

AN ACT concerning criminal law.

**Be it enacted by the People of the State of Illinois,  
represented in the General Assembly:**

Section 5. The County Jail Act is amended by changing Section 17 as follows:

(730 ILCS 125/17) (from Ch. 75, par. 117)

Sec. 17. Bedding, clothing, fuel, and medical aid; reimbursement for medical ~~or hospital~~ expenses. The Warden of the jail shall furnish necessary bedding, clothing, fuel, and medical services ~~aid~~ for all prisoners under his charge, and keep an accurate account of the same. When services that result in qualified medical expenses ~~or hospital services~~ are required by any person held in custody, the county, private hospital, physician or any public agency which provides such services shall be entitled to obtain reimbursement from the county ~~or from the Arrestee's Medical Costs Fund to the extent that moneys in the Fund are available~~ for the cost of such services. The county board of a county may adopt an ordinance or resolution providing for reimbursement for the cost of those services at the Department of Healthcare and Family Services' rates for medical assistance. To the extent that such person is reasonably able to pay for such care, including reimbursement from any insurance program or from other medical benefit

programs available to such person, he or she shall reimburse the county or arresting authority. If such person has already been determined eligible for medical assistance under the Illinois Public Aid Code at the time the person is ~~initially~~ detained ~~pending trial~~, the cost of such services, to the extent such cost exceeds \$500, shall be reimbursed by the Department of Healthcare and Family Services under that Code. A reimbursement under any public or private program authorized by this Section shall be paid to the county or arresting authority to the same extent as would have been obtained had the services been rendered in a non-custodial environment.

The sheriff or his or her designee may cause an application for medical assistance under the Illinois Public Aid Code to be completed for an arrestee who is a hospital inpatient. If such arrestee is determined eligible, he or she shall receive medical assistance under the Code for hospital inpatient services only. An arresting authority shall be responsible for any incurred medical expenses relating to the arrestee until such time as the arrestee is placed in the custody of the sheriff. However, the arresting authority shall not be so responsible if the arrest was made pursuant to a request by the sheriff. When medical expenses ~~or hospital services~~ are required by any person held in custody, the county ~~or arresting authority~~ shall be entitled to obtain reimbursement from the County Jail Arrestee's Medical Costs Fund to the extent moneys are available from the Fund. To the extent that the person is

reasonably able to pay for that care, including reimbursement from any insurance program or from other medical benefit programs available to the person, he or she shall reimburse the county.

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

All such fees collected shall be deposited by the county in a fund to be established and known as the County Jail Arrestee's Medical Costs Fund. Moneys in the Fund shall be used solely for reimbursement to the county of costs for medical expenses ~~relating to the arrestee while he or she is in the custody of the sheriff~~ and administration of the Fund.

For the purposes of this Section, "arresting authority" means a unit of local government, other than a county, which employs peace officers and whose peace officers have made the arrest of a person. For the purposes of this Section, "qualified medical expenses relating to the arrestee" include medical and hospital services but do not include (i) means only those expenses incurred for medical care or treatment provided to a person an arrestee on account of a self-inflicted an injury incurred prior to or in the course of an arrest, (ii)

~~expenses suffered by the arrestee during the course of his or her arrest unless such injury is self-inflicted; the term does not include any expenses incurred for medical care or treatment provided to a person an arrestee on account of a health condition of that person the arrestee which existed prior to the time of his or her arrest, or (iii) expenses for hospital inpatient services for arrestees enrolled for medical assistance under the Illinois Public Aid Code.~~

(Source: P.A. 94-494, eff. 8-8-05; 94-962, eff. 1-1-07.)

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