

**SB0528**



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**SB0528**

Introduced 2/17/2005, by Sen. M. Maggie Crotty

**SYNOPSIS AS INTRODUCED:**

65 ILCS 5/10-2.1-6

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

Amends the Illinois Municipal Code. Provides that the age limit applicable to persons seeking municipal employment in either a fire department or police department shall not apply to a person who has served as a sworn officer of the Illinois Department of State Police (this is an addition to a list of several other exemptions). Effective immediately.

LRB094 08907 AJO 39127 b

**A BILL FOR**

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Municipal Code is amended by  
5 changing Section 10-2.1-6 as follows:

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

7 Sec. 10-2.1-6. Examination of applicants;  
8 disqualifications.

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

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 period of service for that municipality,  
25 or be made a condition of promotion, except for the rank or  
26 position of Fire or Police Chief.

27 (c) No person with a record of misdemeanor convictions  
28 except those under Sections 11-6, 11-7, 11-9, 11-14, 11-15,  
29 11-17, 11-18, 11-19, 12-2, 12-6, 12-15, 14-4, 16-1, 21.1-3,  
30 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4, 31-6, 31-7, 32-1, 32-2,  
31 32-3, 32-4, 32-8, and subsections (1), (6) and (8) of Section  
32 24-1 of the Criminal Code of 1961 or arrested for any cause but

1 not convicted on that cause shall be disqualified from taking  
2 the examination to qualify for a position in the fire  
3 department on grounds of habits or moral character.

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

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

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

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

36 (h) The examinations shall be practical in character and

1 relate to those matters that will fairly test the capacity of  
2 the persons examined to discharge the duties of the positions  
3 to which they seek appointment. No person shall be appointed to  
4 the police or fire department if he or she does not possess a  
5 high school diploma or an equivalent high school education. A  
6 board of fire and police commissioners may, by its rules,  
7 require police applicants to have obtained an associate's  
8 degree or a bachelor's degree as a prerequisite for employment.  
9 The examinations shall include tests of physical  
10 qualifications and health. No person shall be appointed to the  
11 police or fire department if he or she has suffered the  
12 amputation of any limb unless the applicant's duties will be  
13 only clerical or as a radio operator. No applicant shall be  
14 examined concerning his or her political or religious opinions  
15 or affiliations. The examinations shall be conducted by the  
16 board of fire and police commissioners of the municipality as  
17 provided in this Division 2.1.

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

22 (j) No person shall be appointed to the police or fire  
23 department unless he or she is a person of good character and  
24 not an habitual drunkard, gambler, or a person who has been  
25 convicted of a felony or a crime involving moral turpitude. No  
26 person, however, shall be disqualified from appointment to the  
27 fire department because of his or her record of misdemeanor  
28 convictions except those under Sections 11-6, 11-7, 11-9,  
29 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6, 12-15, 14-4,  
30 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4, 31-6, 31-7,  
31 32-1, 32-2, 32-3, 32-4, 32-8, and subsections (1), (6) and (8)  
32 of Section 24-1 of the Criminal Code of 1961 or arrest for any  
33 cause without conviction on that cause. Any such person who is  
34 in the department may be removed on charges brought and after a  
35 trial as provided in this Division 2.1.

36 (Source: P.A. 92-533, eff. 3-14-02.)

1           Section 99. Effective date. This Act takes effect upon  
2    becoming law.