



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1768

Introduced 2/9/2023, by Sen. Rachel Ventura

SYNOPSIS AS INTRODUCED:

10 ILCS 5/2A-56 new	
65 ILCS 5/3.1-15-5	from Ch. 24, par. 3.1-15-5
65 ILCS 5/3.1-15-11 new	
65 ILCS 5/3.1-15-15	from Ch. 24, par. 3.1-15-15
65 ILCS 5/10-1-7	from Ch. 24, par. 10-1-7
65 ILCS 5/10-2.1-4	from Ch. 24, par. 10-2.1-4
65 ILCS 5/10-2.1-6	from Ch. 24, par. 10-2.1-6
65 ILCS 5/10-2.1-17	from Ch. 24, par. 10-2.1-17

Amends the Illinois Municipal Code. Provides that the position of police chief shall be elected by the registered voters of each municipality with a police department starting at the 2024 general election. Provides that a police chief shall enter upon the duties of his or her office on the December 1 following his or her election, and, on December 1, 2024, the term of any appointed police chief expires. Establishes qualifications for police chiefs. Makes conforming changes. Amends the Election Code to make conforming changes. Effective immediately, except that the changes to the Civil Service In Cities Division and the Board Of Fire and Police Commissioners Division of the Illinois Municipal Code take effect on December 1, 2024.

LRB103 28448 AWJ 54828 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 Election Code is amended by adding Section
5 2A-56 as follows:

6 (10 ILCS 5/2A-56 new)

7 Sec. 2A-56. Police chief; time of election. The police
8 chief of each municipality shall be elected at the general
9 election in 2024 and at the general election every 4 years
10 thereafter.

11 Section 10. The Illinois Municipal Code is amended by
12 changing Sections 3.1-15-5, 3.1-15-15, 10-1-7, 10-2.1-4,
13 10-2.1-6, and 10-2.1-17 and by adding Section 3.1-15-11 as
14 follows:

15 (65 ILCS 5/3.1-15-5) (from Ch. 24, par. 3.1-15-5)

16 Sec. 3.1-15-5. Officers to be elected. In all cities
17 incorporated under this Code there shall be elected a mayor,
18 alderpersons, a city clerk, ~~and~~ a city treasurer (except in
19 the case of a city of 10,000 or fewer inhabitants that, by
20 ordinance, allows for the appointment of a city treasurer by
21 the mayor, subject to the advice and consent of the city

1 council), and a police chief. In all villages and incorporated
2 towns, there shall be elected a president, trustees, ~~and~~ a
3 clerk, and a police chief, except as otherwise provided in
4 this Code. A police chief shall only be elected if the
5 municipality has a police department.

6 (Source: P.A. 102-15, eff. 6-17-21.)

7 (65 ILCS 5/3.1-15-11 new)

8 Sec. 3.1-15-11. Police chief.

9 (a) The position of police chief shall be elected by the
10 registered voters of each municipality with a police
11 department starting the 2024 general election. The police
12 chief shall enter upon the duties of his or her office on the
13 December 1 following his or her election. On December 1, 2024,
14 the term of any appointed police chief expires.

15 (b) A person is not eligible to be elected or appointed to
16 the office of police chief unless that person:

17 (1) is a United States citizen;

18 (2) has been a resident of the municipality for at
19 least one year;

20 (3) has not been convicted of a felony; and

21 (4) has a certificate attesting to his or her
22 successful completion of the Minimum Standards Basic Law
23 Enforcement Officers Training Course as prescribed by the
24 Illinois Law Enforcement Training Standards Board or a
25 substantially similar training program of another state or

1 the federal government.

2 (65 ILCS 5/3.1-15-15) (from Ch. 24, par. 3.1-15-15)

3 Sec. 3.1-15-15. Holding other offices. A mayor, president,
4 alderperson, trustee, clerk, ~~or~~ treasurer, or police chief
5 shall not hold any other office under the municipal government
6 during the term of that office, except when the officer is
7 granted a leave of absence from that office or except as
8 otherwise provided in Sections 3.1-10-50, 3.1-35-135, and
9 8-2-9.1. Moreover, an officer may serve as a volunteer fireman
10 and receive compensation for that service.

11 (Source: P.A. 102-15, eff. 6-17-21.)

