that outside those listed categories there are no other categories allowed.¹⁶⁶ The court in *Boose* also held that sanctions imposed for pretrial violations are regulatory and not punitive.¹⁶⁷ This means that these do not qualify as sentences under the Behavior Allowance Act.¹⁶⁸ The same is true here. The defendant's sanctions were imposed consequently for not complying, not as a criminal sentence. *Boose* held that credit under the Behavior Allowance Act is only available for imposed sentences and cannot

¹⁵⁸ *Boose*, 2024 IL App (1st) 240031, ¶ 14.

¹⁵⁹ *Id.* ¶ 6.

¹⁶⁰ *Id.* ¶ 13.

¹⁶¹ *Id.* ¶ 14.

¹⁶² *Id.* ¶ 15.

¹⁶³ *Id.*

¹⁶⁴ *Id.*

¹⁶⁵ *Seymore*, 2025 IL 131564, ¶ 40.

¹⁶⁶ *Boose*, 2024 IL App (1st) 240031, ¶ 13.

¹⁶⁷ *Id.* ¶ 14.

¹⁶⁸ *Id.*

be applied to sanctions like the defendant.¹⁶⁹ Because Seymore's 30-day term was imposed to enforce compliance with her release terms, it is identical to the sanction in *Boose*. As the defendant Seymore's issue mirrors those in *Boose*, the Court was correct in following the decision in *Boose*.

B. *People v. Williams*

In *Roberts v. Williams*, the court held that disciplinary sanctions during incarceration are not part of the inmate's sentence, which should be followed in the present case.¹⁷⁰ The defendant was sanctioned for losing 41 days of good conduct credit and giving up 180 days of unearned conduct time.¹⁷¹ The court explained that sanctions are administrative in nature penalties designed to maintain a prison security order.¹⁷² Sanctions such as these are different from a court-imposed sentence, which is a formal punishment following conviction.¹⁷³ Because the loss of good conduct credit as a sanction is not a reduction of criminal sentence, it does not qualify for sentence-based credit.¹⁷⁴ The court emphasized the distinction explaining that the defendant was properly sanctioned and was not entitled to good conduct credit toward his sentence because the sanction operates independently of the sentence itself.¹⁷⁵ The sanction acts independently from the pending sentence which shows that through the legislature's intent a sanction does not fall within the terms of a sentence.¹⁷⁶ The decision confirms that disciplinary penalties by prison officials do not alter or impose the judicially imposed sentence and thus cannot be characterized

¹⁶⁹ *Boose*, 2024 IL App (1st) 240031, ¶ 15.

¹⁷⁰ *Williams*, No. 21-CV-00085-SPM, 2021 U.S. Dist. LEXIS 182898, at *6 (S.D. Ill. Sept. 24, 2021).

¹⁷¹ *Id.* at *4.

¹⁷² *Id.* at *9.

¹⁷³ *Id.*

¹⁷⁴ *Id.* at *9.

¹⁷⁵ *Id.* at *10.

¹⁷⁶ *Id.*

as a sentence.¹⁷⁷ As the statute is silent on sanctions and explicitly limits good-conduct credit to sentenced individuals, the defendant is not entitled to good-conduct credit for time served as a disciplinary sanction.

The Supreme Court's conclusion was well-founded in the argument for good-conduct credit because the 30-day sanction was not part of the sentence, and the court in *Williams* distinguishes that they are not the same.¹⁷⁸ The Behavior Allowance Act permits credit only for persons who are serving a sentence of confinement, and it does now allow credit for sanctions.¹⁷⁹ The defendant in *Seymore* was not serving a sentence but was sanctioned during pretrial release conditions. In *Williams*, the court held that disciplinary sanctions are administrative penalties to maintain order, not components to a sentence.¹⁸⁰ There, the court denied good conduct credit for lost days of the sanction because it was separate from the sentence itself.¹⁸¹ Similarly, in *Seymore*, the defendant was issued the sanction for noncompliance with release terms. The Behavior Allowance Act does not mention sanctions, it states that it only applies to sentenced individuals, applying it to pretrial sanctions would violate the language and extend beyond the legislature.¹⁸² As already discussed, a sanction is not a sentence because it did not result from an admission of guilt. A sanction is the court's tool to ensure compliance. As the defendant's sanction is not a sentence and does not fall within the statutory scope, he is not entitled to good conduct credit.

C. *People v. Davis*

¹⁷⁷ *Williams*, No. 21-CV-00085-SPM, 2021 U.S. Dist. LEXIS 182898, at *6 (S.D. Ill. Sept. 24, 2021).

¹⁷⁸ *Id.*

¹⁷⁹ 730 ILCS 130/3 (West 2024).

¹⁸⁰ *Williams*, No. 21-CV-00085-SPM, 2021 U.S. Dist. LEXIS 182898, at *6–10 (S.D. Ill. Sept. 24, 2021).

