



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB3877

Introduced 2/26/2009, by Rep. Thomas Holbrook

SYNOPSIS AS INTRODUCED:

65 ILCS 5/10-1-12	from Ch. 24, par. 10-1-12
65 ILCS 5/10-2.1-6	from Ch. 24, par. 10-2.1-6
65 ILCS 5/10-2.1-14	from Ch. 24, par. 10-2.1-14

Amends the Illinois Municipal Code. Provides that applicants for a police department may exceed the maximum age of 35 years by the number of years served on active military duty, but by no more than 10 years of active military duty. Effective immediately.

LRB096 08872 RLJ 19007 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 10-1-12, 10-2.1-6, and 10-2.1-14 as follows:

6 (65 ILCS 5/10-1-12) (from Ch. 24, par. 10-1-12)

7 Sec. 10-1-12. Register; eligibility list. From the returns
8 or reports of the examiners, or from the examinations made by
9 the commission, the commission shall prepare a register for
10 each grade or class of positions in the classified service of
11 such municipality of the persons whose general average standing
12 upon examination for such grade or class is not less than the
13 minimum fixed by the rules of such commission, and who are
14 otherwise eligible. Such persons shall take rank upon the
15 register as candidates in the order of their relative
16 excellence as determined by examination, without reference to
17 priority of time of examination.

18 Within 60 days after each examination, an eligibility list
19 shall be posted by the Commission, which shall show the final
20 grades of the candidates without reference to priority of time
21 of examination and subject to claim for military credit.
22 Candidates who are eligible for military credit shall make a
23 claim in writing within 10 days after posting of the

1 eligibility list or such claim shall be deemed waived.
2 Appointment shall be subject to a final physical examination.

3 If a person is placed on an eligibility list and becomes
4 coverage before he or she is appointed to a police or fire
5 department, the person remains eligible for appointment until
6 the list is abolished pursuant to authorized procedures.
7 Otherwise no person who has attained the age of 36 years shall
8 be inducted as a member of a police department and no person
9 who has attained the age of 35 years shall be inducted as a
10 member of a fire department, except as otherwise provided in
11 this division. With respect to a police department, a veteran
12 shall be allowed to exceed the maximum age provision of this
13 Section by the number of years served on active military duty,
14 but by no more than 10 years of active military duty.

15 (Source: P.A. 89-52, eff. 6-30-95; 90-481, eff. 8-17-97.)

16 (65 ILCS 5/10-2.1-6) (from Ch. 24, par. 10-2.1-6)

17 Sec. 10-2.1-6. Examination of applicants;
18 disqualifications.

19 (a) All applicants for a position in either the fire or
20 police department of the municipality shall be under 35 years
21 of age, shall be subject to an examination that shall be
22 public, competitive, and open to all applicants (unless the
23 council or board of trustees by ordinance limit applicants to
24 electors of the municipality, county, state or nation) and
25 shall be subject to reasonable limitations as to residence,

1 health, habits, and moral character. The municipality may not
2 charge or collect any fee from an applicant who has met all
3 prequalification standards established by the municipality for
4 any such position. With respect to a police department, a
5 veteran shall be allowed to exceed the maximum age provision of
6 this Section by the number of years served on active military
7 duty, but by no more than 10 years of active military duty.

8 (b) Residency requirements in effect at the time an
9 individual enters the fire or police service of a municipality
10 (other than a municipality that has more than 1,000,000
11 inhabitants) cannot be made more restrictive for that
12 individual during his period of service for that municipality,
13 or be made a condition of promotion, except for the rank or
14 position of Fire or Police Chief.

15 (c) No person with a record of misdemeanor convictions
16 except those under Sections 11-6, 11-7, 11-9, 11-14, 11-15,
17 11-17, 11-18, 11-19, 12-2, 12-6, 12-15, 14-4, 16-1, 21.1-3,
18 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4, 31-6, 31-7, 32-1, 32-2,
19 32-3, 32-4, 32-8, and subsections (1), (6) and (8) of Section
20 24-1 of the Criminal Code of 1961 or arrested for any cause but
21 not convicted on that cause shall be disqualified from taking
22 the examination to qualify for a position in the fire
23 department on grounds of habits or moral character.

24 (d) The age limitation in subsection (a) does not apply (i)
25 to any person previously employed as a policeman or fireman in
26 a regularly constituted police or fire department of (I) any

1 municipality, regardless of whether the municipality is
2 located in Illinois or in another state, or (II) a fire
3 protection district whose obligations were assumed by a
4 municipality under Section 21 of the Fire Protection District
5 Act, (ii) to any person who has served a municipality as a
6 regularly enrolled volunteer fireman for 5 years immediately
7 preceding the time that municipality begins to use full time
8 firemen to provide all or part of its fire protection service,
9 or (iii) to any person who has served as an auxiliary police
10 officer under Section 3.1-30-20 for at least 5 years and is
11 under 40 years of age, (iv) to any person who has served as a
12 deputy under Section 3-6008 of the Counties Code and otherwise
13 meets necessary training requirements, or (v) to any person who
14 has served as a sworn officer as a member of the Illinois
15 Department of State Police.