12 (65 ILCS 5/10-1-7) (from Ch. 24, par. 10-1-7)

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

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

20 (b) Residency requirements in effect at the time an
21 individual enters the fire or police service of a municipality
22 (other than a municipality that has more than 1,000,000
23 inhabitants) cannot be made more restrictive for that
24 individual during his or her period of service for that

1 municipality, or be made a condition of promotion, except for
2 the rank or position of Fire ~~or Police~~ Chief.

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

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

26 (e) All employees of a municipality of less than 500,000

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

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

1 waived and the applicant shall be considered to have passed
2 the examination. No questions in any examination shall relate
3 to political or religious opinions or affiliations. Results of
4 examinations and the eligible registers prepared from the
5 results shall be published by the commission within 60 days
6 after any examinations are held.

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

24 (h) In municipalities of 500,000 or more population, no
25 person who has attained his or her 35th birthday shall be
26 eligible to take an examination for a position as a fireman or

1 a policeman unless the person has had previous employment
2 status as a policeman or fireman in the regularly constituted
3 police or fire department of the municipality, except as
4 provided in this Section.

5 (i) In municipalities of more than 5,000 but not more than
6 200,000 inhabitants, no person who has attained his or her
7 35th birthday shall be eligible to take an examination for a
8 position as a fireman or a policeman unless the person has had
9 previous employment status as a policeman or fireman in the
10 regularly constituted police or fire department of the
11 municipality, except as provided in this Section.

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

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

24 (l) No municipality having a population less than
25 1,000,000 shall require that any fireman appointed to the
26 lowest rank serve a probationary employment period of longer

1 than one year. The limitation on periods of probationary
2 employment provided in Public Act 86-990 is an exclusive power
3 and function of the State. Pursuant to subsection (h) of
4 Section 6 of Article VII of the Illinois Constitution, a home
5 rule municipality having a population less than 1,000,000 must
6 comply with this limitation on periods of probationary
7 employment, which is a denial and limitation of home rule
8 powers. Notwithstanding anything to the contrary in this
9 Section, the probationary employment period limitation may be
10 extended for a firefighter who is required, as a condition of
11 employment, to be a licensed paramedic, during which time the
12 sole reason that a firefighter may be discharged without a
13 hearing is for failing to meet the requirements for paramedic
14 licensure.

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

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

19 (65 ILCS 5/10-2.1-4) (from Ch. 24, par. 10-2.1-4)

20 Sec. 10-2.1-4. Fire and police departments; appointment of
21 members; certificates of appointments. The board of fire and
22 police commissioners shall appoint all officers and members of
23 the fire and police departments of the municipality, including
24 the ~~chief of police and the~~ chief of the fire department,
25 unless the council or board of trustees shall by ordinance as

1 to them otherwise provide; except as otherwise provided in
2 this Section, and except that in any municipality which adopts
3 or has adopted this Division 2.1 and also adopts or has adopted
4 Article 5 of this Code, ~~the chief of police and~~ the chief of
5 the fire department shall be appointed by the municipal
6 manager, if it is provided by ordinance in such municipality
7 that the chief ~~such chiefs, or either of them,~~ shall not be
8 appointed by the board of fire and police commissioners.

9 If the chief of the fire department is ~~or the chief of the~~
10 ~~police department or both of them are~~ appointed in the manner
11 provided by ordinance, the chief ~~they~~ may be removed or
12 discharged by the appointing authority. In such case the
13 appointing authority shall file with the corporate authorities
14 the reasons for such removal or discharge, which removal or
15 discharge shall not become effective unless confirmed by a
16 majority vote of the corporate authorities.

