



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3271

by Rep. Sheri Jesiel

SYNOPSIS AS INTRODUCED:

65 ILCS 5/10-1-7

from Ch. 24, par. 10-1-7

65 ILCS 5/10-2.1-6

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

Amends the Illinois Municipal Code. Provides that a civil service commission or a council or board of trustees of a board of fire and police commissioners may provide for additional examinations to occur within a reasonable period after the commission receives an application from a person who, within the 6 months preceding an application, was discharged from 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, and whose service was characterized as honorable or under honorable conditions. Effective immediately.

LRB100 10220 AWJ 20402 b

FISCAL NOTE ACT
MAY APPLY

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 Sections 10-1-7 and 10-2.1-6 as follows:

6 (65 ILCS 5/10-1-7) (from Ch. 24, par. 10-1-7)

7 Sec. 10-1-7. Examination of applicants; disqualifications.

8 (a) All applicants for offices or places in the classified
9 service, except those mentioned in Section 10-1-17, are subject
10 to examination. The examination shall be public, competitive,
11 and open to all citizens of the United States, with specified
12 limitations as to residence, age, health, habits and moral
13 character.

14 (a-5) The commission may make rules to allow for additional
15 examinations to occur within a reasonable period after the
16 commission receives an application from a person who, within
17 the 6 months preceding an application, was discharged from the
18 active or reserve components of any of the branches of the
19 Armed Forces of the United States or the National Guard, of any
20 state, and whose service was characterized as honorable or
21 under honorable conditions.

22 (b) Residency requirements in effect at the time an
23 individual enters the fire or police service of a municipality

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

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

19 (d) Persons entitled to military preference under Section
20 10-1-16 shall not be subject to limitations specifying age
21 unless they are applicants for a position as a fireman or a
22 policeman having no previous employment status as a fireman or
23 policeman in the regularly constituted fire or police
24 department of the municipality, in which case they must not
25 have attained their 35th birthday, except any person who has
26 served as an auxiliary police officer under Section 3.1-30-20

1 for at least 5 years and is under 40 years of age.

2 (e) All employees of a municipality of less than 500,000
3 population (except those who would be excluded from the
4 classified service as provided in this Division 1) who are
5 holding that employment as of the date a municipality adopts
6 this Division 1, or as of July 17, 1959, whichever date is the
7 later, and who have held that employment for at least 2 years
8 immediately before that later date, and all firemen and
9 policemen regardless of length of service who were either
10 appointed to their respective positions by the board of fire
11 and police commissioners under the provisions of Division 2 of
12 this Article or who are serving in a position (except as a
13 temporary employee) in the fire or police department in the
14 municipality on the date a municipality adopts this Division 1,
15 or as of July 17, 1959, whichever date is the later, shall
16 become members of the classified civil service of the
17 municipality without examination.

18 (f) The examinations shall be practical in their character,
19 and shall relate to those matters that will fairly test the
20 relative capacity of the persons examined to discharge the
21 duties of the positions to which they seek to be appointed. The
22 examinations shall include tests of physical qualifications,
23 health, and (when appropriate) manual skill. If an applicant is
24 unable to pass the physical examination solely as the result of
25 an injury received by the applicant as the result of the
26 performance of an act of duty while working as a temporary

1 employee in the position for which he or she is being examined,
2 however, the physical examination shall be waived and the
3 applicant shall be considered to have passed the examination.
4 No questions in any examination shall relate to political or
5 religious opinions or affiliations. Results of examinations
6 and the eligible registers prepared from the results shall be
7 published by the commission within 60 days after any
8 examinations are held.

9 (g) The commission shall control all examinations, and may,
10 whenever an examination is to take place, designate a suitable
11 number of persons, either in or not in the official service of
12 the municipality, to be examiners. The examiners shall conduct
13 the examinations as directed by the commission and shall make a
14 return or report of the examinations to the commission. If the
15 appointed examiners are in the official service of the
16 municipality, the examiners shall not receive extra
17 compensation for conducting the examinations unless the
18 examiners are subject to a collective bargaining agreement with
19 the municipality. The commission may at any time substitute any
20 other person, whether or not in the service of the
21 municipality, in the place of any one selected as an examiner.
22 The commission members may themselves at any time act as
23 examiners without appointing examiners. The examiners at any
24 examination shall not all be members of the same political
25 party.

