



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB4100

by Rep. Elizabeth Coulson

SYNOPSIS AS INTRODUCED:

65 ILCS 5/10-2.1-6
65 ILCS 5/10-2.1-14

from Ch. 24, par. 10-2.1-6
from Ch. 24, par. 10-2.1-14

Amends the Illinois Municipal Code. Provides that a board of fire and police commissioners may waive portions of the required examination for applicants who have previously been full-time sworn officers of a regular fire or police department of any municipality in the State. Provides that a board of fire and police commissioners may prepare and keep a second register of persons who have previously been full-time sworn officers of a regular fire or police department of any municipality in the State. Provides that persons on the second register shall take rank upon the register as candidates in the order of their relative excellence as determined by members of the board of fire and police commissioners.

LRB095 12199 HLH 36473 b

1 AN ACT concerning local government.

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

4 Section 5. The Illinois Municipal Code is amended by
5 changing Sections 10-2.1-6 and 10-2.1-14 as follows:

6 (65 ILCS 5/10-2.1-6) (from Ch. 24, par. 10-2.1-6)

7 Sec. 10-2.1-6. Examination of applicants;
8 disqualifications.

9 (a) All applicants for a position in either the fire or
10 police department of the municipality shall be under 35 years
11 of age, shall be subject to an examination that shall be
12 public, competitive, and open to all applicants (unless the
13 council or board of trustees by ordinance limit applicants to
14 electors of the municipality, county, state or nation) and
15 shall be subject to reasonable limitations as to residence,
16 health, habits, and moral character. The municipality may not
17 charge or collect any fee from an applicant who has met all
18 prequalification standards established by the municipality for
19 any such position.

20 (b) Residency requirements in effect at the time an
21 individual enters the fire or police service of a municipality
22 (other than a municipality that has more than 1,000,000
23 inhabitants) cannot be made more restrictive for that

1 individual during his period of service for that municipality,
2 or be made a condition of promotion, except for the rank or
3 position of Fire or Police Chief.

4 (c) No person with a record of misdemeanor convictions
5 except those under Sections 11-6, 11-7, 11-9, 11-14, 11-15,
6 11-17, 11-18, 11-19, 12-2, 12-6, 12-15, 14-4, 16-1, 21.1-3,
7 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4, 31-6, 31-7, 32-1, 32-2,
8 32-3, 32-4, 32-8, and subsections (1), (6) and (8) of Section
9 24-1 of the Criminal Code of 1961 or arrested for any cause but
10 not convicted on that cause shall be disqualified from taking
11 the examination to qualify for a position in the fire
12 department on grounds of habits or moral character.

13 (d) The age limitation in subsection (a) does not apply (i)
14 to any person previously employed as a policeman or fireman in
15 a regularly constituted police or fire department of (I) any
16 municipality or (II) a fire protection district whose
17 obligations were assumed by a municipality under Section 21 of
18 the Fire Protection District Act, (ii) to any person who has
19 served a municipality as a regularly enrolled volunteer fireman
20 for 5 years immediately preceding the time that municipality
21 begins to use full time firemen to provide all or part of its
22 fire protection service, or (iii) to any person who has served
23 as an auxiliary police officer under Section 3.1-30-20 for at
24 least 5 years and is under 40 years of age, (iv) to any person
25 who has served as a deputy under Section 3-6008 of the Counties
26 Code and otherwise meets necessary training requirements, or

1 (v) to any person who has served as a sworn officer as a member
2 of the Illinois Department of State Police.

3 (e) Applicants who are 20 years of age and who have
4 successfully completed 2 years of law enforcement studies at an
5 accredited college or university may be considered for
6 appointment to active duty with the police department. An
7 applicant described in this subsection (e) who is appointed to
8 active duty shall not have power of arrest, nor shall the
9 applicant be permitted to carry firearms, until he or she
10 reaches 21 years of age.

11 (f) Applicants who are 18 years of age and who have
12 successfully completed 2 years of study in fire techniques,
13 amounting to a total of 4 high school credits, within the cadet
14 program of a municipality may be considered for appointment to
15 active duty with the fire department of any municipality.

16 (g) The council or board of trustees may by ordinance
17 provide that persons residing outside the municipality are
18 eligible to take the examination.

