



Sen. Don Harmon

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LRB095 08920 HLH 32035 a

1 AMENDMENT TO SENATE BILL 1686

2 AMENDMENT NO. _____. Amend Senate Bill 1686 by replacing
3 everything after the enacting clause with the following:

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

1 tax to pay the cost of its establishment and maintenance in
2 accordance with the terms and provisions of this Act. In
3 counties with 300,000 or less inhabitants, the powers
4 enumerated in this Act shall not be exercised unless this Act
5 is adopted by the legal voters of the county as provided in
6 this Act. In counties with over 300,000 but less than 1,000,000
7 inhabitants the county board by majority vote may establish
8 county shelter care and detention homes without adoption of
9 this Act by the legal voters and without referendum.

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12 care or detention home presently in use is obsolete, it may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

16 (c) No county shall be required to discontinue the use of
17 any shelter care or detention home in existence or in use on
18 the effective date of this amendatory Act of 1975 because of
19 the fact that the proposition to establish and maintain the
20 shelter care or detention home has not been submitted to the
21 voters as provided in this Act.

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

24 (d) Cook County is not required to discontinue the use of
25 the Cook County Temporary Juvenile Detention Center or of any
26 other shelter care home or detention home in existence or in

1 use on the effective date of this amendatory Act of the 95th
2 General Assembly because of the fact that the proposition to
3 establish and maintain it was not submitted to the voters as
4 provided in this Act.

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

6 (55 ILCS 75/3) (from Ch. 23, par. 2683)

7 Sec. 3. Administrator; necessary personnel; supplies or
8 repairs.

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

19 (b) Within 90 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 and all other necessary personnel of the Cook County Temporary
24 Juvenile Detention Center and any other shelter care home or
25 detention home in Cook County in accordance with subsection

1 (a). The term of the administrator and any personnel in office
2 upon the effective date of this amendatory Act of the 95th
3 General Assembly terminates upon the appointment of his or her
4 successor.

5 (c) The Chief Judge of the Cook County Circuit Court, or
6 any Judge of that Circuit designated by the Chief Judge, shall
7 have administrative control over the budget of the Cook County
8 Temporary Juvenile Detention Center and any other shelter care
9 home or detention home in Cook County in accordance with
10 subsection (a).

11 (d) The supplies or repairs necessary to maintain, operate
12 and conduct the shelter care home and the detention home shall
13 be furnished upon the requisition of its administrator to the
14 chairman of a committee as may be designated by the county
15 board, and the bills therefor shall be audited, passed upon and
16 paid as other bills for supplies furnished for county
17 institutions.

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

19 (55 ILCS 75/9.1) (from Ch. 23, par. 2689.1)

20 Sec. 9.1. Designation of homes; validity of prior referenda
21 and tax levies.

22 (a) Within 6 months after the effective date of this
23 amendatory Act of 1979, all county detention homes or
24 independent sections thereof established prior to such
25 effective date shall be designated as either shelter care or

1 detention homes or both, provided physical arrangements are
2 created clearly separating the two, in accordance with their
3 basic physical features, programs and functions, by the
4 Department of Juvenile Justice in cooperation with the Chief
5 Judge of the Circuit Court and the county board. Within one
6 year after receiving notification of such designation by the
7 Department of Juvenile Justice, all county shelter care homes
8 and detention homes shall be in compliance with this Act.

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

16 (c) Compliance with this amendatory Act of 1987 shall not
17 affect the validity of any prior referendum or the levy or
18 collection of any tax authorized under this Act. All county
19 shelter care homes and detention homes established and in
20 operation on the effective date of this amendatory Act of 1987
21 may continue to operate, subject to the provisions of this
22 amendatory Act of 1987, without further referendum.

23 (d) Upon the effective date of this amendatory Act of the
24 95th General Assembly, all county shelter care homes and
25 detention homes in Cook County, including the Cook County
26 Temporary Juvenile Detention Center, established and in

1 operation on or before the effective date of this amendatory
2 Act of the 95th General Assembly must be in compliance with
3 this Act and may continue to operate without further
4 referendum.

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

6 (55 ILCS 75/90 new)

7 Sec. 90. Home rule. A county, including a home rule county,
8 may not regulate the establishment, maintenance, and operation
9 of detention homes for the care and custody of delinquent
10 minors and shelter care homes for the temporary care of minors
11 who are delinquent, dependent, neglected, addicted, abused, or
12 require authoritative intervention in a manner that is
13 inconsistent with this Act. This Act is a limitation under
14 subsection (i) of Section 6 of Article VII of the Illinois
15 Constitution on the concurrent exercise by home rule units of
16 powers and functions exercised by the State.

17 Section 90. The State Mandates Act is amended by adding
18 Section 8.31 as follows:

19 (30 ILCS 805/8.31 new)

20 Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8
21 of this Act, no reimbursement by the State is required for the
22 implementation of any mandate created by this amendatory Act of
23 the 95th General Assembly."