



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0236

Introduced 1/19/2007, by Rep. Tom Cross - Jim Durkin - David E. Miller - Patricia R. Bellock - Carolyn H. Krause, et al.

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 805/8.31 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. Provides that the Chief Judge of the Cook County Circuit Court has administrative control over the budget of shelter care or detention homes within Cook County. Preempts home rule powers. Amends the State Mandates Act to require implementation without reimbursement by the State.

LRB095 04654 HLH 24712 b

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

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

1 this Act by the legal voters and without referendum.

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4 care or detention home presently in use is obsolete, it may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

8 (c) No county shall be required to discontinue the use of
9 any shelter care or detention home in existence or in use on
10 the effective date of this amendatory Act of 1975 because of
11 the fact that the proposition to establish and maintain the
12 shelter care or detention home has not been submitted to the
13 voters as provided in this Act.

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

16 (d) Cook County is not required to discontinue the use of
17 the Cook County Temporary Juvenile Detention Center or of any
18 other shelter care home or detention home in existence or in
19 use on the effective date of this amendatory Act of the 95th
20 General Assembly because of the fact that the proposition to
21 establish and maintain it was not submitted to the voters as
22 provided in this Act.

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

24 (55 ILCS 75/3) (from Ch. 23, par. 2683)

25 Sec. 3. Administrator; necessary personnel; supplies or

1 repairs.

2 (a) The administrator and all other necessary personnel of
3 the shelter care home and detention home, shall be appointed by
4 the Chief Judge of the Circuit Court or any Judge of that
5 Circuit designated by the Chief Judge, to serve at the pleasure
6 of the appointing authority. Each shall receive a monthly
7 salary fixed by the county board. Personnel shall also be
8 reimbursed for their actual and necessary expenses incurred in
9 the performance of their duties. The expenses shall be
10 reimbursed at least monthly upon proper certification by the
11 court.

12 (b) Within 90 days after the effective date of this
13 amendatory Act of the 95th General Assembly, the Chief Judge of
14 the Cook County Circuit Court, or any Judge of that Circuit
15 designated by the Chief Judge, shall appoint an administrator
16 and all other necessary personnel of the Cook County Temporary
17 Juvenile Detention Center and any other shelter care home or
18 detention home in Cook County in accordance with subsection
19 (a). The term of the administrator and any personnel in office
20 upon the effective date of this amendatory Act of the 95th
21 General Assembly terminates upon the appointment of his or her
22 successor.

23 (c) The Chief Judge of the Cook County Circuit Court, or
24 any Judge of that Circuit designated by the Chief Judge, shall
25 have administrative control over the budget of the Cook County
26 Temporary Juvenile Detention Center and any other shelter care

1 home or detention home in Cook County in accordance with
2 subsection (a).

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

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

11 (55 ILCS 75/9.1) (from Ch. 23, par. 2689.1)

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

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

1 (b) Compliance with this amendatory Act of 1979 shall not
2 affect the validity of any prior referendum or the levy or
3 collection of any tax authorized under this Act. All county
4 shelter care homes and detention homes established and in
5 operation on the effective date of this amendatory Act of 1979
6 may continue to operate, subject to the provisions of this
7 amendatory Act of 1979, without further referendum.

8 (c) Compliance with this amendatory Act of 1987 shall not
9 affect the validity of any prior referendum or the levy or
10 collection of any tax authorized under this Act. All county
11 shelter care homes and detention homes established and in
12 operation on the effective date of this amendatory Act of 1987
13 may continue to operate, subject to the provisions of this
14 amendatory Act of 1987, without further referendum.

15 (d) Upon the effective date of this amendatory Act of the
16 95th General Assembly, all county shelter care homes and
17 detention homes in Cook County, including the Cook County
18 Temporary Juvenile Detention Center, established and in
19 operation on or before the effective date of this amendatory
20 Act of the 95th General Assembly must be in compliance with
21 this Act and may continue to operate without further
22 referendum.

23 (Source: P.A. 94-696, eff. 6-1-06.)

24 (55 ILCS 75/90 new)

25 Sec. 90. Home rule. A county, including a home rule county,

1 may not regulate the establishment, maintenance, and operation
2 of detention homes for the care and custody of delinquent
3 minors and shelter care homes for the temporary care of minors
4 who are delinquent, dependent, neglected, addicted, abused, or
5 require authoritative intervention in a manner that is
6 inconsistent with this Act. This Act is a limitation under
7 subsection (i) of Section 6 of Article VII of the Illinois
8 Constitution on the concurrent exercise by home rule units of
9 powers and functions exercised by the State.

10 Section 90. The State Mandates Act is amended by adding
11 Section 8.31 as follows:

12 (30 ILCS 805/8.31 new)

13 Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8
14 of this Act, no reimbursement by the State is required for the
15 implementation of any mandate created by this amendatory Act of
16 the 95th General Assembly.