No. 132265

IN THE
SUPREME COURT OF ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS,	)	On Appeal from the Appellate
	)	Court of Illinois, Second District,
Plaintiff-Appellee,	)	No. 2-24-0250
	)	
	)	There on Appeal from the
	)	Circuit Court for the Twenty-third
	)	Judicial Circuit, Kendall County,
	)	Illinois, No. 20 CF 134
	)	
RANDALL M. STAFFORD II,	)	The Honorable
	)	Robert P. Pilmer,
Defendant-Appellant.	)	Judge Presiding.

BRIEF OF PLAINTIFF-APPELLEE
PEOPLE OF THE STATE OF ILLINOIS

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NATURE OF THE CASE

Following a bench trial, defendant was convicted of aggravated domestic battery and sentenced to six years in prison, with credit for time spent in pretrial custody. Defendant filed a Supreme Court Rule 472(a)(3) motion seeking additional credit for time spent on electronic home monitoring while he was released on pretrial bond, which the trial court denied; he appeals from the appellate court's judgment affirming that denial. No issue is raised concerning the charging instrument.

ISSUE PRESENTED FOR REVIEW

A defendant is entitled to presentence credit for pretrial days spent in custody, including days in which the defendant is "in home detention" pursuant to restrictions imposed by a "supervising authority." The issue presented is:

Whether the appellate court correctly affirmed the trial court's judgment that determined that defendant was not entitled to presentence credit for time in which he was not on "home detention," but rather released on bond with the court-imposed condition of electronic home monitoring.

JURISDICTION

Jurisdiction lies under Supreme Court Rules 315(a) and 612(b). On November 26, 2025, this Court allowed defendant's petition for leave to appeal.

STATUTES INVOLVED

730 ILCS 5/5-4.5-100(b)

> CREDIT; TIME IN CUSTODY; SAME CHARGE. Except as set forth in subsection (e), the offender shall be given credit on the determinate sentence or maximum term and the minimum period of imprisonment for the number of days spent in custody as a result of the offense for which the sentence was imposed. The Department shall calculate the credit at the rate specified in Section 3-6-3 (730 ILCS 5/3-6-3). The trial court shall give credit to the defendant for time spent in home detention on the same sentencing terms as incarceration as provided in Section 5-8A-3 (730 ILCS 5/5-8A-3). Home detention for purposes of credit includes restrictions on liberty such as curfews restricting movement for 12 hours or more per day and electronic monitoring that restricts travel or movement. Electronic monitoring is not required for home detention to be considered custodial for purposes of sentencing credit. The trial court may give credit to the defendant for the number of days spent confined for psychiatric or substance abuse treatment prior to judgment, if the court finds that the detention or confinement was custodial.

730 ILCS 5/5-8A-2

> (A-20) "Electronic monitoring" means the monitoring of an inmate, person, or offender with an electronic device both within and outside of their home under the terms and conditions established by the supervising authority.
>
> (C) "Home detention" means the confinement of a person convicted or charged with an offense to his or her place of residence under the terms and conditions established by the supervising authority. Confinement need not be 24 hours per day to qualify as home detention, and significant restrictions on liberty such as 7pm to 7am curfews shall qualify. Home confinement may or may not be accompanied by electronic monitoring, and electronic monitoring is not required for purposes of sentencing credit.
>
> (D) "Participant" means an inmate or offender placed into an electronic monitoring program.

(E) “Supervising authority” means the Department of Corrections, the Department of Juvenile Justice, probation department, a Chief Judge’s office, pretrial services division or department, sheriff, superintendent of municipal house of corrections or any other officer or agency charged with authorizing and supervising electronic monitoring and home detention.

730 ILCS 5/5-8A-3

(a) Except as provided in subsection (d), a person charged with or convicted of an excluded offense may not be placed in an electronic monitoring or home detention program, except for bond pending trial or appeal or while on parole, aftercare release, or mandatory supervised release.

(b) A person serving a sentence for a conviction of a Class 1 felony, other than an excluded offense, may be placed in an electronic monitoring or home detention program for a period not to exceed the last 90 days of incarceration.

(c) A person serving a sentence for a conviction of a Class X felony, other than an excluded offense, may be placed in an electronic monitoring or home detention program for a period not to exceed the last 90 days of incarceration, provided that the person was sentenced on or after August 11, 1993 (the effective date of Public Act 88-311) and provided that the court has not prohibited the program for the person in the sentencing order.