¹⁸¹ *Id.* at 10.

¹⁸² *Id.* at 9.

In *People v. Davis*, the appellate court affirmed the trial court's denial of the defendant's petition for time credit under the Good Behavior Act, holding that the statute did not apply to short-term sanctions.¹⁸³ The defendant had been ordered to serve a 30-day sanction for violating a protective order.¹⁸⁴ *Davis* filed a petition requesting good-time credit for 30-day sanctions arguing that sections 3-6-3(a)(2) of the Code of Corrections applied.¹⁸⁵ The trial court denied the request, and the defendant appealed.¹⁸⁶ The appellate court held that good-conduct credit is not automatic and applies only to sentenced inmates, not individuals with short-term sanctions unrelated to sentencing.¹⁸⁷ The court explained that the good-time credit governs the administration of Department of Corrections sentences and does not apply to jail sanctions imposed during pretrial proceedings.¹⁸⁸ Because the defendant's jail time was not a part of a sentence under the Unified Code, the court found that the statute was inapplicable.¹⁸⁹ The appellate court also stated that exclusive power lays within the correctional authority.¹⁹⁰ The court concluded that the defendant was not entitled to credit under the Good Behavior Act because he was not serving a sentence to where the statute applied, meaning the trial court's denial was proper.¹⁹¹

The present case mirrors the *Davis* case, as Seymore was sanctioned with a 30-day jail term during pretrial.¹⁹² In *Davis*, the court rejected the defendant's petition for good-conduct credit because the sanction was not a sentence, and the good-conduct statute applies only to

¹⁸³ *Davis*, 405 Ill. App. 3d 585, 586 (1st Dist. 2010).

¹⁸⁴ *Id.* at 587.

¹⁸⁵ *Id.* at 589.

¹⁸⁶ *Id.* at 590.

¹⁸⁷ *Id.* at 593.

¹⁸⁸ *Id.* at 592.

¹⁸⁹ *Davis*, 405 Ill. App. 3d 585, 594 (1st Dist. 2010).

¹⁹⁰ *Id.* at 595.

¹⁹¹ *Id.* at 596.

¹⁹² *Seymore*, 2025 IL 131564, ¶ 42.

sentenced individuals.¹⁹³ Seymore's sanction was likewise imposed for violating a pretrial release condition, and not through a sentencing order.¹⁹⁴ The court in *Davis* was clear that the Behavior Allowance Act governs credits issues during sentences administered by the department of corrections, not a short-term court issued sanctioned for violating pretrial release terms.¹⁹⁵ Like the defendant in *Davis*, Seymore's jail time was not part of a conviction, but a compliance mechanism to enforce behavior. Seymore's circumstances are similar where the sanction was regulatory, and the trial court properly denied sentence credit. Just as the *Davis* court affirmed the trial court properly denied sentence credit because the statute was not applicable, the trial court was correct in denying Seymore's request.¹⁹⁶ In *Davis*, the court interpreted the statute narrowly and held that because the statute did not expressly state pretrial sanctions, it does not fall within the statute's scope.¹⁹⁷ Therefore, the trial court correctly denied Seymore's request for credit, and this Court should reverse the appellate court's decision. As Seymore's circumstances are the same as *Davis* the same legal conclusion should be followed, and Seymore's was not entitled to credit as the Supreme Court held.

V. PROPOSALS FOR CHANGE

Although the Court correctly interpreted Rule 604(h), the framework that the statute has created a gap. This is one that pretrial sanctions may ultimately reduce the defendant's final sentence, undermining their deterrent purpose. I propose that the legislature must clarify the language in that section that sanction time cannot be banked as sentencing credit.

¹⁹³ *Davis*, 405 Ill. App. 3d at 593.

¹⁹⁴ *Id.*

¹⁹⁵ *Davis*, 405 Ill. App. 3d at 592.

¹⁹⁶ *Id.* at 596.

¹⁹⁷ *Id.* at 592.

Though the Court held in *Seymore* that good conduct credit does not apply within the sanction itself, if the defendant was later convicted, the sanction may count as pre-sentence custody credit against the final sentence.¹⁹⁸ This means that the defendant does not lose the benefit of behaving well during the 30 days and that credit is saved for later. Once there is a conviction or a sentence then the credit is applied.¹⁹⁹ Illinois courts have repeatedly held that holding a defendant in jail before trial is regulatory, not punitive, but it cannot be treated as part of a sentence.²⁰⁰ Because such measures are not part of the sentence, they do not trigger sentencing mechanisms, or benefits when they are imposed.²⁰¹ Under the statutory language, the 30 days should also not be allowed to count after the sentence starts.²⁰² It would be clearer if there was a definition within the statutory language, thus there should be an amendment to clarify that this is the intent of the legislature. The language should read that the time spent in detention pretrial is not a sentence within the meaning of the statute. This time of pretrial detention specifically pretrial sanctions, given for violating conditions of pretrial release, shall not be credited to any term of imprisonment later or any other sentencing benefit unless expressly authorized by the following.

