

HB1166



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB1166

by Rep. Michael J. Madigan

SYNOPSIS AS INTRODUCED:

730 ILCS 125/5

from Ch. 75, par. 105

Amends the County Jail Act. Makes a technical change in a Section concerning the costs of maintaining prisoners.

LRB099 05038 RLC 25067 b

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 5 as follows:

6 (730 ILCS 125/5) (from Ch. 75, par. 105)

7 Sec. 5. Costs of maintaining prisoners.

8 (a) Except as provided in subsections (b) and ~~and~~ (c), all
9 costs of maintaining persons committed for violations of
10 Illinois law, shall be the responsibility of the county. Except
11 as provided in subsection (b), all costs of maintaining persons
12 committed under any ordinance or resolution of a unit of local
13 government, including medical costs, is the responsibility of
14 the unit of local government enacting the ordinance or
15 resolution, and arresting the person.

16 (b) If a person who is serving a term of mandatory
17 supervised release for a felony is incarcerated in a county
18 jail, the Illinois Department of Corrections shall pay the
19 county in which that jail is located one-half of the cost of
20 incarceration, as calculated by the Governor's Office of
21 Management and Budget and the county's chief financial officer,
22 for each day that the person remains in the county jail after
23 notice of the incarceration is given to the Illinois Department

1 of Corrections by the county, provided that (i) the Illinois
2 Department of Corrections has issued a warrant for an alleged
3 violation of mandatory supervised release by the person; (ii)
4 if the person is incarcerated on a new charge, unrelated to the
5 offense for which he or she is on mandatory supervised release,
6 there has been a court hearing at which bail has been set on
7 the new charge; (iii) the county has notified the Illinois
8 Department of Corrections that the person is incarcerated in
9 the county jail, which notice shall not be given until the bail
10 hearing has concluded, if the person is incarcerated on a new
11 charge; and (iv) the person remains incarcerated in the county
12 jail for more than 48 hours after the notice has been given to
13 the Department of Corrections by the county. Calculation of the
14 per diem cost shall be agreed upon prior to the passage of the
15 annual State budget.

16 (c) If a person who is serving a term of mandatory
17 supervised release is incarcerated in a county jail, following
18 an arrest on a warrant issued by the Illinois Department of
19 Corrections, solely for violation of a condition of mandatory
20 supervised release and not on any new charges for a new
21 offense, then the Illinois Department of Corrections shall pay
22 the medical costs incurred by the county in securing treatment
23 for that person, for any injury or condition other than one
24 arising out of or in conjunction with the arrest of the person
25 or resulting from the conduct of county personnel, while he or
26 she remains in the county jail on the warrant issued by the

1 Illinois Department of Corrections.

2 (Source: P.A. 94-678, eff. 1-1-06; 94-1094, eff. 1-26-07.)