(d) A person serving a sentence for conviction of an offense other than for predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, aggravated criminal sexual abuse, or felony criminal sexual abuse, may be placed in an electronic monitoring or home detention program for a period not to exceed the last 12 months of incarceration, provided that (i) the person is 55 years of age or older; (ii) the person is serving a determinate sentence; (iii) the person has served at least 25% of the sentenced prison term; and (iv) placement in an electronic monitoring or home detention program is approved by the Prisoner Review Board or the Department of Juvenile Justice.

(e) A person serving a sentence for conviction of a Class 2, 3, or 4 felony offense which is not an excluded offense may be placed in an electronic monitoring or home detention program pursuant to Department administrative directives. These directives shall encourage inmates to apply for electronic detention to incentivize positive behavior and program participation prior to and following their return to the community, consistent with Section 5-8A-4.2 of this Code. These directives shall not prohibit application solely for prior mandatory supervised release violation history, outstanding municipal warrants, current security classification, and prior criminal history, though these factors may be considered when reviewing individual applications in conjunction with additional factors, such as the applicant's institution behavior, program participation, and reentry plan.

(f) Applications for electronic monitoring or home detention may include the following:

(1) pretrial or pre-adjudicatory detention;
(2) probation;
(3) conditional discharge;
(4) periodic imprisonment;
(5) parole, aftercare release, or mandatory supervised release;
(6) work release;
(7) furlough; or
(8) post-trial incarceration.

(g) A person convicted of an offense described in clause (4) or (5) of subsection (d) of Section 5-8-1 of this Code shall be placed in an electronic monitoring or home detention program for at least the first 2 years of the person’s mandatory supervised release term.

STATEMENT OF FACTS

A. Defendant was charged with aggravated domestic battery and was released on bond with conditions set by the trial court.

On May 14, 2020, defendant was charged with aggravated domestic battery for strangling Breanna Pilotte, his live-in girlfriend, in violation of 720 ILCS 5/12-3.2(a)(1), 12-3.3(a-5). C7.[1]

The trial court set bond at $50,000 and required GPS monitoring as a condition of bond. C9, 16. An accompanying GPS order required that if released, "defendant shall *remain within the structure* of his/her place of residence . . . except as provided in this order with prior permission" and "[m]ay leave his/her residence and travel directly to and from on the pre-approved route for the purpose of" attorney appointments and court dates. C10-11 (emphasis in original). The GPS monitoring would be administered by Kendall County Court Services. C10.

Defendant did not immediately post bond. C22; R7. In June 2020, defendant filed a motion to reduce bond. C26-27; R15-16. The People objected, adding that if defendant were released, they would request that he "be placed on GPS, Bischof[ ] GPS." R17. Under "Bischof" GPS monitoring, defendants charged with violating protective orders and certain domestic violence offenses are prohibited from entering designated areas where they

[1] "C_," "R_," and "A_" refer to the common law record, the report of proceeding, and the appendix to this brief.

are likely to encounter their victims. *See* 725 ILCS 5/110-5(a)(6), (d); *see also* Pub. Act. 95-773, § 5 (public act was "Cindy Bischof Law"). The trial court denied the motion but stated "that if the bail is posted, as an additional condition of bond I would order Bischof[ ] monitoring." C30; R18.

The following month, defendant reported that he had attempted to post bond, but he faced conflicting orders: the bond conditions required him to stay away from his mother's house, but the GPS order required him to be at his mother's house. R26. In response, the trial court removed the condition barring him from his mother's home, C58; R26, and defendant posted bond and was released on July 9, 2020, C62.

In August 2020, defendant moved to modify the bond conditions, seeking permission to work at a car dealership and to "attend treatment, pick up prescription medication, and assist his mother with grocery shopping." R33; *see also* C64. The trial court amended the bond conditions so that defendant would be allowed, after obtaining approval from the court services personnel administering the GPS monitoring, to attend medical appointments and counseling; to work at the dealership if he provided paperwork confirming the employment; to seek further employment online with follow-up interviews in person; and to grocery shop once per week. C67; R35-36.

