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# Northern Illinois University

# Law Review

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## ANNOTATED BIBLIOGRAPHY

Race, Poverty, and Bail: An Annotated Bibliography  
Clanitra Stewert NejdL..... 487

## ARTICLE

Division in the Illinois Appellate Court: What is the Appropriate Standard of Review for Alleged Prosecutorial Misconduct During Closing Argument?  
Ryan T. Harding..... 504  
*The Illinois Appellate Court is divided on whether to apply de novo review or an abuse of discretion standard when evaluating alleged prosecutorial misconduct during closing argument. This article concludes that de novo review is the proper standard of review under current Illinois law. However, as a matter of policy, this article recommends that (1) abuse of discretion review should normally apply to the trial court's determination that a defendant was not substantially prejudiced by the State's closing argument; (2) de novo review should apply when the trial court's determination that a defendant was not substantially prejudiced turned on a pure question of law; and (3) the plain error doctrine should apply when the defendant fails to preserve the issue of whether he was substantially prejudiced by the State's closing argument.*

## NOTES AND COMMENTS

The Illinois Bail Reform Act of 2017: Roadmap to Reform, or Reform in Name Only?  
Devin Taseff..... 528  
*Of the approximately 443,000 individuals currently incarcerated in county jails who have yet to be convicted of any of their charges, seventy percent are indigent and cannot afford the bail amount set by the judge at their initial bond hearing. Of these 443,000 individuals, 303,000 are awaiting trial for traditionally non-violent offenses. The Illinois General Assembly recently addressed this crisis by enacting the Illinois Bail Reform Act of 2017 with the goal of ensuring that pretrial incarceration is reserved not for the poor, but rather, for the minority of pretrial defendants who are a flight risk or a danger to society. The Act's language reveals good intentions, however, it arguably provides more virtue-signaling platitudes than it does cognizable, solid reforms. This article critically examines the Act by weighing it in the context of the history of bail in the United States, the Act's legislative history and substantive provisions, issues of public safety, mental health, the civil liberties of criminal defendants, and lastly, several critical*

*shortcomings of the Act that must be amended as soon as possible to avoid the possibility of the Act failing to achieve its intended reforms.*

**Support of Familial DNA Testing in Illinois Criminal Investigation**

Alexandra Aherne..... 553

*Currently, the use of familial DNA searches in the United States ranges from outlawed to unregulated. Without clear and meaningful legislation for utilizing this powerful law enforcement tool, States risk missing the opportunity to generate positive leads in investigations, or infringing on the rights of their citizens. In Illinois, through the implementation of a thoughtful policy, familial DNA testing should be approved for use in certain prescribed situations. This paper details the scientific background of DNA testing, the usefulness in investigations, and the implication of violating privacy rights. This paper concludes with a proposal for an Illinois rule that outlines a viable implementation.*

**Beyond Dr. Frankenstein’s Monster: Human Germline Editing and the Implications of Waiting to Regulate**

Rebecca Rodriguez..... 585

*From the birth of bioethics in the United States to the hindrance of advancement caused by laws that claim to remove barriers to innovation, CRISPR and its germline editing abilities simply cannot live up to their full potential in the United States unless current limitations are lifted and a more reasonable approach is taken. While scientific acronyms and analogies to scissors and word processing functions abound in CRISPR-related articles, many focus on the patent for the technology itself. Few seek to resolve the discord that abounds in federal regulations of this emerging biotechnology. This Comment seeks to do just that and advocates for the adoption of the 2017 American Society of Human Genetics position statement as a rational and research-based approach.*

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