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

24 (f) Applicants who are 18 years of age and who have
25 successfully completed 2 years of study in fire techniques,
26 amounting to a total of 4 high school credits, within the cadet

1 program of a municipality may be considered for appointment to
2 active duty with the fire department of any municipality.

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

6 (h) The examinations shall be practical in character and
7 relate to those matters that will fairly test the capacity of
8 the persons examined to discharge the duties of the positions
9 to which they seek appointment. No person shall be appointed to
10 the police or fire department if he or she does not possess a
11 high school diploma or an equivalent high school education. A
12 board of fire and police commissioners may, by its rules,
13 require police applicants to have obtained an associate's
14 degree or a bachelor's degree as a prerequisite for employment.
15 The examinations shall include tests of physical
16 qualifications and health. A board of fire and police
17 commissioners may, by its rules, waive portions of the required
18 examination for police applicants who have previously been
19 full-time sworn officers of a regular police department in any
20 municipal, county, university, or State law enforcement
21 agency, provided they are certified by the Illinois Law
22 Enforcement Training Standards Board and have been with their
23 respective law enforcement agency within the State for at least
24 2 years. No person shall be appointed to the police or fire
25 department if he or she has suffered the amputation of any limb
26 unless the applicant's duties will be only clerical or as a

1 radio operator. No applicant shall be examined concerning his
2 or her political or religious opinions or affiliations. The
3 examinations shall be conducted by the board of fire and police
4 commissioners of the municipality as provided in this Division
5 2.1.

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

10 (j) No person shall be appointed to the police or fire
11 department unless he or she is a person of good character and
12 not an habitual drunkard, gambler, or a person who has been
13 convicted of a felony or a crime involving moral turpitude. No
14 person, however, shall be disqualified from appointment to the
15 fire department because of his or her record of misdemeanor
16 convictions except those under Sections 11-6, 11-7, 11-9,
17 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6, 12-15, 14-4,
18 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4, 31-6, 31-7,
19 32-1, 32-2, 32-3, 32-4, 32-8, and subsections (1), (6) and (8)
20 of Section 24-1 of the Criminal Code of 1961 or arrest for any
21 cause without conviction on that cause. Any such person who is
22 in the department may be removed on charges brought and after a
23 trial as provided in this Division 2.1.

24 (Source: P.A. 94-29, eff. 6-14-05; 94-984, eff. 6-30-06;
25 95-165, eff. 1-1-08; 95-931, eff. 1-1-09.)

1 (65 ILCS 5/10-2.1-14) (from Ch. 24, par. 10-2.1-14)

2 Sec. 10-2.1-14. Register of eligibles. The board of fire
3 and police commissioners shall prepare and keep a register of
4 persons whose general average standing, upon examination, is
5 not less than the minimum fixed by the rules of the board, and
6 who are otherwise eligible. These persons shall take rank upon
7 the register as candidates in the order of their relative
8 excellence as determined by examination, without reference to
9 priority of time of examination. The board of fire and police
10 commissioners may prepare and keep a second register of persons
11 who have previously been full-time sworn officers of a regular
12 police department in any municipal, county, university, or
13 State law enforcement agency, provided they are certified by
14 the Illinois Law Enforcement Training Standards Board and have
15 been with their respective law enforcement agency within the
16 State for at least 2 years. The persons on this list shall take
17 rank upon the register as candidates in the order of their
18 relative excellence as determined by members of the board of
19 fire and police commissioners. Applicants who have been awarded
20 a certificate attesting to their successful completion of the
21 Minimum Standards Basic Law Enforcement Training Course, as
22 provided in the Illinois Police Training Act, may be given
23 preference in appointment over noncertified applicants.
24 Applicants for appointment to fire departments who are licensed
25 as an EMT-B, EMT-I, or EMT-P under the Emergency Medical
26 Services (EMS) Systems Act, may be given preference in

1 appointment over non-licensed applicants.

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

10 If a person is placed on an eligibility list and becomes
11 overage before he or she is appointed to a police or fire
12 department, the person remains eligible for appointment until
13 the list is abolished pursuant to authorized procedures.
14 Otherwise no person who has attained the age of 36 years shall
15 be inducted as a member of a police department and no person
16 who has attained the age of 35 years shall be inducted as a
17 member of a fire department, except as otherwise provided in
18 this division. With respect to a police department, a veteran
19 shall be allowed to exceed the maximum age provision of this
20 Section by the number of years served on active military duty,
21 but by no more than 10 years of active military duty.

22 (Source: P.A. 94-281, eff. 1-1-06; 95-931, eff. 1-1-09.)

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