

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.