17 After January 1, 2019 (the effective date of Public Act
18 100-1126), a person shall not be appointed as the chief, the
19 acting chief, the department head, or a position, by whatever
20 title, that is responsible for day-to-day operations of a fire
21 department for greater than 180 days unless he or she
22 possesses the following qualifications and certifications:

- 23 (1) Office of the State Fire Marshal Basic Operations
24 Firefighter Certification or Office of the State Fire
25 Marshal Firefighter II Certification; Office of the State
26 Fire Marshal Advanced Fire Officer Certification or Office

1 of the State Fire Marshal Fire Officer II Certification;
2 and an associate degree in fire science or a bachelor's
3 degree from an accredited university or college;

4 (2) a current certification from the International
5 Fire Service Accreditation Congress or Pro Board Fire
6 Service Professional Qualifications System that meets the
7 National Fire Protection Association standard NFPA 1001,
8 Standard for Fire Fighter Professional Qualifications,
9 Level I job performance requirements; a current
10 certification from the International Fire Service
11 Accreditation Congress or Pro Board Fire Service
12 Professional Qualifications System that meets the National
13 Fire Protection Association standard NFPA 1021, Standard
14 for Fire Officer Professional Qualifications, Fire Officer
15 II job performance requirements; and an associate degree
16 in fire science or a bachelor's degree from an accredited
17 university or college;

18 (3) qualifications that meet the National Fire
19 Protection Association standard NFPA 1001, Standard for
20 Fire Fighter Professional Qualifications, Level I job
21 performance requirements; qualifications that meet the
22 National Fire Protection Association standard NFPA 1021,
23 Standard for Fire Officer Professional Qualifications,
24 Fire Officer II job performance requirements; and an
25 associate degree in fire science or a bachelor's degree
26 from an accredited university or college; or

1 (4) a minimum of 10 years' experience as a firefighter
2 at the fire department in the jurisdiction making the
3 appointment.

4 This paragraph applies to fire departments that employ
5 firefighters hired under the provisions of this Division. On
6 and after January 1, 2019 (the effective date of Public Act
7 100-1126), a home rule municipality may not appoint a fire
8 chief, an acting chief, a department head, or a position, by
9 whatever title, that is responsible for day-to-day operations
10 of a fire department for greater than 180 days in a manner
11 inconsistent with this paragraph. This paragraph is a
12 limitation under subsection (i) of Section 6 of Article VII of
13 the Illinois Constitution on the concurrent exercise by home
14 rule units of powers and functions exercised by the State.

15 If a member of the department is elected ~~appointed~~ chief
16 of police or appointed chief of the fire department prior to
17 being eligible to retire on pension, he shall be considered as
18 on furlough from the rank he held immediately prior to his
19 appointment as chief. If he resigns as chief or is discharged
20 as chief prior to attaining eligibility to retire on pension,
21 he shall revert to and be established in whatever rank he
22 currently holds, except for previously appointed positions,
23 and thereafter be entitled to all the benefits and emoluments
24 of that rank, without regard as to whether a vacancy then
25 exists in that rank.

26 All appointments to each department other than that of the

1 lowest rank, however, shall be from the rank next below that to
2 which the appointment is made except as otherwise provided in
3 this Section, and except that ~~the chief of police and the chief~~
4 of the fire department may be appointed from among members of
5 the fire department ~~police and fire departments, respectively,~~
6 regardless of rank, unless the council or board of trustees
7 shall have by ordinance ~~as to them~~ otherwise provided. A ~~chief~~
8 ~~of police or the~~ chief of the fire department, having been
9 appointed from among members of the ~~police or~~ fire department,
10 respectively, shall be permitted, regardless of rank, to take
11 promotional exams and be promoted to a higher classified rank
12 than he currently holds, without having to resign as ~~chief of~~
13 ~~police or~~ chief of the fire department.

14 The sole authority to issue certificates of appointment
15 shall be vested in the Board of Fire and Police Commissioners
16 and all certificates of appointments issued to any officer or
17 member of the fire or police department of a municipality
18 shall be signed by the chairman and secretary respectively of
19 the board of fire and police commissioners of such
20 municipality, upon appointment of such officer or member of
21 the fire and police department of such municipality by action
22 of the board of fire and police commissioners. After being
23 selected from the register of eligibles to fill a vacancy in
24 the affected department, each appointee shall be presented
25 with his or her certificate of appointment on the day on which
26 he or she is sworn in as a classified member of the affected