In November 2020, the People moved to increase or revoke defendant's bond because defendant's GPS monitor had "received a master tamper alert," after which a probation officer and police were unable to contact defendant via telephone or at his residence. C74. The trial court issued a warrant for defendant's arrest, but it was quashed after defendant appeared for the installation of a new GPS unit. C78-79.

In January 2021, the People filed an amended motion to increase or revoke bond, alleging that defendant had contact with the victim, in violation of mutual non-contact orders, and had engaged in multiple unapproved stops while performing approved tasks. C81-84. The trial court continued the motion. R82-84; *see also* C90.

In February 2021, the trial court continued the motion again. R89. The court ordered that the GPS monitoring would now be administered by the Sheriff's Office, not Kendall County Court Services. C91-93; R90. In April 2021, the court, over the People's objection, again continued the motion to increase or revoke bond, C97; R93, and did so again in May 2021, C98; R98.

In June 2021, the trial court heard the People's motion. R102. The court found that defendant had violated the terms of his GPS monitoring but declined to revoke or increase his bond, although it added the requirement that defendant comply with orders from other counties prohibiting contact with the victim. R108; C99.

In September 2021, the People filed another motion to increase or revoke defendant's bond. C107; R120. The People alleged that defendant had violated his GPS conditions by failing to: provide the Sheriff's Office with sufficient information about the work he was allegedly doing at certain locations; respond to the Sheriff's Office's repeated emails requesting more information about his movements; give adequate notice of alleged appointments; and wait for approval before leaving his residence. C108-09; R121-24. Further, defendant had claimed to the Sheriff's Office that an unapproved stop after 10 p.m. was made to pick up prescriptions at Walmart, but the pharmacy was closed at the time. R124. Defendant also made unexplained stops at an apartment complex and a tavern, in addition to other unapproved movements. *Id.* The trial court found that defendant had violated his bond conditions and increased the bond to $75,000. R126-27; *see also* C111, 121. After one day in jail, defendant posted the increased bond. C122-23; *see also* C144.

B. The trial court found defendant guilty of aggravated domestic battery.

A bench trial was held on April 14, 2022. R148. Pilotte testified that she was living with defendant in his mother's basement in May 2020, when, following an argument, he knocked her down, got on top of her with his knees on her chest, choked her, and hit her in the face. R156-76. After defendant dragged her upstairs by her hair, she was able to call 911. R177-79. Officer Joe Szilage testified that he responded to a call of a domestic disturbance at defendant's residence that day, where he witnessed Pilotte crying. R229, 232, 236-37. He also observed that she had scratches, bruises, and blood on her face, and she complained of pain in her ribs. R234-36.

Pilotte testified that there had been a previous incident in March 2020 at defendant's friend's house in Sandwich, Illinois, in which defendant punched her, dragged her by her hair, and broke her finger. R187-91. Officer Gregory Karge testified that he responded to a domestic disturbance call in March 2020 in Sandwich, Illinois, and witnessed Pilotte crying and defendant yelling at her. R217-25. Pilotte testified that she declined to file a complaint at that time because she was worried that defendant might hurt her more severely. R192.

Defendant testified that in May 2020, he briefly restrained Pilotte because she was throwing pool balls at him. R243-54.

The trial court found defendant guilty of aggravated domestic battery involving strangulation. C139; R286. The court revoked defendant's bond and ordered that he "be placed into custody." R288; *see also* C139.

C. The trial court sentenced defendant to six years in prison and denied credit for time he spent on release on bond with the condition of electronic home monitoring.

On June 24, 2022, the trial court sentenced defendant to six years in prison. R328-31. The court found that defendant was entitled to credit for

131 days previously served in custody in the county jail but not "to any additional credit for the time spent on GPS." R331; C149-51.

Defendant moved to reconsider the sentence, seeking credit for "the time that he had spent on [electronic home monitoring]." R348-49; C154-55. The trial court denied the motion. R351. After the time to appeal expired, defendant moved to file a late notice of appeal that the appellate court denied, directing defendant to instead file a Rule 472 motion. C173.

On August 4, 2023, defendant filed a Rule 472(a)(3) motion to correct the mittimus, seeking credit for the 629 days he spent "on EHM." C176. On February 22, 2024, the trial court denied the motion. C200; R371. On March 21, 2024, defendant filed a motion to reconsider that the court denied on April 4, 2024. C202, 205; R375-76. Defendant timely appealed from that order. C209, 220.

