



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 02/04/04, by Richard P. Myers

SYNOPSIS AS INTRODUCED:

730 ILCS 125/17

from Ch. 75, par. 117

Amends the County Jail Act. Provides that the costs of medical or hospital services of a prisoner held in a county jail who has been determined to be eligible for medical assistance under the Illinois Public Aid Code at the time the person is initially detained pending trial shall be reimbursed by the Department of Public Aid to the extent those costs exceed \$500 (rather than \$2,500).

LRB093 15024 RLC 40595 b

FISCAL NOTE ACT
MAY APPLY

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 Public Aid's rates for medical
20 assistance. To the extent that such person is reasonably able
21 to pay for such care, including reimbursement from any
22 insurance program or from other medical benefit programs
23 available to such person, he or she shall reimburse the county
24 or arresting authority. If such person has already been
25 determined eligible for medical assistance under The Illinois
26 Public Aid Code at the time the person is initially detained
27 pending trial, the cost of such services, to the extent such
28 cost exceeds \$500 ~~\$2,500~~, shall be reimbursed by the Department
29 of Public Aid under that Code. A reimbursement under any public
30 or private program authorized by this Section shall be paid to
31 the county or arresting authority to the same extent as would
32 have been obtained had the services been rendered in a

1 non-custodial environment.

2 An arresting authority shall be responsible for any
3 incurred medical expenses relating to the arrestee until such
4 time as the arrestee is placed in the custody of the sheriff.
5 However, the arresting authority shall not be so responsible if
6 the arrest was made pursuant to a request by the sheriff. When
7 medical or hospital services are required by any person held in
8 custody, the county or arresting authority shall be entitled to
9 obtain reimbursement from the Arrestee's Medical Costs Fund to
10 the extent moneys are available from the Fund. To the extent
11 that the person is reasonably able to pay for that care,
12 including reimbursement from any insurance program or from
13 other medical benefit programs available to the person, he or
14 she shall reimburse the county.

15 The county shall be entitled to a \$10 fee for each
16 conviction or order of supervision for a criminal violation,
17 other than a petty offense or business offense. The fee shall
18 be taxed as costs to be collected from the defendant, if
19 possible, upon conviction or entry of an order of supervision.
20 The fee shall not be considered a part of the fine for purposes
21 of any reduction in the fine.

22 All such fees collected shall be deposited by the county in
23 a fund to be established and known as the Arrestee's Medical
24 Costs Fund. Moneys in the Fund shall be used solely for
25 reimbursement of costs for medical expenses relating to the
26 arrestee and administration of the Fund.

27 For the purposes of this Section, "arresting authority"
28 means a unit of local government, other than a county, which
29 employs peace officers and whose peace officers have made the
30 arrest of a person. For the purposes of this Section, "medical
31 expenses relating to the arrestee" means only those expenses
32 incurred for medical care or treatment provided to an arrestee
33 on account of an injury suffered by the arrestee during the
34 course of his arrest; the term does not include any expenses
35 incurred for medical care or treatment provided to an arrestee
36 on account of a health condition of the arrestee which existed

1 prior to the time of his arrest.

2 (Source: P.A. 89-654, eff. 8-14-96; 89-676, 8-14-96; 90-14,

3 eff. 7-1-97.)