The Behavior Allowance Act dates to 1987, and it was enacted during a cash bail system.²⁰³ Due to the Act dating back to 1987, though there was bail reform as early as 1966 that entailed probation, a no cash bail system was not enforced on a large scale.²⁰⁴ Because the

¹⁹⁸ *Seymore*, 2025 IL 131564, ¶ 42.

¹⁹⁹ *Id.*

²⁰⁰ *People ex rel. Hemingway v. Elrod*, 50 Ill. 2d 74, at 80.

²⁰¹ *Id.* at 84.

²⁰² 730 ILCS 130/3 (West 2024).

²⁰³ *Id.*

²⁰⁴ Donna Makowiecki & Thomas J. Wolf, Enter...Stage Left...U.S. Pretrial Services, 71 Fed. Probation 3 (2007); History of Pre-trial Services, Sentences Suspension, and Probation in USA, Advocatanmoy Law Library (last updated ca. 2018), <https://advocatetanmoy.com/usa-pretrial-services-sentences-suspension/>, [perma.cc/98X4-4NZZ].

Behavior Allowance Act dated to 1987, and the SAFE-T Act started in 2021, the legislature did not contemplate a system where the system is no cash bail.²⁰⁵

In addition, short, fixed jail terms for violating pretrial release was not accounted for in the initial drafting or amended in the statute.²⁰⁶ As the Act was amended in 2018, with talk about more reform, if the legislature's wanted to amend it to further include the possibility of sanctions receiving good-time credit they could have amply done so.²⁰⁷ It stated as "incorrection in the county jail before sentencing."²⁰⁸ This was shows that the language was aimed at involuntary status-based detention, it was not a misconducts-based incarceration.

In the current system, the SAFE-T Act changes the way that we look at detention due to elimination cash bail and sanctioning those. Detention is now on risk assessment, not one of financial capability. Sanctions for violating release condition serve a punitive and regulatory function in order to keep compliance for the court ordered conditions. The sanction is not related to the underlying offence. As the cash bail system is meant to help the system, violating condition of a sanction even after sentencing should not be considered to take time off your final sentence. If you violate condition of release, these are a consequence that the state is offering a benefit and should not help defendant further. There must be consequences isolated from your charges in order to enforce pretrial release condition. Also, many conditions of release, or pretrial supervision have not proven to be effective.²⁰⁹ The punitive divide in criminal law

²⁰⁵ Safe-T Act Articles, Patrick Sheehan (ILLINOIS State Representative), <https://repsheehan.com/safe-t-act-articles/>, [perma.cc/3DGG-BJ8M].

²⁰⁶ 730 ILCS 130/3 (West 2024).

²⁰⁷ SB 0354, 104th Gen. Assemb. (Ill. 2025), <https://ilga.gov/ftp/legislation/104/SB/10400SB0354.htm>, [].

²⁰⁸ 730 ILCS 5/110-2 (West 2024).

²⁰⁹ Marie VanNostrand & Gina Keebler, Pretrial Risk Assessment in the Federal Court, 31 Washington, Office of Federal Detention Trustee (2009), https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=7639&context=jclc&utm_source=perma.cc/TM5M-CCA4, [https://perma.cc/TM5M-CCA4].

further the idea that pretrial regulation is regulatory, so they should not extend beyond the legislature's intent to convert it into sentence credit.²¹⁰ Thus, because the legislature never accounted for this situation, the courts should not presume credit applies after being sentenced as well.

This approach applied with logic of systems like one similar to New Jersey.²¹¹ New Jersey Criminal Justice Reform Act put into effect in 2017, replaced cash bail with a risk-based pretrial system similar to Illinois.²¹² It is designed with pretrial release with condition, pretrial detention, and post-convictions sentencing.²¹³ New Jersey courts have also held that day-for-day credit within the pretrial sanction is not authorized, but it does get applied later once the sentence exists.²¹⁴ Also, New Jersey courts have found that sanctions for violating pretrial release are regulatory or preventative. But the goal here is still to deter the violations of a defendant's pretrial release conditions, thus New Jersey should also contemplate now allowed the credit to apply once a defendant is sanctioned. In addition, the sanctions are a punitive measure to ensure that the terms of one pretrial release are in order.

To fully deter violations of pretrial released conditions, there should be no benefit in getting a jail term. Attaining 30 days once sentencing undermines the meaning of deterring the harm in getting a sanction. The Pretrial Fairness Act is meant to change incentive for not being at risk, and if a defendant can benefit in any way from violating a condition by allowing the credit

²¹⁰ LI Appleman, Pretrial Detention, Punishment, & the Sixth Amendment, 69 Wash. & Lee L. Rev. 1191 (2012), available at https://scholarlycommons.law.wlu.edu/cgi/viewcontent.cgi?article=4288&context=wlulr&utm_source=https://perma.cc/HY46-6T53.

