



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

**HB4417**

Introduced 1/11/2008, by Rep. Elizabeth Coulson

#### SYNOPSIS AS INTRODUCED:

65 ILCS 5/10-2.1-6  
65 ILCS 5/10-2.1-14

from Ch. 24, par. 10-2.1-6  
from Ch. 24, par. 10-2.1-14

Amends the Illinois Municipal Code. Provides that a board of fire and police commissioners may waive portions of the required examination for applicants who have previously been full-time sworn officers of a regular fire or police department of any municipality in the State. Provides that a board of fire and police commissioners may prepare and keep a second register of persons who have previously been full-time sworn officers of a regular fire or police department of any municipality in the State. Provides that persons on the second register shall take rank upon the register as candidates in the order of their relative excellence as determined by members of the board of fire and police commissioners.

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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 10-2.1-6 and 10-2.1-14 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. A board of fire and police  
6 commissioners may, by its rules, waive portions of the required  
7 examination for applicants who have previously been full-time  
8 sworn officers of a regular fire or police department of any  
9 municipality in the State. No person shall be appointed to the  
10 police or fire department if he or she has suffered the  
11 amputation of any limb unless the applicant's duties will be  
12 only clerical or as a radio operator. No applicant shall be  
13 examined concerning his or her political or religious opinions  
14 or affiliations. The examinations shall be conducted by the  
15 board of fire and police commissioners of the municipality as  
16 provided in this Division 2.1.

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

21 (j) No person shall be appointed to the police or fire  
22 department unless he or she is a person of good character and  
23 not an habitual drunkard, gambler, or a person who has been  
24 convicted of a felony or a crime involving moral turpitude. No  
25 person, however, shall be disqualified from appointment to the  
26 fire department because of his or her record of misdemeanor

1 convictions except those under Sections 11-6, 11-7, 11-9,  
2 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6, 12-15, 14-4,  
3 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4, 31-6, 31-7,  
4 32-1, 32-2, 32-3, 32-4, 32-8, and subsections (1), (6) and (8)  
5 of Section 24-1 of the Criminal Code of 1961 or arrest for any  
6 cause without conviction on that cause. Any such person who is  
7 in the department may be removed on charges brought and after a  
8 trial as provided in this Division 2.1.

9 (Source: P.A. 94-29, eff. 6-14-05; 94-984, eff. 6-30-06;  
10 95-165, eff. 1-1-08.)

11 (65 ILCS 5/10-2.1-14) (from Ch. 24, par. 10-2.1-14)

12 Sec. 10-2.1-14. Register of eligibles. The board of fire  
13 and police commissioners shall prepare and keep a register of  
14 persons whose general average standing, upon examination, is  
15 not less than the minimum fixed by the rules of the board, and  
16 who are otherwise eligible. These persons shall take rank upon  
17 the register as candidates in the order of their relative  
18 excellence as determined by examination, without reference to  
19 priority of time of examination. The board of fire and police  
20 commissioners may prepare and keep a second register of persons  
21 who have previously been full-time sworn officers of a regular  
22 fire or police department of any municipality in the State. The  
23 persons on this list shall take rank upon the register as  
24 candidates in the order of their relative excellence as  
25 determined by members of the board of fire and police

1 commissioners. Applicants who have been awarded a certificate  
2 attesting to their successful completion of the Minimum  
3 Standards Basic Law Enforcement Training Course, as provided in  
4 the Illinois Police Training Act, may be given preference in  
5 appointment over noncertified applicants. Applicants for  
6 appointment to fire departments who are licensed as an EMT-B,  
7 EMT-I, or EMT-P under the Emergency Medical Services (EMS)  
8 Systems Act, may be given preference in appointment over  
9 non-licensed applicants.

10 Within 60 days after each examination, an eligibility list  
11 shall be posted by the board, which shall show the final grades  
12 of the candidates without reference to priority of time of  
13 examination and subject to claim for military credit.  
14 Candidates who are eligible for military credit shall make a  
15 claim in writing within 10 days after the posting of the  
16 eligibility list or such claim shall be deemed waived.  
17 Appointment shall be subject to a final physical examination.

18 If a person is placed on an eligibility list and becomes  
19 overage before he or she is appointed to a police or fire  
20 department, the person remains eligible for appointment until  
21 the list is abolished pursuant to authorized procedures.  
22 Otherwise no person who has attained the age of 36 years shall  
23 be inducted as a member of a police department and no person  
24 who has attained the age of 35 years shall be inducted as a  
25 member of a fire department, except as otherwise provided in  
26 this division.

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1 (Source: P.A. 94-281, eff. 1-1-06.)