



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 02/04/04, by Richard P. Myers

SYNOPSIS AS INTRODUCED:

730 ILCS 125/17

from Ch. 75, par. 117

Amends the County Jail Act. Provides that when long-term care or nursing home care is required by the arrestee and the arresting authority releases the arrestee for treatment at the long-term care facility or nursing home, the long-term care facility or nursing home shall notify the State's Attorney of the committing county and the chief law enforcement officer of the arresting authority of the pending release of the arrestee from the long-term care facility or nursing home at least 48 hours before that release. Effective immediately.

LRB093 19965 RLC 45709 b

1 AN ACT concerning prisoners.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The County Jail Act is amended by changing
5 Section 17 as follows:

6 (730 ILCS 125/17) (from Ch. 75, par. 117)

7 Sec. 17. Bedding, clothing, fuel, and medical aid;
8 reimbursement for medical or hospital expenses. The Warden of
9 the jail shall furnish necessary bedding, clothing, fuel and
10 medical aid for all prisoners under his charge, and keep an
11 accurate account of the same. When medical or hospital services
12 are required by any person held in custody, the county, private
13 hospital, physician or any public agency which provides such
14 services shall be entitled to obtain reimbursement from the
15 county or from the Arrestee's Medical Costs Fund to the extent
16 that moneys in the Fund are available for the cost of such
17 services. The county board of a county may adopt an ordinance
18 or resolution providing for reimbursement for the cost of those
19 services at the Department of Public Aid's rates for medical
20 assistance. To the extent that such person is reasonably able
21 to pay for such care, including reimbursement from any
22 insurance program or from other medical benefit programs
23 available to such person, he or she shall reimburse the county
24 or arresting authority. If such person has already been
25 determined eligible for medical assistance under The Illinois
26 Public Aid Code at the time the person is initially detained
27 pending trial, the cost of such services, to the extent such
28 cost exceeds \$2,500, shall be reimbursed by the Department of
29 Public Aid under that Code. A reimbursement under any public or
30 private program authorized by this Section shall be paid to the
31 county or arresting authority to the same extent as would have
32 been obtained had the services been rendered in a non-custodial

1 environment.

2 An arresting authority shall be responsible for any
3 incurred medical expenses relating to the arrestee until such
4 time as the arrestee is placed in the custody of the sheriff.
5 However, the arresting authority shall not be so responsible if
6 the arrest was made pursuant to a request by the sheriff. When
7 medical or hospital services are required by any person held in
8 custody, the county or arresting authority shall be entitled to
9 obtain reimbursement from the Arrestee's Medical Costs Fund to
10 the extent moneys are available from the Fund. To the extent
11 that the person is reasonably able to pay for that care,
12 including reimbursement from any insurance program or from
13 other medical benefit programs available to the person, he or
14 she shall reimburse the county.

15 When long-term care or nursing home care is required by the
16 arrestee and the arresting authority releases the arrestee for
17 treatment at the long-term care facility or nursing home, the
18 long-term care facility or nursing home shall notify the
19 State's Attorney of the committing county and the chief law
20 enforcement officer of the arresting authority of the pending
21 release of the arrestee from the long-term care facility or
22 nursing home at least 48 hours before that release.

23 The county shall be entitled to a \$10 fee for each
24 conviction or order of supervision for a criminal violation,
25 other than a petty offense or business offense. The fee shall
26 be taxed as costs to be collected from the defendant, if
27 possible, upon conviction or entry of an order of supervision.
28 The fee shall not be considered a part of the fine for purposes
29 of any reduction in the fine.

30 All such fees collected shall be deposited by the county in
31 a fund to be established and known as the Arrestee's Medical
32 Costs Fund. Moneys in the Fund shall be used solely for
33 reimbursement of costs for medical expenses relating to the
34 arrestee and administration of the Fund.

35 For the purposes of this Section, "arresting authority"
36 means a unit of local government, other than a county, which

1 employs peace officers and whose peace officers have made the
2 arrest of a person. For the purposes of this Section, "medical
3 expenses relating to the arrestee" means only those expenses
4 incurred for medical care or treatment provided to an arrestee
5 on account of an injury suffered by the arrestee during the
6 course of his arrest; the term does not include any expenses
7 incurred for medical care or treatment provided to an arrestee
8 on account of a health condition of the arrestee which existed
9 prior to the time of his arrest.

10 (Source: P.A. 89-654, eff. 8-14-96; 89-676, 8-14-96; 90-14,
11 eff. 7-1-97.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.