D. The appellate court affirmed.

The appellate court affirmed, explaining that defendant was not entitled to presentence credit under the plain and ordinary meaning of the statutory language. A38-43. Under 730 ILCS 5/5-4.5-100(b), a defendant receives credit only for home detention as defined under the Electronic Monitoring and Home Detention Law, which requires the defendant's confinement to have been "'under the terms and conditions established by the supervising authority.'" A38, ¶ 45 (quoting 730 ILCS 5/5-8A-2(C)). And the trial judge, who established the terms and conditions in this case, is not a supervising authority as that term is defined by 730 ILCS 5/5-8A-2(E). A39, ¶ 46.

This Court allowed defendant's petition for leave to appeal.

STANDARD OF REVIEW

This case turns on an interpretation of a statute, which this Court reviews de novo. *People v. Brown*, 2026 IL 130930, ¶ 20.

ARGUMENT

Defendant Was Not Entitled to Presentence Credit for Time Spent on Bond with the Court-Imposed Condition of Electronic Home Monitoring.

The plain and ordinary meaning of the statutory language makes clear that defendant was not entitled to presentence credit for time spent on bond with the condition of electronic home monitoring. An offender receives presentence credit only for time spent in "custody," which includes "time spent in home detention on the same sentencing terms as incarceration as provided in Section 5-8A-3 (730 ILCS 5/5-8A-3)." 730 ILCS 5/5-4.5-100(b). That provision authorizes credit only when a "supervising authority" establishes the terms and conditions pursuant to a home detention program. *See* 730 ILCS 5/5-8A-2(C). A "supervising authority" does not include a presiding trial court judge. 730 ILCS 5/5-8A-2(E). Thus, when the trial court releases a defendant on bond with the condition of electronic home monitoring, the defendant does not receive presentence credit.

This Court's precedents and the history of the amendments to the statutory provisions establishing a right to presentence credit further confirm the plain and ordinary meaning of the statutory text. Historically, a "defendant's period of home confinement was not 'time spent in custody' within the meaning of the [presentence credit] statute," *People v. Ramos*, 138 Ill. 2d 152, 159 (1990), unless the defendant was placed in a home detention program by a supervising authority, *People v. Beachem*, 229 Ill. 2d 237, 249-51 (2008). Following this Court's decisions in *Ramos* and *Beachem*, Public Act 101-652, which amended 730 ILCS 5/5-4.5-100(b), left intact the limitation that credit is authorized only if a supervising authority establishes the terms of home detention, as the appellate court has consistently held. *See People v. Currey*, 2024 IL App (2d) 230099, ¶ 23; *People v. Donahue*, 2022 IL App (5th) 200274, ¶¶ 9, 32; *People v. Smith*, 2014 IL App (3d) 130548, ¶¶ 41-43; *see also* A38-39, ¶¶ 45-46. And construing the statute as the plain language requires, which courts have done for decades, does not produce absurd results.

A. Under the plain and ordinary meaning of the statutory language, presentence credit is available only when a "supervising authority" establishes the terms and conditions of home detention, and a trial judge is not a qualifying supervising authority.

The primary objective of statutory interpretation is to ascertain and give effect to the legislative intent. *Beachem*, 229 Ill. 2d at 243. "This inquiry must always begin with the language of the statute, which is the surest and most reliable indicator of legislative intent." *Id.* (internal quotation marks omitted). This Court "construe[s] the statute as a whole and afford[s] the language of the statute its plain and ordinary meaning" and does "not view words and phrases in isolation but consider[s] them in light of other relevant provisions of the statute." *Id.* (internal quotation marks omitted). Under the plain and ordinary meaning of the applicable statutory language, a defendant is not entitled to presentence credit when a trial court releases a defendant pretrial and imposes home detention as a condition of bond under terms and conditions imposed by the trial court.

The statute establishing a right to presentence credit provides that an "offender shall be given credit on the determinate sentence or maximum term and the minimum period of imprisonment for the number of days spent in custody as a result of the offense for which the sentence was imposed." 730 ILCS 5/5-4.5-100(b). Such "custody" includes "time spent in home detention on the same sentencing terms as incarceration as provided in Section 5-8A-3 (730 ILCS 5/5-8A-3)." 730 ILCS 5/5-4.5-100(b). Thus, section 5-4.5-100(b) limits presentence credit for home detention to defendants who are in home detention in accordance with section 5-8A-3, a provision of the Electronic Monitoring and Home Detention Law.

