



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**SB2967**

Introduced 1/20/2006, by Sen. Larry K. Bomke

**SYNOPSIS AS INTRODUCED:**

730 ILCS 125/17

from Ch. 75, par. 117

Amends the County Jail Act. Provides that if a prisoner in a county jail is (rather than already has 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. Provides that "medical expenses relating to the arrestee" do not include those expenses incurred for medical care or treatment provided to the arrestee because of a self-inflicted injury.

LRB094 18091 RLC 53396 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 Healthcare and Family Services'  
20 ~~Public Aid's~~ rates for medical assistance. To the extent that  
21 such person is reasonably able to pay for such care, including  
22 reimbursement from any insurance program or from other medical  
23 benefit programs available to such person, he or she shall  
24 reimburse the county or arresting authority. If such person is  
25 ~~has already been determined~~ eligible for medical assistance  
26 under the Illinois Public Aid Code at the time the person is  
27 initially detained pending trial, the cost of such services, to  
28 the extent such cost exceeds \$500, shall be reimbursed by the  
29 Department of Healthcare and Family Services ~~Public Aid~~ under  
30 that Code. A reimbursement under any public or private program  
31 authorized by this Section shall be paid to the county or  
32 arresting authority to the same extent as would have been

1 obtained had the services been rendered in a non-custodial  
2 environment.

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

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

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

29 For the purposes of this Section, "arresting authority"  
30 means a unit of local government, other than a county, which  
31 employs peace officers and whose peace officers have made the  
32 arrest of a person. For the purposes of this Section, "medical  
33 expenses relating to the arrestee" means only those expenses  
34 incurred for medical care or treatment provided to an arrestee  
35 on account of an injury suffered by the arrestee during the  
36 course of his or her arrest unless such injury is

1 self-inflicted; the term does not include any expenses incurred  
2 for medical care or treatment provided to an arrestee on  
3 account of a health condition of the arrestee which existed  
4 prior to the time of his or her arrest.

5 (Source: P.A. 94-494, eff. 8-8-05; revised 12-15-05.)