

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

16 (b) If a person who is serving a term of mandatory  
17 supervised release for ~~has been convicted of a felony and has~~  
18 ~~violated mandatory supervised release for that felony~~ is  
19 incarcerated in a county jail ~~pending the resolution of the~~  
20 ~~violation of mandatory supervised release,~~ the Illinois  
21 Department of Corrections shall pay the county in which that  
22 jail is located one-half of the cost of incarceration, as  
23 calculated by the Governor's Office of Management and Budget  
24 and the county's chief financial officer, for each day that the  
25 person remains in the county jail after notice of the  
26 incarceration is given to the Illinois Department of  
27 Corrections by the county, provided that (i) the Illinois  
28 Department of Corrections has issued a warrant for an alleged  
29 violation of mandatory supervised release by the person; (ii)  
30 if the person is incarcerated on a new charge, unrelated to the  
31 offense for which he or she is on mandatory supervised release,  
32 there has been a court hearing at which bail has been set on

1 the new charge; (iii) the county has notified the Illinois  
2 Department of Corrections that the person is incarcerated in  
3 the county jail, which notice shall not be given until the bail  
4 hearing has concluded, if the person is incarcerated on a new  
5 charge; and (iv) the person remains incarcerated in the county  
6 jail for more than 48 hours after the notice has been given to  
7 the Department of Corrections by the county. Calculation of the  
8 per diem cost shall be agreed upon prior to the passage of the  
9 annual State budget.

10 (Source: P.A. 94-678, eff. 1-1-06.)

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