19 (h) The examinations shall be practical in character and
20 relate to those matters that will fairly test the capacity of
21 the persons examined to discharge the duties of the positions
22 to which they seek appointment. No person shall be appointed to
23 the police or fire department if he or she does not possess a
24 high school diploma or an equivalent high school education. A
25 board of fire and police commissioners may, by its rules,
26 require police applicants to have obtained an associate's

1 degree or a bachelor's degree as a prerequisite for employment.
2 The examinations shall include tests of physical
3 qualifications and health. A board of fire and police
4 commissioners may, by its rules, waive portions of the required
5 examination for applicants who have previously been full-time
6 sworn officers of a regular fire or police department of any
7 municipality in the State. No person shall be appointed to the
8 police or fire department if he or she has suffered the
9 amputation of any limb unless the applicant's duties will be
10 only clerical or as a radio operator. No applicant shall be
11 examined concerning his or her political or religious opinions
12 or affiliations. The examinations shall be conducted by the
13 board of fire and police commissioners of the municipality as
14 provided in this Division 2.1.

15 (i) No person who is classified by his local selective
16 service draft board as a conscientious objector, or who has
17 ever been so classified, may be appointed to the police
18 department.

19 (j) No person shall be appointed to the police or fire
20 department unless he or she is a person of good character and
21 not an habitual drunkard, gambler, or a person who has been
22 convicted of a felony or a crime involving moral turpitude. No
23 person, however, shall be disqualified from appointment to the
24 fire department because of his or her record of misdemeanor
25 convictions except those under Sections 11-6, 11-7, 11-9,
26 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6, 12-15, 14-4,

1 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4, 31-6, 31-7,
2 32-1, 32-2, 32-3, 32-4, 32-8, and subsections (1), (6) and (8)
3 of Section 24-1 of the Criminal Code of 1961 or arrest for any
4 cause without conviction on that cause. Any such person who is
5 in the department may be removed on charges brought and after a
6 trial as provided in this Division 2.1.

7 (Source: P.A. 94-29, eff. 6-14-05; 94-984, eff. 6-30-06.)

8 (65 ILCS 5/10-2.1-14) (from Ch. 24, par. 10-2.1-14)

9 Sec. 10-2.1-14. Register of eligibles. The board of fire
10 and police commissioners shall prepare and keep a register of
11 persons whose general average standing, upon examination, is
12 not less than the minimum fixed by the rules of the board, and
13 who are otherwise eligible. These persons shall take rank upon
14 the register as candidates in the order of their relative
15 excellence as determined by examination, without reference to
16 priority of time of examination. The board of fire and police
17 commissioners may prepare and keep a second register of persons
18 who have previously been full-time sworn officers of a regular
19 fire or police department of any municipality in the State. The
20 persons on this list shall take rank upon the register as
21 candidates in the order of their relative excellence as
22 determined by members of the board of fire and police
23 commissioners. Applicants who have been awarded a certificate
24 attesting to their successful completion of the Minimum
25 Standards Basic Law Enforcement Training Course, as provided in

1 the Illinois Police Training Act, may be given preference in
2 appointment over noncertified applicants. Applicants for
3 appointment to fire departments who are licensed as an EMT-B,
4 EMT-I, or EMT-P under the Emergency Medical Services (EMS)
5 Systems Act, may be given preference in appointment over
6 non-licensed applicants.

7 Within 60 days after each examination, an eligibility list
8 shall be posted by the board, which shall show the final grades
9 of the candidates without reference to priority of time of
10 examination and subject to claim for military credit.
11 Candidates who are eligible for military credit shall make a
12 claim in writing within 10 days after the posting of the
13 eligibility list or such claim shall be deemed waived.
14 Appointment shall be subject to a final physical examination.

15 If a person is placed on an eligibility list and becomes
16 overage before he or she is appointed to a police or fire
17 department, the person remains eligible for appointment until
18 the list is abolished pursuant to authorized procedures.
19 Otherwise no person who has attained the age of 36 years shall
20 be inducted as a member of a police department and no person
21 who has attained the age of 35 years shall be inducted as a
22 member of a fire department, except as otherwise provided in
23 this division.

24 (Source: P.A. 94-281, eff. 1-1-06.)