

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

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 11-6, 11-7, 11-9, 11-14, 11-15,  
6 11-17, 11-18, 11-19, 12-2, 12-6, 12-15, 14-4, 16-1, 21.1-3,  
7 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4, 31-6, 31-7, 32-1, 32-2,  
8 32-3, 32-4, 32-8, and subsections (1), (6) and (8) of Section  
9 24-1 of the Criminal Code of 1961 or arrested for any cause but  
10 not convicted on that cause shall be disqualified from taking  
11 the examination to qualify for a position in the fire  
12 department on grounds of habits or moral character.

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

1 deputy under Section 3-6008 of the Counties Code and otherwise  
2 meets necessary training requirements, or (v) to any person who  
3 has served as a sworn officer as a member of the Illinois  
4 Department of State Police.

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

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

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

21 (h) The examinations shall be practical in character and  
22 relate to those matters that will fairly test the capacity of  
23 the persons examined to discharge the duties of the positions  
24 to which they seek appointment. No person shall be appointed to  
25 the police or fire department if he or she does not possess a  
26 high school diploma or an equivalent high school education. A

1 board of fire and police commissioners may, by its rules,  
2 require police applicants to have obtained an associate's  
3 degree or a bachelor's degree as a prerequisite for employment.  
4 The examinations shall include tests of physical  
5 qualifications and health. No person shall be appointed to the  
6 police or fire department if he or she has suffered the  
7 amputation of any limb unless the applicant's duties will be  
8 only clerical or as a radio operator. No applicant shall be  
9 examined concerning his or her political or religious opinions  
10 or affiliations. The examinations shall be conducted by the  
11 board of fire and police commissioners of the municipality as  
12 provided in this Division 2.1.

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 11-6, 11-7, 11-9,  
24 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6, 12-15, 14-4,  
25 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4, 31-6, 31-7,  
26 32-1, 32-2, 32-3, 32-4, 32-8, and subsections (1), (6) and (8)

1 of Section 24-1 of the Criminal Code of 1961 or arrest for any  
2 cause without conviction on that cause. Any such person who is  
3 in the department may be removed on charges brought and after a  
4 trial as provided in this Division 2.1.

5 (Source: P.A. 94-29, eff. 6-14-05; 94-984, eff. 6-30-06.)