



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB0546

Introduced 2/8/2021, by Rep. Norine K. Hammond

SYNOPSIS AS INTRODUCED:

730 ILCS 125/5

from Ch. 75, par. 105

Amends the County Jail Act. Provides that if the court orders a person who is incarcerated in the county jail placed in the custody of the Department of Human Services for mental health treatment, and the Department of Human Services does not find bed space for that person in a Department of Human Services mental health facility within 30 days after the sheriff notifies the Department of Human Services of the court order, then the State shall reimburse the county where the jail is holding the person for the costs of maintaining the person beyond the 30-day period after notification. Provides to which persons incarcerated in a county jail the provision is applicable.

LRB102 04136 RLC 14153 b

1 AN ACT concerning criminal law.

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 5 as follows:

6 (730 ILCS 125/5) (from Ch. 75, par. 105)

7 Sec. 5. Costs of maintaining prisoners.

8 (a) Except as provided in subsections (b), ~~and~~ (c), and
9 (d), all costs of maintaining persons committed for violations
10 of Illinois law, shall be the responsibility of the county.
11 Except as provided in subsection (b), all costs of maintaining
12 persons committed under any ordinance or resolution of a unit
13 of local government, including medical costs, is the
14 responsibility of the unit of local government enacting the
15 ordinance or resolution, and arresting the person.

16 (b) If a person who is serving a term of mandatory
17 supervised release for a felony is incarcerated in a county
18 jail, the Illinois Department of Corrections shall pay the
19 county in which that jail is located one-half of the cost of
20 incarceration, as calculated by the Governor's Office of
21 Management and Budget and the county's chief financial
22 officer, for each day that the person remains in the county
23 jail after notice of the incarceration is given to the

1 Illinois Department of Corrections by the county, provided
2 that (i) the Illinois Department of Corrections has issued a
3 warrant for an alleged violation of mandatory supervised
4 release by the person; (ii) if the person is incarcerated on a
5 new charge, unrelated to the offense for which he or she is on
6 mandatory supervised release, there has been a court hearing
7 at which bail has been set on the new charge; (iii) the county
8 has notified the Illinois Department of Corrections that the
9 person is incarcerated in the county jail, which notice shall
10 not be given until the bail hearing has concluded, if the
11 person is incarcerated on a new charge; and (iv) the person
12 remains incarcerated in the county jail for more than 48 hours
13 after the notice has been given to the Department of
14 Corrections by the county. Calculation of the per diem cost
15 shall be agreed upon prior to the passage of the annual State
16 budget.

17 (c) If a person who is serving a term of mandatory
18 supervised release is incarcerated in a county jail, following
19 an arrest on a warrant issued by the Illinois Department of
20 Corrections, solely for violation of a condition of mandatory
21 supervised release and not on any new charges for a new
22 offense, then the Illinois Department of Corrections shall pay
23 the medical costs incurred by the county in securing treatment
24 for that person, for any injury or condition other than one
25 arising out of or in conjunction with the arrest of the person
26 or resulting from the conduct of county personnel, while he or

1 she remains in the county jail on the warrant issued by the
2 Illinois Department of Corrections.

3 (d) If the court orders a person who is incarcerated in the
4 county jail placed in the custody of the Department of Human
5 Services for mental health treatment, and the Department of
6 Human Services does not find bed space for that person in a
7 Department of Human Services mental health facility within 30
8 days after the sheriff notifies the Department of Human
9 Services of the court order, then the State shall reimburse
10 the county where the jail is holding the person for the costs
11 of maintaining the person beyond the 30-day period after
12 notification.

13 This subsection (d) applies to a person who:

14 (1) has been charged with an offense, is held in
15 custody in the county jail, and has been ordered by the
16 court to be placed in the custody of the Department of
17 Human Services for mental health treatment under Section
18 104-17 of the Code of Criminal Procedure of 1963; or

19 (2) has been ordered by the court under the Unified
20 Code of Corrections or the Mental Health and Developmental
21 Disabilities Code to be placed in the custody of the
22 Department of Human Services for mental health treatment
23 and who:

24 (A) is imprisoned in a county jail for a
25 misdemeanor;

26 (B) has been sentenced to a county impact

1 incarceration under Section 3-6038 or 3-15003.5 of the
2 Counties Code; or
3 (C) has been sentenced to a term of periodic
4 imprisonment at a county jail under Section 5-7-1 of
5 the Unified Code of Corrections.

6 (Source: P.A. 94-678, eff. 1-1-06; 94-1094, eff. 1-26-07.)