The Electronic Monitoring and Home Detention Law, in turn, authorizes credit only when a "supervising authority" establishes terms and conditions pursuant to a home detention program. 730 ILCS 5/5-8A-2(C). While section 5-8A-3 itself does not define what constitutes home detention, the definitions section of the Electronic Monitoring and Home Detention Law states that "'[h]ome detention' means the confinement of a person convicted or charged with an offense to his or her place of residence under the terms and conditions *established by the supervising authority*." 730 ILCS 5/5-8A-2(C) (emphasis added). And the definitions section further provides that "'[s]upervising authority' means the Department of Corrections, the Department of Juvenile Justice, probation department, a Chief Judge's office, pretrial services division or department, sheriff, superintendent of municipal house of corrections or any other officer or agency charged with authorizing and supervising electronic monitoring and home detention." 730 ILCS 5/5-8A-2(E). Because the presiding trial court judge is not a supervising authority, the statutory language does not authorize presentence credit when the trial court imposes home detention as a condition of bond. *See In re C.C.*, 2011 IL 111795, ¶ 34 ("When a statute lists the things to which it refers, there is an inference that all omissions should be understood as exclusions, despite the lack of any negative words of limitation.").

Defendant does not argue that a trial court presiding over pretrial criminal proceedings is a supervising authority. Nor could he successfully do so. Not only is a trial court not listed as a supervising authority, but a trial court cannot qualify as an "officer or agency charged with . . . supervising electronic monitoring and home detention." 730 ILCS 5/5-8A-2(E). Indeed, a trial court cannot perform the duties of a supervising authority, which include promulgating rules, *see* 730 ILCS 5/5-8A-4 (supervising authority will "promulgate rules that prescribe reasonable guidelines under which an electronic monitoring and home detention program shall operate" that may include designating a "person or agent" to check a participant's "residence at any time for purposes of verifying the participant's compliance with the conditions of his or her detention"), and carrying out administrative functions, *see, e.g.,* 730 ILCS 5/5-8A-5 ("supervising authority shall" "secur[e] the written consent of other persons residing in the home of the participant, including the person in whose name the telephone is registered, at the time of the order for commitment for electronic monitoring is entered and acknowledge the nature and extent of approved electronic monitoring devices").

Nor does defendant argue that there is any significance to the fact that Kendall County Court Services and the Sheriff's Office, which could serve as supervising authorities, administered his GPS monitoring. And such an argument would fail, because "the terms and conditions" of the home detention must be "*established* by the supervising authority," regardless of who administers them. 730 ILCS 5/5-8A-2(C) (emphasis added); *see also infra* Section B (citing precedents affirming denial of credit because GPS and home confinement conditions were set by trial courts, even though they were administered by agencies that could be supervising authorities).

Here, the trial court set the terms and conditions of defendant's bond, including the conditions of home confinement and GPS monitoring. C10-11. And the trial court altered the terms of the conditions at defendant's request. C58, 67. Thus, defendant was not entitled to presentence credit for the time he spent on bond with the condition of electronic home monitoring under the plain and ordinary meaning of the statutory language.

B. This Court's precedents and the history of statutory amendments confirm that credits are available only for home detention programs run by a qualifying supervisory authority.

Instead of parsing the plain language of the relevant statutes, defendant leads with "a review of the relevant case law and statutory amendments." Def. Br. 9. But the prior decisions of this Court and the appellate court, as well as the history of amendments to the provisions establishing a right to presentence credit, merely confirm the plain and ordinary meaning of the statutory language, as the appellate court below recognized. *See* A26-36, ¶¶ 13-38. To determine whether a defendant is entitled to presentence credit, these decisions and history differentiate between (1) release on bond to home confinement with court-imposed conditions and (2) placement in a home detention program subject to conditions established by a supervising authority.

