



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0633

Introduced 2/6/2007, by Rep. Thomas Holbrook

SYNOPSIS AS INTRODUCED:

730 ILCS 125/17

from Ch. 75, par. 117

Amends the County Jail Act. Provides that if a person confined in a county jail is in need of medical services and is determined eligible for medical assistance under the Illinois Public Aid Code at the time the person is detained (rather than has already been determined eligible for medical assistance under the Illinois Public Aid Code at the time the person is initially detained pending trial), the cost of such services, to the extent such cost exceeds \$500, shall be reimbursed by the Department of Healthcare and Family Services under that Code. Provides that an arresting authority shall be responsible for any incurred medical expenses relating to the arrestee until such time as the arrestee is placed in the custody of the sheriff unless the arrestee is eligible for medical assistance under the Illinois Public Aid Code or reimbursement under an authorized public or private program.

LRB095 06226 RLC 26320 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 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 Healthcare and Family Services'
20 rates for medical assistance. To the extent that such person is
21 reasonably able to pay for such care, including reimbursement
22 from any insurance program or from other medical benefit
23 programs available to such person, he or she shall reimburse

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

11 Unless the arrestee is eligible for medical assistance
12 under the Illinois Public Aid Code or reimbursement under a
13 public or private program authorized by this Section, an Ar
14 arresting authority shall be responsible for any incurred
15 medical expenses relating to the arrestee until such time as
16 the arrestee is placed in the custody of the sheriff. However,
17 the arresting authority shall not be so responsible if the
18 arrest was made pursuant to a request by the sheriff. When
19 medical or hospital services are required by any person held in
20 custody, the county or arresting authority shall be entitled to
21 obtain reimbursement from the Arrestee's Medical Costs Fund to
22 the extent moneys are available from the Fund. To the extent
23 that the person is reasonably able to pay for that care,
24 including reimbursement from any insurance program or from
25 other medical benefit programs available to the person, he or
26 she shall reimburse the county.

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

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

14 For the purposes of this Section, "arresting authority"
15 means a unit of local government, other than a county, which
16 employs peace officers and whose peace officers have made the
17 arrest of a person. For the purposes of this Section, "medical
18 expenses relating to the arrestee" means only those expenses
19 incurred for medical care or treatment provided to an arrestee
20 on account of an injury suffered by the arrestee during the
21 course of his or her arrest unless such injury is
22 self-inflicted; the term does not include any expenses incurred
23 for medical care or treatment provided to an arrestee on
24 account of a health condition of the arrestee which existed
25 prior to the time of his or her arrest.

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