

Iryna's Law: Offenses which must be treated specially by Judge

General Rule: Unsecured bond and custody release allowed for Ds not charged w/ Violent Offense ("VO"), drug trafficking offense ("DTO"), or certain firearm offenses ("FO") and w/o a significant criminal history ("SCHx").

1. **Significant Criminal History (SCHx)**
 - a. Secured bond and/or custody release minimum requirement
 - b. Judge must make written findings re: conditions of and reasons for release
2. **Violent Offense(VO)**
 - a. Rebuttable presumption of no release
 - b. Secured bond minimum requirement
 - c. Judge must make written findings re: conditions of and reasons for release
 - d. If out on bond for VO or prior VO conviction → secured+ EHA w/ EM
3. **Drug Trafficking Offense(DTO)**
 - a. (any alleged substance but fentanyl/carfentanil...that is VO)
 - b. Rebuttable presumption of no release ONLY:
 - i. Out on prior offense
 - ii. Prior A-E felony conviction or DTO conviction w/in 5 Y
 - c. Judge must make written findings re: conditions of and reasons for release (plus find D will appear AND no unreasonable risk of harm if i/ii above apply)

Definitions

Significant Criminal History: 3 or more Class 1 misdemeanor or higher (w/ separate dates of judgment) w/in the 10 years prior

- Judge must make written findings re: conditions of and reasons for release

Violent Offense: All class A-G assault felonies, any felony requiring sex offender registry, murder, death by distribution, shooting offenses, burglary, b/e, stalking, PFF, trafficking fentanyl or carfentanil, or any attempt

- Rebuttable presumption that no release will ensure appearance and community safety.
- Judge must make written findings re: conditions of and reasons for release

Drug Trafficking Offense: is what it sounds like. But also, only required to treat differently if D is already out on any offense **and** has a prior A-E felony conviction or trafficking conviction w/in the last 5 years (calculated from either conviction or release from prison, whichever is last).

- Rebuttable presumption that no release will ensure appearance and community safety ONLY APPLIES in the situations referenced above.
 - Then can only be released w/ a judicial finding that there is reasonable assurance that the person will appear AND release doesn't result in unreasonable risk of harm to community