



WILLIAM J. SCOTT
ATTORNEY GENERAL
STATE OF ILLINOIS
SPRINGFIELD

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FILE NO. S-1182

COUNTIES:
Prohibition Against Building
a Jail Within 200 Feet of
a School Building

Honorable David DeDoncker
State's Attorney
Rock Island County
Rock Island, Illinois 61201

Dear Mr. DeDoncker:

I have your letter wherein you ask whether the prohibition in section 1 of "AN ACT to revise the law in relation to jails and jailers" (Ill. Rev. Stat. 1975, ch. 75, par. 1) that a jail shall not be built within 200 feet of a school building applies to a building which would be used as a sheriff's administrative office and might also be used as a juvenile detention facility. Section 1 reads as follows:

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"§ 1. There shall be kept and maintained in good and sufficient condition and repair, one or more jail facilities for the use of each county within this State. However, this requirement may be satisfied by a single jail facility jointly maintained and used by 2 or more counties. It shall be unlawful to build a jail within 200 feet of any building used exclusively for school purposes.

This amendatory Act of 1973 does not apply to any home rule county.

This amendatory Act of 1975 does not apply to any home rule county." (emphasis added.)

A jail is a building designated by law, or regularly used, for the confinement of persons held in lawful custody (Black's Law Dictionary 968 (4th Ed. Rev. 1968)). A building used as an administrative office is not a jail and therefore can be built within 200 feet of a school building. It is furthermore my opinion that even if the building is also used as a juvenile detention facility it may be built within 200 feet of a school building.

Section 2-8 of the Juvenile Court Act (Ill. Rev. Stat. 1975, ch. 37, par. 702-8) prohibits the confinement of minors under 16 years of age in jails and requires that minors under 17 be kept separate from confined adults. Based on section 2-8 and the general policy objectives of the

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Juvenile Court Act, I concluded in opinion No. S-910 (1975 Ill. Att'y. Gen. Op. 112) that juvenile detention facilities must be different in nature from jails. This conclusion is supported by the description of county detention homes in the County Detention Home Act. Section 1 of the Act (Ill. Rev. Stat. 1975, ch. 23, par. 2681) authorizes the county board to establish a detention home for the temporary care and custody of dependent, delinquent or truant children. The detention home established by the county board is described in section 2 of the Act (Ill. Rev. Stat. 1975, ch. 23, par. 2682). According to this description, the county detention home is not to be conducted as a jail; rather, the detention home should simulate a family home and public school. Because juvenile detention facilities are not jails, the prohibition against building a jail within 200 feet of a school does not apply to juvenile detention facilities.

Very truly yours,

A T T O R N E Y G E N E R A L