



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB2923

by Rep. Justin Slaughter

#### 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 on or after one year after the effective date of the amendatory Act, no applicant shall be appointed to the police department unless he or she has proof of professional liability insurance coverage. Requires that a police officer maintain continuous coverage throughout the course of employment, including coverage for willful or malicious acts and acts outside the scope of the officer's employment by the municipality. Allows the municipality to reimburse police officers for the base rate of this coverage, but officers are responsible for any additional costs due to personal or claims history. Provides that the municipality may not indemnify police officers against liability in any amount greater than required by State law unless the officer's insurance is exhausted. Limits home rule powers.

LRB101 09683 AWJ 54782 b

FISCAL NOTE ACT  
MAY APPLY

HOME RULE NOTE  
ACT MAY APPLY

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 (b) Residency requirements in effect at the time an  
15 individual enters the fire or police service of a municipality  
16 (other than a municipality that has more than 1,000,000  
17 inhabitants) cannot be made more restrictive for that  
18 individual during his or her period of service for that  
19 municipality, or be made a condition of promotion, except for  
20 the rank or position of Fire or Police Chief.

21 (c) No person with a record of misdemeanor convictions  
22 except those under Sections 11-1.50, 11-6, 11-7, 11-9, 11-14,  
23 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2, 12-6, 12-15,

1 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4, 31-6,  
2 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8, subdivisions (a) (1) and  
3 (a) (2) (C) of Section 11-14.3, and subsections (1), (6) and (8)  
4 of Section 24-1 of the Criminal Code of 1961 or the Criminal  
5 Code of 2012 or arrested for any cause but not convicted on  
6 that cause shall be disqualified from taking the examination on  
7 grounds of habits or moral character, unless the person is  
8 attempting to qualify for a position on the police department,  
9 in which case the conviction or arrest may be considered as a  
10 factor in determining the person's habits or moral character.

11 (d) Persons entitled to military preference under Section  
12 10-1-16 shall not be subject to limitations specifying age  
13 unless they are applicants for a position as a fireman or a  
14 policeman having no previous employment status as a fireman or  
15 policeman in the regularly constituted fire or police  
16 department of the municipality, in which case they must not  
17 have attained their 35th birthday, except any person who has  
18 served as an auxiliary police officer under Section 3.1-30-20  
19 for at least 5 years and is under 40 years of age.

20 (e) All employees of a municipality of less than 500,000  
21 population (except those who would be excluded from the  
22 classified service as provided in this Division 1) who are  
23 holding that employment as of the date a municipality adopts  
24 this Division 1, or as of July 17, 1959, whichever date is the  
25 later, and who have held that employment for at least 2 years  
26 immediately before that later date, and all firemen and

1 policemen regardless of length of service who were either  
2 appointed to their respective positions by the board of fire  
3 and police commissioners under the provisions of Division 2 of  
4 this Article or who are serving in a position (except as a  
5 temporary employee) in the fire or police department in the  
6 municipality on the date a municipality adopts this Division 1,  
7 or as of July 17, 1959, whichever date is the later, shall  
8 become members of the classified civil service of the  
9 municipality without examination.

10 (f) The examinations shall be practical in their character,  
11 and shall relate to those matters that will fairly test the  
12 relative capacity of the persons examined to discharge the  
13 duties of the positions to which they seek to be appointed. The  
14 examinations shall include tests of physical qualifications,  
15 health, and (when appropriate) manual skill. If an applicant is  
16 unable to pass the physical examination solely as the result of  
17 an injury received by the applicant as the result of the  
18 performance of an act of duty while working as a temporary  
19 employee in the position for which he or she is being examined,  
20 however, the physical examination shall be waived and the  
21 applicant shall be considered to have passed the examination.  
22 No questions in any examination shall relate to political or  
23 religious opinions or affiliations. Results of examinations  
24 and the eligible registers prepared from the results shall be  
25 published by the commission within 60 days after any  
26 examinations are held.

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

18           (h) In municipalities of 500,000 or more population, no  
19 person who has attained his or her 35th birthday shall be  
20 eligible to take an examination for a position as a fireman or  
21 a policeman unless the person has had previous employment  
22 status as a policeman or fireman in the regularly constituted  
23 police or fire department of the municipality, except as  
24 provided in this Section.