26 (h) In municipalities of 500,000 or more population, no

1 person who has attained his or her 35th birthday shall be
2 eligible to take an examination for a position as a fireman or
3 a policeman unless the person has had previous employment
4 status as a policeman or fireman in the regularly constituted
5 police or fire department of the municipality, except as
6 provided in this Section.

7 (i) In municipalities of more than 5,000 but not more than
8 200,000 inhabitants, no person who has attained his or her 35th
9 birthday shall be eligible to take an examination for a
10 position as a fireman or a policeman unless the person has had
11 previous employment status as a policeman or fireman in the
12 regularly constituted police or fire department of the
13 municipality, except as provided in this Section.

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

22 (k) In municipalities of more than 500,000 population,
23 applications for examination for and appointment to positions
24 as firefighters or police shall be made available at various
25 branches of the public library of the municipality.

26 (l) No municipality having a population less than 1,000,000

1 shall require that any fireman appointed to the lowest rank
2 serve a probationary employment period of longer than one year.
3 The limitation on periods of probationary employment provided
4 in this amendatory Act of 1989 is an exclusive power and
5 function of the State. Pursuant to subsection (h) of Section 6
6 of Article VII of the Illinois Constitution, a home rule
7 municipality having a population less than 1,000,000 must
8 comply with this limitation on periods of probationary
9 employment, which is a denial and limitation of home rule
10 powers. Notwithstanding anything to the contrary in this
11 Section, the probationary employment period limitation may be
12 extended for a firefighter who is required, as a condition of
13 employment, to be a licensed paramedic, during which time the
14 sole reason that a firefighter may be discharged without a
15 hearing is for failing to meet the requirements for paramedic
16 licensure.

17 (m) To the extent that this Section or any other Section in
18 this Division conflicts with Section 10-1-7.1 or 10-1-7.2, then
19 Section 10-1-7.1 or 10-1-7.2 shall control.

20 (Source: P.A. 97-251, eff. 8-4-11; 97-898, eff. 8-6-12;
21 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-973, eff.
22 8-15-14.)

23 (65 ILCS 5/10-2.1-6) (from Ch. 24, par. 10-2.1-6)
24 Sec. 10-2.1-6. Examination of applicants;
25 disqualifications.

1 (a) All applicants for a position in either the fire or
2 police department of the municipality shall be under 35 years
3 of age, shall be subject to an examination that shall be
4 public, competitive, and open to all applicants (unless the
5 council or board of trustees by ordinance limit applicants to
6 electors of the municipality, county, state or nation) and
7 shall be subject to reasonable limitations as to residence,
8 health, habits, and moral character. The municipality may not
9 charge or collect any fee from an applicant who has met all
10 prequalification standards established by the municipality for
11 any such position. With respect to a police department, a
12 veteran shall be allowed to exceed the maximum age provision of
13 this Section by the number of years served on active military
14 duty, but by no more than 10 years of active military duty.

15 (a-5) The council or board of trustees may, by ordinance,
16 allow for additional examinations to occur within a reasonable
17 period after the commission receives an application from a
18 person who, within the 6 months preceding an application, was
19 discharged from the active or reserve components of any of the
20 branches of the Armed Forces of the United States or the
21 National Guard, of any state, and whose service was
22 characterized as honorable or under honorable conditions.

23 (b) Residency requirements in effect at the time an
24 individual enters the fire or police service of a municipality
25 (other than a municipality that has more than 1,000,000
26 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 11-1.50, 11-6, 11-7, 11-9, 11-14,
6 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2, 12-6, 12-15,
7 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4, 31-6,
8 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8, subdivisions (a) (1) and
9 (a) (2) (C) of Section 11-14.3, and subsections (1), (6) and (8)
10 of Section 24-1 of the Criminal Code of 1961 or the Criminal
11 Code of 2012, or arrested for any cause but not convicted on
12 that cause shall be disqualified from taking the examination to
13 qualify for a position in the fire department on grounds of
14 habits or moral character.

