



Sen. Mary Edly-Allen

Filed: 5/5/2023

10300HB3751sam001

LRB103 26925 AWJ 61487 a

1 AMENDMENT TO HOUSE BILL 3751

2 AMENDMENT NO. _____. Amend House Bill 3751 by replacing
3 everything after the enacting clause with the following:

4 "Section 3. The Counties Code is amended by changing
5 Sections 3-6033 and 3-7008 as follows:

6 (55 ILCS 5/3-6033) (from Ch. 34, par. 3-6033)

7 Sec. 3-6033. Citizenship and residence. ~~The~~ ~~It is unlawful~~
8 ~~for the~~ sheriff of any county ~~of fewer than 1,000,000~~
9 ~~inhabitants,~~ or the corporate authorities of any municipality
10 may ~~city, town or village to~~ authorize, empower, employ, or
11 permit a ~~any~~ person to act as deputy sheriff or special
12 policeman for the purpose of preserving the peace, ~~who is not~~ a
13 citizen of the United States, who is legally authorized under
14 federal law to work in the United States and is authorized
15 under federal law to obtain, carry, or purchase or otherwise
16 possess a firearm, or who is an individual against whom

1 immigration action has been deferred by the U.S. Citizenship
2 and Immigration Services under the federal Deferred Action for
3 Childhood Arrivals (DACA) process and is authorized under
4 federal law to obtain, carry, or purchase or otherwise possess
5 a firearm.

6 (Source: P.A. 86-962; 87-357.)

7 (55 ILCS 5/3-7008) (from Ch. 34, par. 3-7008)

8 Sec. 3-7008. Appointments. The appointment of deputy
9 sheriffs in the Police Department, full-time deputy sheriffs
10 not employed as county police officers or county corrections
11 officers and of employees in the Department of Corrections
12 shall be made from those applicants who have been certified by
13 the Board as being qualified for appointment. Certification
14 for appointment in one department shall not constitute
15 certification for appointment in another department.
16 Certification may be made at any point prior to appointment
17 and may be made in conjunction with the Sheriff's application
18 process. All persons so appointed shall, at the time of their
19 appointment, be not less than 21 years of age, or 20 years of
20 age and have successfully completed 2 years of law enforcement
21 studies at an accredited college or university. Any person
22 appointed subsequent to successful completion of 2 years of
23 such law enforcement studies shall not have power of arrest,
24 nor shall he or she be permitted to carry firearms, until he or
25 she reaches 21 years of age. Any person appointed shall be a

1 citizen of the United States, an individual who is legally
2 authorized to work in the United States under federal law and
3 is authorized under federal law to obtain, carry, or purchase
4 or otherwise possess a firearm, or an individual against whom
5 immigration action has been deferred by the U.S. Citizenship
6 and Immigration Services under the federal Deferred Action for
7 Childhood Arrivals (DACA) process and who is authorized under
8 federal law to obtain, carry, or purchase or otherwise possess
9 a firearm. In addition, all persons so appointed shall be not
10 more than the maximum age limit fixed by the Board from time to
11 time, be of sound mind and body, be of good moral character, ~~be~~
12 ~~citizens of the United States,~~ have not been convicted of a
13 crime which the Board considers to be detrimental to the
14 applicant's ability to carry out his or her duties, possess
15 such prerequisites of training, education and experience as
16 the Board may from time to time prescribe, and shall be
17 required to pass successfully mental, physical, psychiatric
18 and other tests and examinations as may be prescribed by the
19 Board. Preference shall be given in such appointments to
20 persons who have honorably served in the military or naval
21 services of the United States. All appointees shall serve a
22 probationary period of 12 months and during that period may be
23 discharged at the will of the Sheriff. However, civil service
24 employees of the house of correction who have certified status
25 at the time of the transfer of the house of correction to the
26 County Department of Corrections are not subject to this

1 probationary period, and they shall retain their job titles,
2 such tenure privileges as are now enjoyed and any subsequent
3 title changes shall not cause reduction in rank or elimination
4 of positions.

5 (Source: P.A. 100-912, eff. 8-17-18.)

6 Section 5. The Illinois Municipal Code is amended by
7 changing Sections 10-1-7 and 10-2.1-6 as follows:

8 (65 ILCS 5/10-1-7) (from Ch. 24, par. 10-1-7)

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

10 (a) All applicants for offices or places in the classified
11 service, except those mentioned in Section 10-1-17, are
12 subject to examination. The examination shall be public,
13 competitive, and open to all citizens of the United States,
14 with specified limitations as to residence, age, health,
15 habits, and moral character. An individual who is not a
16 citizen but is legally authorized to work in the United States
17 under federal law or is an individual against whom immigration
18 action has been deferred by the U.S. Citizenship and
19 Immigration Services under the federal Deferred Action for
20 Childhood Arrivals (DACA) process is authorized to apply for
21 the position of police officer, subject to (i) all
22 requirements and limitations, other than citizenship, to which
23 other applicants are subject and (ii) the individual being
24 authorized under federal law to obtain, carry, or purchase or

1 otherwise possess a firearm.

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

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

23 (d) Persons entitled to military preference under Section
24 10-1-16 shall not be subject to limitations specifying age
25 unless they are applicants for a position as a fireman or a
26 policeman having no previous employment status as a fireman or

1 policeman in the regularly constituted fire or police
2 department of the municipality, in which case they must not
3 have attained their 35th birthday, except any person who has
4 served as an auxiliary police officer under Section 3.1-30-20
5 for at least 5 years and is under 40 years of age.

