

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 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 services ~~aid~~ for all prisoners under his charge, and
11 keep an accurate account of the same. When services that result
12 in qualified medical expenses ~~or hospital services~~ are required
13 by any person held in custody, the county, private hospital,
14 physician or any public agency which provides such services
15 shall be entitled to obtain reimbursement from the county ~~or~~
16 ~~from the Arrestee's Medical Costs Fund to the extent that~~
17 ~~moneys in the Fund are available~~ for the cost of such services.
18 The county board of a county may adopt an ordinance or
19 resolution providing for reimbursement for the cost of those
20 services at the Department of Healthcare and Family Services'
21 rates for medical assistance. To the extent that such person is
22 reasonably able to pay for such care, including reimbursement
23 from any insurance program or from other medical benefit

1 programs available to such person, he or she shall reimburse
2 the county or arresting authority. If such person has already
3 been determined eligible for medical assistance under the
4 Illinois Public Aid Code at the time the person is ~~initially~~
5 detained ~~pending trial~~, the cost of such services, to the
6 extent such cost exceeds \$500, shall be reimbursed by the
7 Department of Healthcare and Family Services under that Code. A
8 reimbursement under any public or private program authorized by
9 this Section shall be paid to the county or arresting authority
10 to the same extent as would have been obtained had the services
11 been rendered in a non-custodial environment.

12 The sheriff or his or her designee may cause an application
13 for medical assistance under the Illinois Public Aid Code to be
14 completed for an arrestee who is a hospital inpatient. If such
15 arrestee is determined eligible, he or she shall receive
16 medical assistance under the Code for hospital inpatient
17 services only. An arresting authority shall be responsible for
18 any incurred medical expenses relating to the arrestee until
19 such time as the arrestee is placed in the custody of the
20 sheriff. However, the arresting authority shall not be so
21 responsible if the arrest was made pursuant to a request by the
22 sheriff. When medical expenses ~~or hospital services~~ are
23 required by any person held in custody, the county ~~or arresting~~
24 ~~authority~~ shall be entitled to obtain reimbursement from the
25 County Jail Arrestee's Medical Costs Fund to the extent moneys
26 are available from the Fund. To the extent that the person is

1 reasonably able to pay for that care, including reimbursement
2 from any insurance program or from other medical benefit
3 programs available to the person, he or she shall reimburse the
4 county.

5 The county shall be entitled to a \$10 fee for each
6 conviction or order of supervision for a criminal violation,
7 other than a petty offense or business offense. The fee shall
8 be taxed as costs to be collected from the defendant, if
9 possible, upon conviction or entry of an order of supervision.
10 The fee shall not be considered a part of the fine for purposes
11 of any reduction in the fine.

12 All such fees collected shall be deposited by the county in
13 a fund to be established and known as the County Jail
14 ~~Arrestee's~~ Medical Costs Fund. Moneys in the Fund shall be used
15 solely for reimbursement to the county of costs for medical
16 expenses ~~relating to the arrestee while he or she is in the~~
17 ~~custody of the sheriff~~ and administration of the Fund.

18 For the purposes of this Section, "arresting authority"
19 means a unit of local government, other than a county, which
20 employs peace officers and whose peace officers have made the
21 arrest of a person. For the purposes of this Section,
22 "qualified medical expenses ~~relating to the arrestee~~" include
23 medical and hospital services but do not include (i) means only
24 ~~those~~ expenses incurred for medical care or treatment provided
25 to a person ~~an arrestee~~ on account of a self-inflicted ~~an~~
26 injury incurred prior to or in the course of an arrest, (ii)

1 ~~expenses suffered by the arrestee during the course of his or~~
2 ~~her arrest unless such injury is self-inflicted; the term does~~
3 ~~not include any expenses~~ incurred for medical care or treatment
4 provided to a person ~~an arrestee~~ on account of a health
5 condition of that person ~~the arrestee~~ which existed prior to
6 the time of his or her arrest, or (iii) expenses for hospital
7 inpatient services for arrestees enrolled for medical
8 assistance under the Illinois Public Aid Code.

9 (Source: P.A. 94-494, eff. 8-8-05; 94-962, eff. 1-1-07.)

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