



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

**HB4425**

Introduced 2/3/2020, 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.

LRB101 16372 RLC 65750 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 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 officer,  
22 for each day that the person remains in the county jail after  
23 notice of the incarceration is given to the Illinois Department

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

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

1 Illinois Department of Corrections.

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

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

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

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

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

25 (B) has been sentenced to a county impact  
26 incarceration under Section 3-6038 or 3-15003.5 of the

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

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