To begin, in *People v. Ramos*, the defendant sought presentence credit for time spent in pretrial home confinement. 138 Ill. 2d at 154. The statute at the time provided that the offender "shall be given credit . . . for time spent in custody." Ill. Rev. Stat. 1987, ch. 38, par. 1005-8-7(b). This Court held that a "defendant's period of home confinement was not 'time spent in custody' within the meaning of the [presentence credit] statute" because "the legislature intended . . . to distinguish between defendants who are in custody and those who are released on bond, subject to the conditions of the bond." 138 Ill. 2d at 159-60.

The Court explained that "[h]ome confinement, though restrictive, differs in several important respects from confinement in a jail or prison." *Id.* at 159. An "offender who is detained at home is not subject to the regimentation of penal institutions and, once inside the residence, enjoys unrestricted freedom of activity, movement, and association." *Id.* "Furthermore, a defendant confined to his residence does not suffer the same surveillance and lack of privacy associated with becoming a member of an incarcerated population." *Id.*

After the statute was amended to provide that "the trial court may give credit to the defendant for time spent in home detention . . . if the court finds that the detention or confinement was custodial," 730 ILCS 5/5-8-7(b) (2004), this Court revisited the issue of presentence credit in *People v. Beachem*. There, the defendant was arrested and "assigned to the Sheriff's Day Reporting Center program" in which he had to report daily to a "Day Reporting Center" but was not otherwise physically confined. 229 Ill. 2d at 239. This Court held that the defendant was entitled to presentence credit for the time spent in the program. *Id.* at 253-54 (citing *People v. Campa*, 217 Ill. 2d 243 (2005)).

As the Court explained, assignment to the Sheriff's Day Reporting Center program "present[ed] a significantly different situation" than when a defendant is out "on bond." *Id.* at 249. "A bond, established by a court of competent jurisdiction, provides a defendant with judicial procedures that not only protect him from arbitrary arrest, but also provide a means to modify or contest an aspect of or denial of bond." *Id.* at 249-50. Thus, a "defendant who is properly entered into bond, recognizance or otherwise, is entitled to judicial procedure before being arrested or having the terms of his liberty modified." *Id.* at 250. A court would have to issue a warrant for arrest if the defendant violated a term of release, upon which the defendant may be able to secure release upon surrender. *Id.* Additionally, the defendant could ask the court to alter the terms of release. *Id.* And he would be entitled to procedural protections at the ensuing hearing. *See id.* (discussing standard of proof, right to counsel, and right to present witnesses). "By contrast," the defendant had "no statutory entitlement to any of the foregoing procedures and protections." *Id.* at 250-51. "For instance, there is no requirement that the sheriff obtain a warrant prior to defendant's rearrest." *Id.* at 251. Further, the defendant "does not have a statutory right to challenge the terms, conditions, or rules" of the program. *Id.* (noting that "[t]here is no right to a hearing and no right to counsel").

Indeed, this case illustrates the distinction between release on bond to home confinement with conditions set by the trial court and assignment to a home detention program like the one in *Beacham*. Here, defendant had access to judicial procedures and protections as a result of having been released on bond with conditions set by the trial court. For instance, the court granted defendant's requests that it modify the conditions to allow him to leave his home to pursue employment, attend treatment, and pick up medication and groceries. C64, 67; R33-36. On multiple occasions, the People moved to increase or revoke defendant's bond, relying on evidence that he had violated the court's conditions. C74, 81, 107. However, after repeatedly continuing the motions, the court declined to revoke defendant's bond even when it found that he had violated the conditions. C90, 97, 98, 99; R84, 89, 93, 98, 108; *see also supra* pp. 6-8. Further, a warrant for defendant's arrest was issued after a tamper alert appeared on his GPS device and officers could not reach him, but it was quashed after he appeared for the installation of a new GPS unit. C74, 78-79.

Consistent with the distinction this Court drew in *Ramos* and *Beachem* between defendants who are released on bond to home confinement subject to conditions set by a trial court and defendants who are placed in a home detention program, the appellate court has consistently held that only the latter are entitled to presentence credit. The appellate court's decisions reflect not only the Court's recognition that the defendants whose conditions are set by a court receive judicial procedures and protections that the other defendants do not, but also that the General Assembly's subsequent amendments to the statutory provisions establishing presentence credit demonstrate that the legislature acquiesced in this Court's interpretation of the presentence credit statute in *Ramos* and *Beacham*. *See People v. Casler*, 2020 IL 125117, ¶ 36 ("[A]fter this [C]ourt has construed a statute, that construction becomes a part of the statute until the legislature amends it contrary to that interpretation.").

