



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB1686

Introduced 2/9/2007, by Sen. Don Harmon

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 75/9.2 new	
55 ILCS 75/9.3 new	

Amends the County Shelter Care and Detention Home Act. Provides that Cook County is not required to discontinue the use of any shelter care home or detention home in existence or in use before the effective date of the amendatory Act because of the fact that the proposition to establish and maintain it was not submitted to the voters. Requires the Chief Judge of the Cook County Circuit Court, with the approval of the Cook County Board President, to appoint an administrator of the Cook County Juvenile Detention Center. Provides that the Chief Judge of the Cook County Circuit Court shall have administrative control over the budget of shelter care homes and detention homes within Cook County. Provides that shelter care homes and detention homes shall receive reimbursement from the State for at least 50% of their total operating costs. Preempts the concurrent exercise of home rule powers. Makes other changes.

LRB095 08920 HLH 29107 b

FISCAL 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 Sections 9.2 and 9.3 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 Juvenile Temporary 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 The supplies or repairs necessary to maintain, operate and
13 conduct the shelter care home and the detention home shall be
14 furnished upon the requisition of its administrator to the
15 chairman of a committee as may be designated by the county
16 board, and the bills therefor shall be audited, passed upon and
17 paid as other bills for supplies furnished for county
18 institutions.

19 (b) Within 180 days after the effective date of this
20 amendatory Act of the 95th General Assembly, the Chief Judge of
21 the Cook County Circuit Court, or any Judge of that Circuit
22 designated by the Chief Judge, shall appoint an administrator
23 to serve as the Superintendent of the Cook County Temporary
24 Juvenile Detention Center. That appointment shall require the
25 approval of the Cook County Board President. The Chief Judge of
26 the Cook County Circuit Court, or any Judge of that Circuit

1 designated by the Chief Judge shall appoint all other necessary
2 personnel of the Cook County Juvenile Temporary Detention
3 Center and any other shelter care home or detention home in
4 Cook County in accordance with subsections (a) and (d) of this
5 Section. The term of the administrator and any personnel in
6 office upon the effective date of this amendatory Act of the
7 95th General Assembly shall terminate upon the appointment of
8 his or her successor.

9 (c) The Chief Judge of the Cook County Circuit Court, or
10 any Judge of that Circuit designated by the Chief Judge, shall
11 have administrative control over the budget of the Cook County
12 Juvenile Temporary Detention Center and any other shelter care
13 home or detention home in Cook County, subject to the approval
14 of the Cook County Board and in accordance with subsections (a)
15 and (d) of this Section.

16 (d) The supplies or repairs necessary to maintain, operate,
17 and conduct the shelter care home and the detention home shall
18 be furnished upon the requisition of its administrator to the
19 chairman of a committee as may be designated by the county
20 board, however in Cook County the administrator shall submit
21 such requisitions to the County Board and Office of the
22 Purchasing Agent in accordance with the ordinances established
23 by the Cook County Board. Those bills shall be audited, passed
24 upon and paid as other bills for supplies furnished for county
25 institutions.

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

1 (55 ILCS 75/9.1) (from Ch. 23, par. 2689.1)

2 Sec. 9.1. (a) Within 6 months after the effective date of
3 this amendatory Act of 1979, all county detention homes or
4 independent sections thereof established prior to such
5 effective date shall be designated as either shelter care or
6 detention homes or both, provided physical arrangements are
7 created clearly separating the two, in accordance with their
8 basic physical features, programs and functions, by the
9 Department of Juvenile Justice in cooperation with the Chief
10 Judge of the Circuit Court and the county board. Within one
11 year after receiving notification of such designation by the
12 Department of Juvenile Justice, all county shelter care homes
13 and detention homes shall be in compliance with this Act.

14 (b) Compliance with this amendatory Act of 1979 shall not
15 affect the validity of any prior referendum or the levy or
16 collection of any tax authorized under this Act. All county
17 shelter care homes and detention homes established and in
18 operation on the effective date of this amendatory Act of 1979
19 may continue to operate, subject to the provisions of this
20 amendatory Act of 1979, without further referendum.

21 (c) Compliance with this amendatory Act of 1987 shall not
22 affect the validity of any prior referendum or the levy or
23 collection of any tax authorized under this Act. All county
24 shelter care homes and detention homes established and in
25 operation on the effective date of this amendatory Act of 1987

1 may continue to operate, subject to the provisions of this
2 amendatory Act of 1987, without further referendum.

3 (d) Upon the effective date of this amendatory Act of the
4 95th General Assembly, all county shelter care homes and
5 detention homes in Cook County, including the Cook County
6 Juvenile Temporary Detention Center, established and in
7 operation on or before the effective date of this amendatory
8 Act of the 95th General Assembly must be in compliance with
9 this Act and may continue to operate without further
10 referendum.

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

12 (55 ILCS 75/9.2 new)

13 Sec. 9.2. Home rule. A county, including a home rule
14 county, may not regulate shelter care homes and detention homes
15 in a manner that is inconsistent with this Act. This Act is a
16 limitation under subsection (i) of Section 6 of Article VII of
17 the Illinois Constitution on the concurrent exercise by home
18 rule units of powers and functions exercised by the State.

19 (55 ILCS 75/9.3 new)

20 Sec. 9.3. State reimbursement. Subject to appropriation,
21 all county shelter care homes and detention homes including the
22 Cook County Juvenile Temporary Detention Center shall receive,
23 at a minimum, an annual 50% reimbursement from the State for
24 the total operational costs of the shelter care homes and

1 detention centers.