1 department. Firefighters who were not issued a certificate of
2 appointment when originally appointed shall be provided with a
3 certificate within 10 days after making a written request to
4 the chairperson of the Board of Fire and Police Commissioners.
5 In any municipal fire department that employs full-time
6 firefighters and is subject to a collective bargaining
7 agreement, a person who has not qualified for regular
8 appointment under the provisions of this Division 2.1 shall
9 not be used as a temporary or permanent substitute for
10 classified members of a municipality's fire department or for
11 regular appointment as a classified member of a municipality's
12 fire department unless mutually agreed to by the employee's
13 certified bargaining agent. Such agreement shall be considered
14 a permissive subject of bargaining. Municipal fire departments
15 covered by the changes made by Public Act 95-490 that are using
16 non-certificated employees as substitutes immediately prior to
17 June 1, 2008 (the effective date of Public Act 95-490) may, by
18 mutual agreement with the certified bargaining agent, continue
19 the existing practice or a modified practice and that
20 agreement shall be considered a permissive subject of
21 bargaining. A home rule unit may not regulate the hiring of
22 temporary or substitute members of the municipality's fire
23 department in a manner that is inconsistent with this Section.
24 This Section is a limitation under subsection (i) of Section 6
25 of Article VII of the Illinois Constitution on the concurrent
26 exercise by home rule units of powers and functions exercised

1 by the State.

2 The term "policemen" as used in this Division does not
3 include auxiliary police officers except as provided for in
4 Section 10-2.1-6.

5 Any full-time member of a regular fire or police
6 department of any municipality which comes under the
7 provisions of this Division or adopts this Division 2.1 or
8 which has adopted any of the prior Acts pertaining to fire and
9 police commissioners, is a city officer.

10 Notwithstanding any other provision of this Section, the
11 Chief of Police of a department in a non-home rule
12 municipality of more than 130,000 inhabitants may, without the
13 advice or consent of the Board of Fire and Police
14 Commissioners, appoint up to 6 officers who shall be known as
15 deputy chiefs or assistant deputy chiefs, and whose rank shall
16 be immediately below that of Chief. The deputy or assistant
17 deputy chiefs may be appointed from any rank of sworn officers
18 of that municipality, but no person who is not such a sworn
19 officer may be so appointed. Such deputy chief or assistant
20 deputy chief shall have the authority to direct and issue
21 orders to all employees of the Department holding the rank of
22 captain or any lower rank. A deputy chief of police or
23 assistant deputy chief of police, having been appointed from
24 any rank of sworn officers of that municipality, shall be
25 permitted, regardless of rank, to take promotional exams and
26 be promoted to a higher classified rank than he currently

1 holds, without having to resign as deputy chief of police or
2 assistant deputy chief of police.

3 Notwithstanding any other provision of this Section, a
4 non-home rule municipality of 130,000 or fewer inhabitants,
5 through its council or board of trustees, may, by ordinance,
6 provide for a position of deputy chief to be appointed by the
7 chief of the police department. The ordinance shall provide
8 for no more than one deputy chief position if the police
9 department has fewer than 25 full-time police officers and for
10 no more than 2 deputy chief positions if the police department
11 has 25 or more full-time police officers. The deputy chief
12 position shall be an exempt rank immediately below that of
13 Chief. The deputy chief may be appointed from any rank of
14 sworn, full-time officers of the municipality's police
15 department, but must have at least 5 years of full-time
16 service as a police officer in that department. A deputy chief
17 shall serve at the discretion of the Chief and, if removed from
18 the position, shall revert to the rank currently held, without
19 regard as to whether a vacancy exists in that rank. A deputy
20 chief of police, having been appointed from any rank of sworn
21 full-time officers of that municipality's police department,
22 shall be permitted, regardless of rank, to take promotional
23 exams and be promoted to a higher classified rank than he
24 currently holds, without having to resign as deputy chief of
25 police.

26 No municipality having a population less than 1,000,000

1 shall require that any firefighter appointed to the lowest
2 rank serve a probationary employment period of longer than one
3 year. The limitation on periods of probationary employment
4 provided in Public Act 86-990 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 To the extent that this Section or any other Section in
18 this Division conflicts with Section 10-2.1-6.3 or 10-2.1-6.4,
19 then Section 10-2.1-6.3 or 10-2.1-6.4 shall control.

20 (Source: P.A. 100-252, eff. 8-22-17; 100-425, eff. 8-25-17;
21 100-863, eff, 8-14-18; 100-1126, eff. 1-1-19; 101-81, eff.
22 7-12-19.)

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
13 of this Section by the number of years served on active
14 military duty, but by no more than 10 years of active military
15 duty.