In *People v. Smith*, 2014 IL App (3d) 130548, the presentence credit statute had been recodified as section 5-4.5-100 but remained materially the same as in *Beachem*. *Id.*, ¶¶ 6-14. Moreover, the Electronic Monitoring and Home Detention Law had been enacted and defined home detention as confinement with "'conditions established by the supervising authority,'" and the definition of "supervising authority" did not include a trial court. *Id.*,

¶ 41 (quoting 730 ILCS 5/5-8A-2((C), (E)). *Smith* explained that under *Ramos*, *Beachem*, and the statutory amendments, the defendant was not entitled to presentence credit because he was released on bond with conditions set by the trial court. *Id.*, ¶¶ 16-37; *see also id.*, ¶ 39 ("Unlike the *Beachem* defendant, who had no recourse but to accept the terms of the Day Reporting Program, the defendant herein could and, in fact, did petition the court to change his terms of home confinement."). Thus, the defendant was not entitled to credit because no supervising authority established the terms and conditions of his home confinement and this Court had been "unequivocal when holding that for purposes of sentencing credit, time spent in custody does not include that period of time during which a defendant is released on bond, regardless of the restrictions imposed as a condition of release." *Id.*, ¶ 43.

In other words, *Smith* recognized that in enacting the Electronic Monitoring and Home Detention Law and making presentence credit under section 5-4.5-100 dependent on that law, the General Assembly ratified this Court's holding in *Ramos* and *Beachem* that the presentence credit statute does not authorize credit when a trial court releases a defendant on bond to home confinement with conditions — but does authorize credit when a defendant is not released on bond and instead is placed in a home detention program subject to conditions set by a supervising authority.

The General Assembly's further amendment to section 5-4.5-100 in 2021 did not change this result. *But see* Def. Br. 16-17, 20-21. This amendment clarified that home detention includes "restrictions on liberty such as curfews restricting movement for 12 hours or more per day and electronic monitoring that restricts travel or movement." 730 ILCS 5/5-4.5-100(b). But the 2021 amendment left in place the language stating that the "trial court shall give credit to the defendant for time spent in home detention on the same sentencing terms as incarceration as provided in Section 5-8A-3 (730 ILCS 5/5-8A-3)," the provision of the Electronic Monitoring and Home Detention Law. 730 ILCS 5/5-4.5-100(b). And, in turn, the definitions section of that law authorizes credit only if the defendant is placed in a home detention program subject to conditions established by a supervising authority. *See* 730 ILCS 5/5-8A-2(C); *see also supra* p. 14.

Thus, the appellate court, including in the decision below, has unanimously held that the 2021 amendments did not override *Beachem*, *Ramos*, and *Smith*. *See People v. Donahue*, 2022 IL App (5th) 200274, ¶¶ 9, 32; *People v. Currey*, 2024 IL App (2d) 230099, ¶ 23; A38-39, ¶¶ 45-46. In *Donahue*, the Fifth District affirmed the denial of a defendant's request for presentence credit for time he spent on electronic home monitoring that the trial court had set as a condition of bond. *See* 2022 IL App (5th) 200274, ¶¶ 9, 32. The appellate court explained that "[w]ithout being placed into a pretrial in-home electronic monitoring by a supervising authority, the defendant cannot maintain that he was on 'home detention' pursuant to the Home Detention Law" and thus "is not entitled to sentencing credit under section 5-4.5-100(b)." *Id.*, ¶ 32. Similarly, in *Currey*, the Second District affirmed the denial of presentence credit for time the defendant spent on home supervision as a condition of pretrial release, reasoning that "[t]rial courts issuing pretrial release orders are *not* a 'supervising authority'" and thus the defendant had not been on home detention under the statute. 2024 IL App (2d) 230099, ¶ 23 (emphasis in original). And the appellate court below agreed that a defendant receives credit only for home detention "'under the terms and conditions established by the supervising authority,'" which does not include a trial court. A38-39, ¶¶ 45-46 (quoting 730 ILCS 5/5-8A-2(C)).

This Court's precedents and subsequent statutory amendments thus confirm what the plain statutory language provides: that defendant was not entitled to presentence credit for time he spent on home confinement subject to the trial court's condition that he comply with electronic home monitoring.

