

HB4435



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB4435

by Rep. Donald L. Moffitt

SYNOPSIS AS INTRODUCED:

65 ILCS 5/10-2.1-6

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

Amends the Illinois Municipal Code. Provides that an individual who turned 35 while serving as a member of the active or reserve components of any of the branches of the Armed Forces of the United States or the National Guard of any state, whose service was characterized as honorable or under honorable conditions, and is currently under the age of 40 is eligible to apply for a position in either the fire or police department of a municipality. Effective immediately.

LRB099 16358 AWJ 40690 b

A BILL FOR

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 Section 10-2.1-6 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. With respect to a police department, a
20 veteran shall be allowed to exceed the maximum age provision of
21 this Section by the number of years served on active military
22 duty, but by no more than 10 years of active military duty.

23 (b) Residency requirements in effect at the time an

1 individual enters the fire or police service of a municipality
2 (other than a municipality that has more than 1,000,000
3 inhabitants) cannot be made more restrictive for that
4 individual during his period of service for that municipality,
5 or be made a condition of promotion, except for the rank or
6 position of Fire or Police Chief.

7 (c) No person with a record of misdemeanor convictions
8 except those under Sections 11-1.50, 11-6, 11-7, 11-9, 11-14,
9 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2, 12-6, 12-15,
10 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4, 31-6,
11 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8, subdivisions (a) (1) and
12 (a) (2) (C) of Section 11-14.3, and subsections (1), (6) and (8)
13 of Section 24-1 of the Criminal Code of 1961 or the Criminal
14 Code of 2012, or arrested for any cause but not convicted on
15 that cause shall be disqualified from taking the examination to
16 qualify for a position in the fire department on grounds of
17 habits or moral character.

18 (d) The age limitation in subsection (a) does not apply (i)
19 to any person previously employed as a policeman or fireman in
20 a regularly constituted police or fire department of (I) any
21 municipality, regardless of whether the municipality is
22 located in Illinois or in another state, or (II) a fire
23 protection district whose obligations were assumed by a
24 municipality under Section 21 of the Fire Protection District
25 Act; 7 (ii) to any person who has served a municipality as a
26 regularly enrolled volunteer fireman for 5 years immediately

1 preceding the time that municipality begins to use full time
2 firemen to provide all or part of its fire protection service;~~;~~
3 ~~or~~ (iii) to any person who has served as an auxiliary police
4 officer under Section 3.1-30-20 for at least 5 years and is
5 under 40 years of age;~~;~~ (iv) to any person who has served as a
6 deputy under Section 3-6008 of the Counties Code and otherwise
7 meets necessary training requirements;~~;~~~~or~~ (v) to any person
8 who has served as a sworn officer as a member of the Illinois
9 Department of State Police; or (vi) to any person who turned 35
10 while serving as a member of the active or reserve components
11 of any of the branches of the Armed Forces of the United States
12 or the National Guard of any state, whose service was
13 characterized as honorable or under honorable conditions, if
14 separated from the military, and is currently under the age of
15 40.

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 The requirement that a police applicant possess an
7 associate's degree under this subsection may be waived if one
8 or more of the following applies: (1) the applicant has served
9 for 24 months of honorable active duty in the United States
10 Armed Forces and has not been discharged dishonorably or under
11 circumstances other than honorable or (2) the applicant has
12 served for 180 days of active duty in the United States Armed
13 Forces in combat duty recognized by the Department of Defense
14 and has not been discharged dishonorably or under circumstances
15 other than honorable.

16 The requirement that a police applicant possess a
17 bachelor's degree under this subsection may be waived if one or
18 more of the following applies: (1) the applicant has served for
19 36 months of honorable active duty in the United States Armed
20 Forces and has not been discharged dishonorably or under
21 circumstances other than honorable or (2) the applicant has
22 served for 180 days of active duty in the United States Armed
23 Forces in combat duty recognized by the Department of Defense
24 and has not been discharged dishonorably or under circumstances
25 other than honorable.

26 (i) No person who is classified by his local selective

1 service draft board as a conscientious objector, or who has
2 ever been so classified, may be appointed to the police
3 department.

4 (j) No person shall be appointed to the police or fire
5 department unless he or she is a person of good character and
6 not an habitual drunkard, gambler, or a person who has been
7 convicted of a felony or a crime involving moral turpitude. No
8 person, however, shall be disqualified from appointment to the
9 fire department because of his or her record of misdemeanor
10 convictions except those under Sections 11-1.50, 11-6, 11-7,
11 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2,
12 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3,
13 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8,
14 subdivisions (a) (1) and (a) (2) (C) of Section 11-14.3, and
15 subsections (1), (6) and (8) of Section 24-1 of the Criminal
16 Code of 1961 or the Criminal Code of 2012, or arrest for any
17 cause without conviction on that cause. Any such person who is
18 in the department may be removed on charges brought and after a
19 trial as provided in this Division 2.1.

20 (Source: P.A. 97-1150, eff. 1-25-13; 98-510, eff. 8-19-13.)

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