²¹¹ ACLU of N.J., Nat'l Ass'n of Crim. Def. Lawyers & N.J. Office of Pub. Defender, The New Jersey Pretrial Justice Manual (Dec. 2016), <https://www.nacdl.org/getattachment/50e0c53b-6641-4a79-8b49-c733def39e37/the-new-jersey-pretrial-justice-manual.pdf>, [].

²¹² Supervision for Pretrial Intervention Clients, NJ Courts, <https://www.njcourts.gov/courts/adult-probation-supervision/pretrial-intervention> (last visited Feb. 4, 2026), [https://perma.cc/GHQ2-XVB5].

²¹³ *Id.*

²¹⁴ *State v. C.H.*, 228 N.J. 111, at 117.

to be used, the sanction may not be effective in its deterrent state. When you effectively can bank jail-time it can be a choice that you choose to serve your time violating the condition.²¹⁵ The practical consequence of allowing the time to be used later, may encourage violation, and reward the non-compliance later. There are also studies showing that McHenry County has seen a 30% increase in Crime by defendants on pretrial release, 280% increase in failure to Appear, and a 35% reduction in restitution paid to victims of crime.²¹⁶ But Cook County overall jail population went up 4%, which shows that the goals in ensuring compliance are failing.²¹⁷

The idea of the SAFE-T Act where we have a world where class is not the driving factor is very important, but we need to ensure that defendants are being compliant. As there is a reward to having cash bail, your good behavior will get you out on pretrial, that violating a condition on pretrial release will be regulatory and deterrent. We want defendants to not violated conditions alongside not money be a factor. But in order to ensure full compliance there cannot be any benefit to getting sanctioned once you are sentenced. Being able to bank the time may not be deterrent, but there is also a consequence of the delay in the system.

Also, cash bail's benefits effectively put a burden on the system and does not allow those to leave jail quicker. When those who have previous records out on pretrial status, police are not

²¹⁵ Andrew Adams, Top Democrats Say They Would Consider Small Changes to Illinois SAFE-T Act, Capitol News Ill. (Jan. 2026), <https://capitolnewsillinois.com/news/top-democrats-say-they-would-consider-small-changes-to-illinois-safe-t-act/>, [https://perma.cc/W2N5-Z5PN].

²¹⁶ *Id.*

²¹⁷ Julian D. Cohen & Kamiryn Braxton Grimes, New Year, New State's Attorney, Higher Jail Population in Cook County, Chicago Appleseed (Aug. 1, 2025), <https://www.chicagoappleseed.org/2025/08/01/new-year-new-states-attorney-higher-jail-population-in-cook-county/>, [https://perma.cc/FUQ9-JLD5].

able to bail someone out in the same night anymore. They await a court date, and with I-Bond.²¹⁸ I-Bond prior to the SAFE-T Act cash bail acted as a quick release mechanism for those who qualified.²¹⁹ This in effect, means that until certain individuals are seen by a judge, to make a decision if they are a risk they spend that time in jail. Police officers cannot I-Bond someone out in the same night, so this can cause some frustration with the system as well.

VI. CONCLUSION

As the Illinois Supreme Court in *Seymore* made a strong, effective decision based on the fixed term of a sanction the practicality of the decision has other consequences which I call for the legislature to clear up. The rule must be narrowly construed, and sanctions are not included in receiving credit within the term of the statute.²²⁰ In addition, the deterrence efforts of sanctions are undermined when time credit can apply once it is sentenced. As the *Seymore* case is a start to clearing up reform, I urge the legislature to clear up the uncertainty and ensure that we continue to work on police reform.

²¹⁸ Don Stemen, Branden DuPont & Dave Olson, Bond Decisions in Cook County, Loyola Univ. Chi. Ctr. for Crim. Just. (June 20, 2022), <https://loyolaccj.org/blog/cook-bond>, [<https://perma.cc/WLS9-VHRC>].

²¹⁹ Christopher Williams, Abolition in the Real World: A Case Study of Cash Bail Abolition in Illinois, 60 Harv. Civ. Rights-Civ. Liberties L. Rev. 443, 486 (2025), https://journals.law.harvard.edu/crcl/wpcontent/uploads/sites/80/2025/08/01_HLC_60_2_Williams443-516.pdf, [<https://perma.cc/TS82-TLFW>].

²²⁰ See *Boose*, 2024 IL App (1st) 230003, ¶¶ 13–15; *Vinet*, 2025 IL App (1st) 250186-U, ¶¶ 23–29; See *Badie*, 2025 IL App (3d) 250033, ¶ 11.