

# CONSTITUTIONAL CHALLENGES TO THE SAFE-T ACT

**Stewart v. Rosenblum, 2025 IL 131365**

**Illinois Supreme Court  
September 18, 2025**

(the judge)...declared the SAFE-T Act unconstitutional as applied to petitioner's case because it did not allow the judge to sua sponte indefinitely detain petitioner before trial. The court found that it had an inherent authority to detain defendants pending trial and, by enacting sections 110-6 (id. § 110-6) and 110-6.1 of the Act, the legislature infringed on this authority and violated the separation of powers clause of the Illinois Constitution.

“In our recent decision in *Rowe v. Raoul*, 2023 IL 129248, ¶¶ 43-48, 469 Ill.Dec. 248, 223 N.E.3d 1010, this court reviewed a finding that the pretrial release provisions of the Act violated the separation of powers clause and concluded the Act was facially constitutional. Therefore, respondent was bound to follow that holding and could not properly declare the Act facially unconstitutional. See *Blumenthal v. Brewer*, 2016 IL 118781, ¶ 61, 410 Ill.Dec. 289, 69 N.E.3d 834 (“Under the doctrine of stare decisis, when this court has declared the law on any point, it alone can overrule and modify its previous opinion, and the lower judicial tribunals are bound by such decision and it is the duty of such lower tribunals to follow such decision in similar cases.”