

1                                    AMENDMENT TO SENATE BILL 1210

2                    AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1210 on page 2,  
3 immediately below line 2, by inserting the following:

4                    "Section 10. The Illinois Municipal Code is amended by  
5 changing Section 10-2.1-4 as follows:

6                    (65 ILCS 5/10-2.1-4) (from Ch. 24, par. 10-2.1-4)  
7                    Sec. 10-2.1-4. Fire and police departments; Appointment  
8 of members; Certificates of appointments.

9                    The board of fire and police commissioners shall appoint  
10 all officers and members of the fire and police departments  
11 of the municipality, including the chief of police and the  
12 chief of the fire department, unless the council or board of  
13 trustees shall by ordinance as to them otherwise provide;  
14 except as otherwise provided in this Section, and except that  
15 in any municipality which adopts or has adopted this Division  
16 2.1 and also adopts or has adopted Article 5 of this Code,  
17 the chief of police and the chief of the fire department  
18 shall be appointed by the municipal manager, if it is  
19 provided by ordinance in such municipality that such chiefs,  
20 or either of them, shall not be appointed by the board of  
21 fire and police commissioners.

22                    If the chief of the fire department or the chief of the

1 police department or both of them are appointed in the manner  
2 provided by ordinance, they may be removed or discharged by  
3 the appointing authority. In such case the appointing  
4 authority shall file with the corporate authorities the  
5 reasons for such removal or discharge, which removal or  
6 discharge shall not become effective unless confirmed by a  
7 majority vote of the corporate authorities.

8 If a member of the department is appointed chief of  
9 police or chief of the fire department prior to being  
10 eligible to retire on pension, he shall be considered as on  
11 furlough from the rank he held immediately prior to his  
12 appointment as chief. If he resigns as chief or is discharged  
13 as chief prior to attaining eligibility to retire on pension,  
14 he shall revert to and be established in whatever rank he  
15 currently holds, except for previously appointed positions  
16 such-prior-rank, and thereafter be entitled to all the  
17 benefits and emoluments of that ~~such-prior~~ rank, without  
18 regard as to whether a vacancy then exists in that such rank.

19 All appointments to each department other than that of  
20 the lowest rank, however, shall be from the rank next below  
21 that to which the appointment is made except as otherwise  
22 provided in this Section, and except that the chief of police  
23 and the chief of the fire department may be appointed from  
24 among members of the police and fire departments,  
25 respectively, regardless of rank, unless the council or board  
26 of trustees shall have by ordinance as to them otherwise  
27 provided. A chief of police or the chief of the fire  
28 department, having been appointed from among members of the  
29 police or fire department, respectively, shall be permitted,  
30 regardless of rank, to take promotional exams and be promoted  
31 to a higher classified rank than he currently holds, without  
32 having to resign as chief of police or chief of the fire  
33 department.

34 The sole authority to issue certificates of appointment

1 shall be vested in the Board of Fire and Police Commissioners  
2 and all certificates of appointments issued to any officer or  
3 member of the fire or police department of a municipality  
4 shall be signed by the chairman and secretary respectively of  
5 the board of fire and police commissioners of such  
6 municipality, upon appointment of such officer or member of  
7 the fire and police department of such municipality by action  
8 of the board of fire and police commissioners.

9 The term "policemen" as used in this Division does not  
10 include auxiliary policemen except as provided for in Section  
11 10-2.1-6.

12 Any full time member of a regular fire or police  
13 department of any municipality which comes under the  
14 provisions of this Division or adopts this Division 2.1 or  
15 which has adopted any of the prior Acts pertaining to fire  
16 and police commissioners, is a city officer.

17 Notwithstanding any other provision of this Section, the  
18 Chief of Police of a department in a non-home-rule  
19 municipality of more than 130,000 inhabitants may, without  
20 the advice or consent of the Board of Fire and Police  
21 Commissioners, appoint up to 6 officers who shall be known as  
22 deputy chiefs or assistant deputy chiefs, and whose rank  
23 shall be immediately below that of Chief. The deputy or  
24 assistant deputy chiefs may be appointed from any rank of  
25 sworn officers of that municipality, but no person who is not  
26 such a sworn officer may be so appointed. Such deputy chief  
27 or assistant deputy chief shall have the authority to direct  
28 and issue orders to all employees of the Department holding  
29 the rank of captain or any lower rank. A deputy chief of  
30 police or assistant deputy chief of police, having been  
31 appointed from any rank of sworn officers of that  
32 municipality, shall be permitted, regardless of rank, to take  
33 promotional exams and be promoted to a higher classified rank  
34 than he currently holds, without having to resign as deputy

1 chief of police or assistant deputy chief of police.

2 Notwithstanding any other provision of this Section, a  
3 non-home rule municipality of 130,000 or fewer inhabitants,  
4 through its council or board of trustees, may, by ordinance,  
5 provide for a position of deputy chief to be appointed by the  
6 chief of the police department. The ordinance shall provide  
7 for no more than one deputy chief position if the police  
8 department has fewer than 25 full-time police officers and  
9 for no more than 2 deputy chief positions if the police  
10 department has 25 or more full-time police officers. The  
11 deputy chief position shall be an exempt rank immediately  
12 below that of Chief. The deputy chief may be appointed from  
13 any rank of sworn, full-time officers of the municipality's  
14 police department, but must have at least 5 years of  
15 full-time service as a police officer in that department. A  
16 deputy chief shall serve at the discretion of the Chief and,  
17 if removed from the position, shall revert to the rank  
18 currently held, without regard as to whether a vacancy exists  
19 in that rank. A deputy chief of police, having been appointed  
20 from any rank of sworn full-time officers of that  
21 municipality's police department, shall be permitted,  
22 regardless of rank, to take promotional exams and be promoted  
23 to a higher classified rank than he currently holds, without  
24 having to resign as deputy chief of police the--rank--held  
25 immediately---prior---to---appointment---to---the---deputy---chief  
26 position.

27 No municipality having a population less than 1,000,000  
28 shall require that any fireman appointed to the lowest rank  
29 serve a probationary employment period of longer than one  
30 year. The limitation on periods of probationary employment  
31 provided in this amendatory Act of 1989 is an exclusive power  
32 and function of the State. Pursuant to subsection (h) of  
33 Section 6 of Article VII of the Illinois Constitution, a home  
34 rule municipality having a population less than 1,000,000

1 must comply with this limitation on periods of probationary  
2 employment, which is a denial and limitation of home rule  
3 powers. Notwithstanding anything to the contrary in this  
4 Section, the probationary employment period limitation shall  
5 not apply to a fireman whose position also includes paramedic  
6 responsibilities.

7 (Source: P.A. 91-615, eff. 8-19-99.)

8 Section 99. Effective date. This Section and Section 10  
9 take effect upon becoming law, and Section 5 takes effect on  
10 January 1, 2004."