

# HB6178



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

**HB6178**

Introduced 2/11/2010, by Rep. Rich Brauer

#### SYNOPSIS AS INTRODUCED:

730 ILCS 125/17

from Ch. 75, par. 117

Amends the County Jail Act. Provides that an arresting authority shall be responsible for any qualified (rather than incurred) medical expenses relating to the arrestee until such time as the arrestee is placed in the custody of the sheriff. Effective immediately.

LRB096 16249 RLC 31505 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

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 expenses. The Warden of the jail  
9 shall furnish necessary bedding, clothing, fuel, and medical  
10 services for all prisoners under his charge, and keep an  
11 accurate account of the same. When services that result in  
12 qualified medical expenses are required by any person held in  
13 custody, the county, private hospital, physician or any public  
14 agency which provides such services shall be entitled to obtain  
15 reimbursement from the county for the cost of such services.  
16 The county board of a county may adopt an ordinance or  
17 resolution providing for reimbursement for the cost of those  
18 services at the Department of Healthcare and Family Services'  
19 rates for medical assistance. To the extent that such person is  
20 reasonably able to pay for such care, including reimbursement  
21 from any insurance program or from other medical benefit  
22 programs available to such person, he or she shall reimburse  
23 the county or arresting authority. If such person has already

1 been determined eligible for medical assistance under the  
2 Illinois Public Aid Code at the time the person is detained,  
3 the cost of such services, to the extent such cost exceeds  
4 \$500, shall be reimbursed by the Department of Healthcare and  
5 Family Services under that Code. A reimbursement under any  
6 public or private program authorized by this Section shall be  
7 paid to the county or arresting authority to the same extent as  
8 would have been obtained had the services been rendered in a  
9 non-custodial environment.

10 The sheriff or his or her designee may cause an application  
11 for medical assistance under the Illinois Public Aid Code to be  
12 completed for an arrestee who is a hospital inpatient. If such  
13 arrestee is determined eligible, he or she shall receive  
14 medical assistance under the Code for hospital inpatient  
15 services only. An arresting authority shall be responsible for  
16 any qualified ~~incurred~~ medical expenses relating to the  
17 arrestee until such time as the arrestee is placed in the  
18 custody of the sheriff. However, the arresting authority shall  
19 not be so responsible if the arrest was made pursuant to a  
20 request by the sheriff. When medical expenses are required by  
21 any person held in custody, the county shall be entitled to  
22 obtain reimbursement from the County Jail Medical Costs Fund to  
23 the extent moneys are available from the Fund. To the extent  
24 that the person is reasonably able to pay for that care,  
25 including reimbursement from any insurance program or from  
26 other medical benefit programs available to the person, he or

1 she shall reimburse the county.

2 The county shall be entitled to a \$10 fee for each  
3 conviction or order of supervision for a criminal violation,  
4 other than a petty offense or business offense. The fee shall  
5 be taxed as costs to be collected from the defendant, if  
6 possible, upon conviction or entry of an order of supervision.  
7 The fee shall not be considered a part of the fine for purposes  
8 of any reduction in the fine.

9 All such fees collected shall be deposited by the county in  
10 a fund to be established and known as the County Jail Medical  
11 Costs Fund. Moneys in the Fund shall be used solely for  
12 reimbursement to the county of costs for medical expenses and  
13 administration of the Fund.

14 For the purposes of this Section, "arresting authority"  
15 means a unit of local government, other than a county, which  
16 employs peace officers and whose peace officers have made the  
17 arrest of a person. For the purposes of this Section,  
18 "qualified medical expenses" include medical and hospital  
19 services but do not include (i) expenses incurred for medical  
20 care or treatment provided to a person on account of a  
21 self-inflicted injury incurred prior to or in the course of an  
22 arrest, (ii) expenses incurred for medical care or treatment  
23 provided to a person on account of a health condition of that  
24 person which existed prior to the time of his or her arrest, or  
25 (iii) expenses for hospital inpatient services for arrestees  
26 enrolled for medical assistance under the Illinois Public Aid

1 Code.

2 (Source: P.A. 94-494, eff. 8-8-05; 94-962, eff. 1-1-07; 95-842,  
3 eff. 8-15-08.)

4 Section 99. Effective date. This Act takes effect upon  
5 becoming law.