C. Construing the statute as the plain language requires does not lead to absurd results.

Defendant also argues that honoring the plain statutory language would "produce absurd results" because it would "nearly completely" "eliminate[ ] home detention in a pretrial context." Def. Br. 21. But this Court resorts to secondary aids of statutory construction only when the statutory language is ambiguous, which here it is not. Moreover, the absurdity that defendant identifies is belied by the fact that numerous defendants, including the defendant in *Beachem*, were eligible for presentence credit for time spent in home detention programs run by a supervising authority.

"Where a statute's language is clear and unambiguous, [courts] must effectuate the statute's meaning without consulting other aids of statutory construction." *People v. Hoffman*, 2025 IL 130344, ¶ 16; *see also People v. Reed*, 2025 IL 130595, ¶ 99 ("where the statutory language is clear and unambiguous, as in this case, it is unnecessary to inquire into public policy to construe the statute"). Only when "a statute is ambiguous" does the Court "consult extrinsic tools," which includes "reject[ing] an otherwise reasonable interpretation of a statute if that interpretation would lead to absurd results." *Hoffman*, 2025 IL 130344, ¶¶ 16, 37. Here, the statutory language is clear and unambiguous, as the appellate court has unanimously recognized. *See supra* Sections A & B. Thus, this Court need not consult extrinsic tools of interpretation.

Moreover, defendant's argument that his interpretation is necessary to avoid absurd results fails for at least two reasons. First, defendant argues that honoring the plain statutory language will only rarely, if ever, yield presentence credit, but the statute is only intended to provide credit when the home detention is "considered custodial," 730 ILCS 5/5-4.5-100(b), *i.e.*, when the restrictions on liberty are such that it is as if the defendant is in jail, *see*

Beachem, 229 Ill. 2d at 249-54. It is not absurd to limit presentence credit to situations where the restrictions on a defendant's liberty while residing at home are comparable with being jailed.

Second, numerous defendants were eligible for presentence credit for time spent in home detention subject to conditions set by a supervising authority. In *Beachem*, this Court held that the defendant was entitled to credit for time during which he was "assigned to the Sheriff's Day Reporting Center program," meaning that he had to report daily to a "Day Reporting Center" but was not physically confined. 229 Ill. 2d at 239; *see also supra* pp. 18-19. That program was necessary "to comply with a consent decree that cap[ped] the number of inmates that the Cook County jail [was] allowed to house," *id.* at 240, and was in effect from 1982 until late 2011. *See* Order granting voluntary dismissal, *Duran v. Brown*, 74 C 2949 (N.D. Ill. Nov. 30, 2011). In other words, pursuant to a single home detention program, numerous defendants over three decades were eligible for presentence credit without departing from the plain statutory language.

And, today, trial courts remain authorized to place defendants in a program, like the one in *Beachem*, where the terms are established by the supervising authority. *See* 725 ILCS 5/110-10(b)(5) (authorizing as condition of pretrial release that defendant be "placed under direct supervision of the Pretrial Services Agency, Probation Department or Court Services Department in a pretrial home supervision capacity with or without the use of an approved electronic monitoring device subject to Article 8A of Chapter V of the Unified Code of Corrections.”). Thus, contrary to defendant’s suggestion, *see* Def. Br. 22, there is no reason to believe that honoring the plain statutory language will render the statutes providing for presentence credit “meaningless.”

In sum, courts, including this Court, have consistently interpreted the clear and unambiguous statutory language in a manner that has not produced absurd results. There is no reason to depart from that plain language now.

CONCLUSION

This Court should affirm the judgment of the appellate court.

June 24, 2026

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

I certify that this brief conforms to the requirements of Rules 341(a) and (b). The length of this brief, excluding the pages containing the Rule 341(d) cover, the Rule 341(h)(1) table of contents and statement of points and authorities, the Rule 341(c) certificate of compliance, and the certificate of service, is 26 pages.

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CERTIFICATE OF FILING AND SERVICE

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct. On June 24, 2026, the foregoing **Brief of Plaintiff-Appellee People of the State of Illinois** was filed with the Clerk of the Supreme Court of Illinois using the court's electronic filing system, which served a copy to the e-mail addresses of the persons named below:

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