6 (e) All employees of a municipality of less than 500,000
7 population (except those who would be excluded from the
8 classified service as provided in this Division 1) who are
9 holding that employment as of the date a municipality adopts
10 this Division 1, or as of July 17, 1959, whichever date is the
11 later, and who have held that employment for at least 2 years
12 immediately before that later date, and all firemen and
13 policemen regardless of length of service who were either
14 appointed to their respective positions by the board of fire
15 and police commissioners under the provisions of Division 2 of
16 this Article or who are serving in a position (except as a
17 temporary employee) in the fire or police department in the
18 municipality on the date a municipality adopts this Division
19 1, or as of July 17, 1959, whichever date is the later, shall
20 become members of the classified civil service of the
21 municipality without examination.

22 (f) The examinations shall be practical in their
23 character, and shall relate to those matters that will fairly
24 test the relative capacity of the persons examined to
25 discharge the duties of the positions to which they seek to be
26 appointed. The examinations shall include tests of physical

1 qualifications, health, and (when appropriate) manual skill.
2 If an applicant is unable to pass the physical examination
3 solely as the result of an injury received by the applicant as
4 the result of the performance of an act of duty while working
5 as a temporary employee in the position for which he or she is
6 being examined, however, the physical examination shall be
7 waived and the applicant shall be considered to have passed
8 the examination. No questions in any examination shall relate
9 to political or religious opinions or affiliations. Results of
10 examinations and the eligible registers prepared from the
11 results shall be published by the commission within 60 days
12 after any examinations are held.

13 (g) The commission shall control all examinations, and
14 may, whenever an examination is to take place, designate a
15 suitable number of persons, either in or not in the official
16 service of the municipality, to be examiners. The examiners
17 shall conduct the examinations as directed by the commission
18 and shall make a return or report of the examinations to the
19 commission. If the appointed examiners are in the official
20 service of the municipality, the examiners shall not receive
21 extra compensation for conducting the examinations unless the
22 examiners are subject to a collective bargaining agreement
23 with the municipality. The commission may at any time
24 substitute any other person, whether or not in the service of
25 the municipality, in the place of any one selected as an
26 examiner. The commission members may themselves at any time

1 act as examiners without appointing examiners. The examiners
2 at any examination shall not all be members of the same
3 political party.

4 (h) In municipalities of 500,000 or more population, no
5 person who has attained his or her 35th birthday shall be
6 eligible to take an examination for a position as a fireman or
7 a policeman unless the person has had previous employment
8 status as a policeman or fireman in the regularly constituted
9 police or fire department of the municipality, except as
10 provided in this Section.

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

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

26 (k) In municipalities of more than 500,000 population,

1 applications for examination for and appointment to positions
2 as firefighters or police shall be made available at various
3 branches of the public library of the municipality.

4 (1) No municipality having a population less than
5 1,000,000 shall require that any fireman appointed to the
6 lowest rank serve a probationary employment period of longer
7 than one year. The limitation on periods of probationary
8 employment provided in Public Act 86-990 is an exclusive power
9 and function of the State. Pursuant to subsection (h) of
10 Section 6 of Article VII of the Illinois Constitution, a home
11 rule municipality having a population less than 1,000,000 must
12 comply with this limitation on periods of probationary
13 employment, which is a denial and limitation of home rule
14 powers. Notwithstanding anything to the contrary in this
15 Section, the probationary employment period limitation may be
16 extended for a firefighter who is required, as a condition of
17 employment, to be a licensed paramedic, during which time the
18 sole reason that a firefighter may be discharged without a
19 hearing is for failing to meet the requirements for paramedic
20 licensure.

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

24 (Source: P.A. 102-813, eff. 5-13-22.)

25 (65 ILCS 5/10-2.1-6) (from Ch. 24, par. 10-2.1-6)

1 Sec. 10-2.1-6. Examination of applicants;
2 disqualifications.

3 (a) All applicants for a position in either the fire or
4 police department of the municipality shall be under 35 years
5 of age, shall be subject to an examination that shall be
6 public, competitive, and open to all applicants (unless the
7 council or board of trustees by ordinance limit applicants to
8 electors of the municipality, county, state, or nation) and
9 shall be subject to reasonable limitations as to residence,
10 health, habits, and moral character. An individual who is not
11 a citizen but is legally authorized to work in the United
12 States under federal law or is an individual against whom
13 immigration action has been deferred by the U.S. Citizenship
14 and Immigration Services under the federal Deferred Action for
15 Childhood Arrivals (DACA) process is authorized to apply for
16 the position of police officer, subject to (i) all
17 requirements and limitations, other than citizenship, to which
18 other applicants are subject and (ii) the individual being
19 authorized under federal law to obtain, carry, or purchase or
20 otherwise possess a firearm. The municipality may not charge
21 or collect any fee from an applicant who has met all
22 prequalification standards established by the municipality for
23 any such position. With respect to a police department, a
24 veteran shall be allowed to exceed the maximum age provision
25 of this Section by the number of years served on active
26 military duty, but by no more than 10 years of active military

1 duty.

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

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

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

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

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

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

25 (g) The council or board of trustees may by ordinance
26 provide that persons residing outside the municipality are

1 eligible to take the examination.

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

1 Division 2.1.

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

15 The requirement that a police applicant possess a
16 bachelor's degree under this subsection may be waived if one
17 or more of the following applies: (1) the applicant has served
18 for 36 months of honorable active duty in the United States
19 Armed 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
24 circumstances 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 paragraphs (1), (6), and (8) of subsection (a) of Section 24-1
15 of the Criminal Code of 1961 or the Criminal Code of 2012, or
16 arrest for any cause without conviction on that cause. Any
17 such person who is in the department may be removed on charges
18 brought and after a trial as provided in this Division 2.1.

19 (Source: P.A. 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

20 Section 99. Effective date. This Act takes effect January
21 1, 2024.".