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

23 (c) No person with a record of misdemeanor convictions
24 except those under Sections 11-1.50, 11-6, 11-7, 11-9, 11-14,
25 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2, 12-6, 12-15,
26 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4,

1 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8, subdivisions
2 (a) (1) and (a) (2) (C) of Section 11-14.3, and paragraphs (1),
3 (6), and (8) of subsection (a) of Section 24-1 of the Criminal
4 Code of 1961 or the Criminal Code of 2012, or arrested for any
5 cause but not convicted on that cause shall be disqualified
6 from taking the examination to qualify for a position in the
7 fire department on grounds of habits or moral character.

8 (d) The age limitation in subsection (a) does not apply
9 (i) to any person previously employed as a policeman or
10 fireman in a regularly constituted police or fire department
11 of (I) any municipality, regardless of whether the
12 municipality is located in Illinois or in another state, or
13 (II) a fire protection district whose obligations were assumed
14 by a municipality under Section 21 of the Fire Protection
15 District Act, (ii) to any person who has served a municipality
16 as a regularly enrolled volunteer fireman for 5 years
17 immediately preceding the time that municipality begins to use
18 full time firemen to provide all or part of its fire protection
19 service, or (iii) to any person who has served as an auxiliary
20 police officer under Section 3.1-30-20 for at least 5 years
21 and is under 40 years of age, (iv) to any person who has served
22 as a deputy under Section 3-6008 of the Counties Code and
23 otherwise meets necessary training requirements, or (v) to any
24 person who has served as a sworn officer as a member of the
25 Illinois State Police.

26 (e) Applicants who are 20 years of age and who have

1 successfully completed 2 years of law enforcement studies at
2 an accredited college or university may be considered for
3 appointment to active duty with the police department. An
4 applicant described in this subsection (e) who is appointed to
5 active duty shall not have power of arrest, nor shall the
6 applicant be permitted to carry firearms, until he or she
7 reaches 21 years of age.

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

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

16 (h) The examinations shall be practical in character and
17 relate to those matters that will fairly test the capacity of
18 the persons examined to discharge the duties of the positions
19 to which they seek appointment. No person shall be appointed
20 to the police or fire department if he or she does not possess
21 a high school diploma or an equivalent high school education.
22 A board of fire and police commissioners may, by its rules,
23 require police applicants to have obtained an associate's
24 degree or a bachelor's degree as a prerequisite for
25 employment. The examinations shall include tests of physical
26 qualifications and health. A board of fire and police

1 commissioners may, by its rules, waive portions of the
2 required examination for police applicants who have previously
3 been full-time sworn officers of a regular police department
4 in any municipal, county, university, or State law enforcement
5 agency, provided they are certified by the Illinois Law
6 Enforcement Training Standards Board and have been with their
7 respective law enforcement agency within the State for at
8 least 2 years. No person shall be appointed to the police or
9 fire department if he or she has suffered the amputation of any
10 limb unless the applicant's duties will be only clerical or as
11 a radio operator. No applicant shall be examined concerning
12 his or her political or religious opinions or affiliations.
13 The examinations shall be conducted by the board of fire and
14 police commissioners of the municipality as provided in this
15 Division 2.1.

16 The requirement that a police applicant possess an
17 associate's degree under this subsection may be waived if one
18 or more of the following applies: (1) the applicant has served
19 for 24 months of honorable active duty in the United States
20 Armed Forces and has not been discharged dishonorably or under
21 circumstances other than honorable; (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
25 circumstances other than honorable; or (3) the applicant has
26 successfully received credit for a minimum of 60 credit hours

1 toward a bachelor's degree from an accredited college or
2 university.

3 The requirement that a police applicant possess a
4 bachelor's degree under this subsection may be waived if one
5 or more of the following applies: (1) the applicant has served
6 for 36 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 or (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
12 circumstances other than honorable.

