



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB4129

Introduced 10/19/05, by Rep. Tom Cross - Patricia R. Bellock

SYNOPSIS AS INTRODUCED:

55 ILCS 75/1	from Ch. 23, par. 2681
55 ILCS 75/3	from Ch. 23, par. 2683
55 ILCS 75/9.1	from Ch. 23, par. 2689.1
55 ILCS 75/90 new	
30 ILCS 805/8.29 new	

Amends the County Shelter Care and Detention Home Act. Provides that the Cook County Temporary Juvenile Detention Center and any other shelter care homes and detention homes in Cook County are subject to the provisions of the Act and may continue to operate without further referendum. Makes corresponding changes. Preempts home rule powers. Amends the State Mandates Act to require implementation without reimbursement by the State.

LRB094 14607 MKM 49554 b

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The County Shelter Care and Detention Home Act
5 is amended by changing Sections 1, 3, and 9.1, and by adding
6 Section 90 as follows:

7 (55 ILCS 75/1) (from Ch. 23, par. 2681)

8 Sec. 1. Establishment and maintenance of homes.

9 (a) The board of county commissioners or the county board
10 in any county in this State, may locate, purchase, erect,
11 lease, or otherwise provide and establish, support and maintain
12 a detention home for the care and custody of delinquent minors
13 and a shelter care home for the temporary care of minors who
14 are delinquent, dependent, neglected, addicted, abused or
15 require authoritative intervention. They may levy and collect a
16 tax to pay the cost of its establishment and maintenance in
17 accordance with the terms and provisions of this Act. In
18 counties with 300,000 or less inhabitants, the powers
19 enumerated in this Act shall not be exercised unless this Act
20 is adopted by the legal voters of the county as provided in
21 this Act. In counties with over 300,000 but less than 1,000,000
22 inhabitants the county board by majority vote may establish
23 county shelter care and detention homes without adoption of
24 this Act by the legal voters and without referendum.

25 (b) In any county, if the board of county commissioners or
26 the county board, as the case may be, determines that a shelter
27 care or detention home presently in use is obsolete, it may
28 continue to operate the shelter care or detention home on a
29 temporary basis and, by majority vote of that board, may
30 rebuild or replace the home at its present location or another.

31 (c) No county shall be required to discontinue the use of
32 any shelter care or detention home in existence or in use on

1 the effective date of this amendatory Act of 1975 because of
2 the fact that the proposition to establish and maintain the
3 shelter care or detention home has not been submitted to the
4 voters as provided in this Act.

5 This amendatory Act of 1975 is not a limit on any county
6 which is a home rule unit.

7 (d) Cook County is not required to discontinue the use of
8 the Cook County Temporary Juvenile Detention Center or of any
9 other shelter care home or detention home in existence or in
10 use on the effective date of this amendatory Act of the 94th
11 General Assembly because of the fact that the proposition to
12 establish and maintain it was not submitted to the voters as
13 provided in this Act.

14 (Source: P.A. 85-637.)

15 (55 ILCS 75/3) (from Ch. 23, par. 2683)

16 Sec. 3. Administrator; necessary personnel; supplies or
17 repairs.

18 (a) The administrator and all other necessary personnel of
19 the shelter care home and detention home, shall be appointed by
20 the Chief Judge of the Circuit Court or any Judge of that
21 Circuit designated by the Chief Judge, to serve at the pleasure
22 of the appointing authority. Each shall receive a monthly
23 salary fixed by the county board. Personnel shall also be
24 reimbursed for their actual and necessary expenses incurred in
25 the performance of their duties. The expenses shall be
26 reimbursed at least monthly upon proper certification by the
27 court.

28 (b) Within 90 days after the effective date of this
29 amendatory Act of the 94th General Assembly, the Chief Judge of
30 the Cook County Circuit Court, or any Judge of that Circuit
31 designated by the Chief Judge, shall appoint an administrator
32 and all other necessary personnel of the Cook County Temporary
33 Juvenile Detention Center and any other shelter care home or
34 detention home in Cook County in accordance with subsection
35 (a). The term of the administrator and any personnel in office

1 upon the effective date of this amendatory Act of the 94th
2 General Assembly terminates upon the appointment of his or her
3 successor.

4 (c) The supplies or repairs necessary to maintain, operate
5 and conduct the shelter care home and the detention home shall
6 be furnished upon the requisition of its administrator to the
7 chairman of a committee as may be designated by the county
8 board, and the bills therefor shall be audited, passed upon and
9 paid as other bills for supplies furnished for county
10 institutions.

11 (Source: P.A. 85-637.)

12 (55 ILCS 75/9.1) (from Ch. 23, par. 2689.1)

13 Sec. 9.1. Designation of homes; validity of prior referenda
14 and tax levies.

15 (a) Within 6 months after the effective date of this
16 amendatory Act of 1979, all county detention homes or
17 independent sections thereof established prior to such
18 effective date shall be designated as either shelter care or
19 detention homes or both, provided physical arrangements are
20 created clearly separating the two, in accordance with their
21 basic physical features, programs and functions, by the
22 Department of Corrections in cooperation with the Chief Judge
23 of the Circuit Court and the county board. Within one year
24 after receiving notification of such designation by the
25 Department of Corrections, all county shelter care homes and
26 detention homes shall be in compliance with this Act.

27 (b) Compliance with this amendatory Act of 1979 shall not
28 affect the validity of any prior referendum or the levy or
29 collection of any tax authorized under this Act. All county
30 shelter care homes and detention homes established and in
31 operation on the effective date of this amendatory Act of 1979
32 may continue to operate, subject to the provisions of this
33 amendatory Act of 1979, without further referendum.

34 (c) Compliance with this amendatory Act of 1987 shall not
35 affect the validity of any prior referendum or the levy or

1 collection of any tax authorized under this Act. All county
2 shelter care homes and detention homes established and in
3 operation on the effective date of this amendatory Act of 1987
4 may continue to operate, subject to the provisions of this
5 amendatory Act of 1987, without further referendum.

6 (d) Upon the effective date of this amendatory Act of the
7 94th General Assembly, all county shelter care homes and
8 detention homes in Cook County, including the Cook County
9 Temporary Juvenile Detention Center, established and in
10 operation on or before the effective date of this amendatory
11 Act of the 94th General Assembly must be in compliance with
12 this Act and may continue to operate without further
13 referendum.

14 (Source: P.A. 85-637.)

15 (55 ILCS 75/90 new)

16 Sec. 90. Home rule. A county, including a home rule county,
17 may not regulate the establishment, maintenance, and operation
18 of detention homes for the care and custody of delinquent
19 minors and shelter care homes for the temporary care of minors
20 who are delinquent, dependent, neglected, addicted, abused, or
21 require authoritative intervention in a manner that is
22 inconsistent with this Act. This Act is a limitation under
23 subsection (i) of Section 6 of Article VII of the Illinois
24 Constitution on the concurrent exercise by home rule units of
25 powers and functions exercised by the State.

26 Section 90. The State Mandates Act is amended by adding
27 Section 8.29 as follows:

28 (30 ILCS 805/8.29 new)

29 Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8
30 of this Act, no reimbursement by the State is required for the
31 implementation of any mandate created by this amendatory Act of
32 the 94th General Assembly.