15 (d) The age limitation in subsection (a) does not apply (i)
16 to any person previously employed as a policeman or fireman in
17 a regularly constituted police or fire department of (I) any
18 municipality, regardless of whether the municipality is
19 located in Illinois or in another state, or (II) a fire
20 protection district whose obligations were assumed by a
21 municipality under Section 21 of the Fire Protection District
22 Act, (ii) to any person who has served a municipality as a
23 regularly enrolled volunteer fireman for 5 years immediately
24 preceding the time that municipality begins to use full time
25 firemen to provide all or part of its fire protection service,
26 or (iii) to any person who has served as an auxiliary police

1 officer under Section 3.1-30-20 for at least 5 years and is
2 under 40 years of age, (iv) to any person who has served as a
3 deputy under Section 3-6008 of the Counties Code and otherwise
4 meets necessary training requirements, or (v) to any person who
5 has served as a sworn officer as a member of the Illinois
6 Department of State Police.

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

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

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

23 (h) The examinations shall be practical in character and
24 relate to those matters that will fairly test the capacity of
25 the persons examined to discharge the duties of the positions
26 to which they seek appointment. No person shall be appointed to

1 the police or fire department if he or she does not possess a
2 high school diploma or an equivalent high school education. A
3 board of fire and police commissioners may, by its rules,
4 require police applicants to have obtained an associate's
5 degree or a bachelor's degree as a prerequisite for employment.
6 The examinations shall include tests of physical
7 qualifications and health. A board of fire and police
8 commissioners may, by its rules, waive portions of the required
9 examination for police applicants who have previously been
10 full-time sworn officers of a regular police department in any
11 municipal, county, university, or State law enforcement
12 agency, provided they are certified by the Illinois Law
13 Enforcement Training Standards Board and have been with their
14 respective law enforcement agency within the State for at least
15 2 years. No person shall be appointed to the police or fire
16 department if he or she has suffered the amputation of any limb
17 unless the applicant's duties will be only clerical or as a
18 radio operator. No applicant shall be examined concerning his
19 or her political or religious opinions or affiliations. The
20 examinations shall be conducted by the board of fire and police
21 commissioners of the municipality as provided in this Division
22 2.1.

23 The requirement that a police applicant possess an
24 associate's degree under this subsection may be waived if one
25 or more of the following applies: (1) the applicant has served
26 for 24 months of honorable active duty in the United States

1 Armed Forces and has not been discharged dishonorably or under
2 circumstances other than honorable or (2) the applicant has
3 served for 180 days of active duty in the United States Armed
4 Forces in combat duty recognized by the Department of Defense
5 and has not been discharged dishonorably or under circumstances
6 other than honorable.

7 The requirement that a police applicant possess a
8 bachelor's degree under this subsection may be waived if one or
9 more of the following applies: (1) the applicant has served for
10 36 months of honorable active duty in the United States Armed
11 Forces and has not been discharged dishonorably or under
12 circumstances other than honorable or (2) the applicant has
13 served for 180 days of active duty in the United States Armed
14 Forces in combat duty recognized by the Department of Defense
15 and has not been discharged dishonorably or under circumstances
16 other than honorable.

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

21 (j) No person shall be appointed to the police or fire
22 department unless he or she is a person of good character and
23 not an habitual drunkard, gambler, or a person who has been
24 convicted of a felony or a crime involving moral turpitude. No
25 person, however, shall be disqualified from appointment to the
26 fire department because of his or her record of misdemeanor

1 convictions except those under Sections 11-1.50, 11-6, 11-7,
2 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2,
3 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3,
4 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8,
5 subdivisions (a)(1) and (a)(2)(C) of Section 11-14.3, and
6 subsections (1), (6) and (8) of Section 24-1 of the Criminal
7 Code of 1961 or the Criminal Code of 2012, or arrest for any
8 cause without conviction on that cause. Any such person who is
9 in the department may be removed on charges brought and after a
10 trial as provided in this Division 2.1.

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

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.