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

17 (j) No person shall be appointed to the police or fire
18 department unless he or she is a person of good character and
19 not an habitual drunkard, gambler, or a person who has been
20 convicted of a felony or a crime involving moral turpitude. No
21 person, however, shall be disqualified from appointment to the
22 fire department because of his or her record of misdemeanor
23 convictions except those under Sections 11-1.50, 11-6, 11-7,
24 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2,
25 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3,
26 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8,

1 subdivisions (a)(1) and (a)(2)(C) of Section 11-14.3, and
2 paragraphs (1), (6), and (8) of subsection (a) of Section 24-1
3 of the Criminal Code of 1961 or the Criminal Code of 2012, or
4 arrest for any cause without conviction on that cause. Any
5 such person who is in the department may be removed on charges
6 brought and after a trial as provided in this Division 2.1.

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

8 (65 ILCS 5/10-2.1-17) (from Ch. 24, par. 10-2.1-17)

9 Sec. 10-2.1-17. Removal or discharge; investigation of
10 charges; retirement. Except as hereinafter provided, no
11 officer or member of the fire or police department of any
12 municipality subject to this Division 2.1 shall be removed or
13 discharged except for cause, upon written charges, and after
14 an opportunity to be heard in his own defense. The hearing
15 shall be as hereinafter provided, unless the employer and the
16 labor organization representing the person have negotiated an
17 alternative or supplemental form of due process based upon
18 impartial arbitration as a term of a collective bargaining
19 agreement. Such bargaining shall be mandatory unless the
20 parties mutually agree otherwise. Any such alternative
21 agreement shall be permissive.

22 If the chief of the fire department is ~~or the chief of the~~
23 ~~police department or both of them are~~ appointed in the manner
24 provided by ordinance, the chief ~~they~~ may be removed or
25 discharged by the appointing authority. In such case the

1 appointing authority shall file with the corporate authorities
2 the reasons for such removal or discharge, which removal or
3 discharge shall not become effective unless confirmed by a
4 majority vote of the corporate authorities. The board of fire
5 and police commissioners shall conduct a fair and impartial
6 hearing of the charges, to be commenced within 30 days of the
7 filing thereof, which hearing may be continued from time to
8 time. In case an officer or member is found guilty, the board
9 may discharge him, or may suspend him not exceeding 30 days
10 without pay. The board may suspend any officer or member
11 pending the hearing with or without pay, but not to exceed 30
12 days. If the Board of Fire and Police Commissioners determines
13 that the charges are not sustained, the officer or member
14 shall be reimbursed for all wages withheld, if any. In the
15 conduct of this hearing, each member of the board shall have
16 power to administer oaths and affirmations, and the board
17 shall have power to secure by its subpoena both the attendance
18 and testimony of witnesses and the production of books and
19 papers relevant to the hearing.

20 The age for retirement of policemen or firemen in the
21 service of any municipality which adopts this Division 2.1 is
22 65 years, unless the Council or Board of Trustees shall by
23 ordinance provide for an earlier retirement age of not less
24 than 60 years.

25 The provisions of the Administrative Review Law, and all
26 amendments and modifications thereof, and the rules adopted

1 pursuant thereto, shall apply to and govern all proceedings
2 for the judicial review of final administrative decisions of
3 the board of fire and police commissioners hereunder. The term
4 "administrative decision" is defined as in Section 3-101 of
5 the Code of Civil Procedure.

6 Nothing in this Section shall be construed to prevent the
7 chief of the fire department or the chief of the police
8 department from suspending without pay a member of his
9 department for a period of not more than 5 calendar days, but
10 he shall notify the board in writing of such suspension. The
11 hearing shall be as hereinafter provided, unless the employer
12 and the labor organization representing the person have
13 negotiated an alternative or supplemental form of due process
14 based upon impartial arbitration as a term of a collective
15 bargaining agreement. Such bargaining shall be mandatory
16 unless the parties mutually agree otherwise. Any such
17 alternative agreement shall be permissive.

18 Any policeman or fireman so suspended may appeal to the
19 board of fire and police commissioners for a review of the
20 suspension within 5 calendar days after such suspension, and
21 upon such appeal, the board may sustain the action of the chief
22 of the department, may reverse it with instructions that the
23 man receive his pay for the period involved, or may suspend the
24 officer for an additional period of not more than 30 days or
25 discharge him, depending upon the facts presented.

26 (Source: P.A. 95-356, eff. 8-23-07.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law, except that the changes to Sections 10-1-7,
3 10-2.1-4, 10-2.1-6, and 10-2.1-17 of the Illinois Municipal
4 Code take effect on December 1, 2024.