25           (i) In municipalities of more than 5,000 but not more than  
26 200,000 inhabitants, no person who has attained his or her 35th

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

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

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

18 (l) No municipality having a population less than 1,000,000  
19 shall require that any fireman appointed to the lowest rank  
20 serve a probationary employment period of longer than one year.  
21 The limitation on periods of probationary employment provided  
22 in this amendatory Act of 1989 is an exclusive power and  
23 function of the State. Pursuant to subsection (h) of Section 6  
24 of Article VII of the Illinois Constitution, a home rule  
25 municipality having a population less than 1,000,000 must  
26 comply with this limitation on periods of probationary

1 employment, which is a denial and limitation of home rule  
2 powers. Notwithstanding anything to the contrary in this  
3 Section, the probationary employment period limitation may be  
4 extended for a firefighter who is required, as a condition of  
5 employment, to be a licensed paramedic, during which time the  
6 sole reason that a firefighter may be discharged without a  
7 hearing is for failing to meet the requirements for paramedic  
8 licensure.

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

12 (n) On or after one year after the effective date of this  
13 amendatory Act of the 101st General Assembly, no applicant  
14 shall be appointed to the police department unless he or she  
15 has proof of professional liability insurance coverage. The  
16 coverage shall be consistent with current limits under State  
17 law and he or she must maintain continuous coverage throughout  
18 the course of employment as a police officer. The insurance  
19 must be the primary insurance for the officer and must include  
20 coverage for willful or malicious acts and acts outside the  
21 scope of the officer's employment by the municipality. The  
22 municipality may reimburse officers for the base rate of this  
23 coverage, but officers are responsible for any additional costs  
24 due to personal or claims history. The municipality may not  
25 indemnify police officers against liability in any amount  
26 greater than required by State law unless the officer's

1 insurance is exhausted.

2 A home rule municipality may not regulate the appointment  
3 of applicants or insurance coverage in a manner inconsistent  
4 with this subsection. This subsection is a limitation under  
5 subsection (i) of Section 6 of Article VII of the Illinois  
6 Constitution on the concurrent exercise by home rule units of  
7 powers and functions exercised by the State.

8 (Source: P.A. 97-251, eff. 8-4-11; 97-898, eff. 8-6-12;  
9 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-973, eff.  
10 8-15-14.)

11 (65 ILCS 5/10-2.1-6) (from Ch. 24, par. 10-2.1-6)

12 Sec. 10-2.1-6. Examination of applicants;  
13 disqualifications.

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



1 this Section by the number of years served on active military  
2 duty, but by no more than 10 years of active military duty.

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

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

21 (d) The age limitation in subsection (a) does not apply (i)  
22 to any person previously employed as a policeman or fireman in  
23 a regularly constituted police or fire department of (I) any  
24 municipality, regardless of whether the municipality is  
25 located in Illinois or in another state, or (II) a fire  
26 protection district whose obligations were assumed by a

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

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

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

26 (g) The council or board of trustees may by ordinance

1 provide that persons residing outside the municipality are  
2 eligible to take the examination.

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

1 commissioners of the municipality as provided in this Division  
2 2.1.

3       The requirement that a police applicant possess an  
4 associate's degree under this subsection may be waived if one  
5 or more of the following applies: (1) the applicant has served  
6 for 24 months of honorable active duty in the United States  
7 Armed Forces and has not been discharged dishonorably or under  
8 circumstances other than honorable; (2) the applicant has  
9 served for 180 days of active duty in the United States Armed  
10 Forces in combat duty recognized by the Department of Defense  
11 and has not been discharged dishonorably or under circumstances  
12 other than honorable; or (3) the applicant has successfully  
13 received credit for a minimum of 60 credit hours toward a  
14 bachelor's degree from an accredited college or university.

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

25       (i) No person who is classified by his local selective  
26 service draft board as a conscientious objector, or who has

1 ever been so classified, may be appointed to the police  
2 department.

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

19 (k) On or after one year after the effective date of this  
20 amendatory Act of the 101st General Assembly, no applicant  
21 shall be appointed to the police department unless he or she  
22 has proof of professional liability insurance coverage. The  
23 coverage shall be consistent with current limits under State  
24 law and he or she must maintain continuous coverage throughout  
25 the course of employment as a police officer. The insurance  
26 must be the primary insurance for the officer and must include

1 coverage for willful or malicious acts and acts outside the  
2 scope of the officer's employment by the municipality. The  
3 municipality may reimburse officers for the base rate of this  
4 coverage, but officers are responsible for any additional costs  
5 due to personal or claims history. The municipality may not  
6 indemnify police officers against liability in any amount  
7 greater than required by State law unless the officer's  
8 insurance is exhausted.

9 A home rule municipality may not regulate the appointment  
10 of applicants or insurance coverage in a manner inconsistent  
11 with this subsection. This subsection is a limitation under  
12 subsection (i) of Section 6 of Article VII of the Illinois  
13 Constitution on the concurrent exercise by home rule units of  
14 powers and functions exercised by the State.

15 (Source: P.A. 100-467, eff. 9-8-17.)