



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB1908

Introduced 2/15/2013, by Sen. Jason A. Barickman

SYNOPSIS AS INTRODUCED:

65 ILCS 5/10-2.1-6

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

Amends the Illinois Municipal Code. In a Section regarding examination of applications for a position in either the fire or police department of a municipality, provides that the requirement that an applicant possess an associate's degree shall be waived if one or more of the following applies: (1) the applicant has served for 24 months of honorable active duty in the United States Armed Forces and has not been discharged dishonorably or under circumstances other than honorable or (2) the applicant has served for 180 days of active duty in the United States Armed Forces in combat duty recognized by the Department of Defense. Provides that the requirement that an applicant possess a bachelor's degree shall be waived if one or more of the following applies: (1) the applicant has served for 36 months of honorable active duty in the United States Armed Forces and has not been discharged dishonorably or under circumstances other than honorable or (2) the applicant has served for 180 days of active duty in the United States Armed Forces in combat duty recognized by the Department of Defense. Effective immediately.

LRB098 08317 OMW 40962 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 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. With respect to a police department, a
20 veteran shall be allowed to exceed the maximum age provision of
21 this Section by the number of years served on active military
22 duty, but by no more than 10 years of active military duty.

23 (b) Residency requirements in effect at the time an

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

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

18 (d) The age limitation in subsection (a) does not apply (i)
19 to any person previously employed as a policeman or fireman in
20 a regularly constituted police or fire department of (I) any
21 municipality, regardless of whether the municipality is
22 located in Illinois or in another state, or (II) a fire
23 protection district whose obligations were assumed by a
24 municipality under Section 21 of the Fire Protection District
25 Act, (ii) to any person who has served a municipality as a
26 regularly enrolled volunteer fireman for 5 years immediately

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

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

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

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

26 (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. A board of fire and police
11 commissioners may, by its rules, waive portions of the required
12 examination for police applicants who have previously been
13 full-time sworn officers of a regular police department in any
14 municipal, county, university, or State law enforcement
15 agency, provided they are certified by the Illinois Law
16 Enforcement Training Standards Board and have been with their
17 respective law enforcement agency within the State for at least
18 2 years. No person shall be appointed to the police or fire
19 department if he or she has suffered the amputation of any limb
20 unless the applicant's duties will be only clerical or as a
21 radio operator. No applicant shall be examined concerning his
22 or her political or religious opinions or affiliations. The
23 examinations shall be conducted by the board of fire and police
24 commissioners of the municipality as provided in this Division
25 2.1.

26 The requirement that an applicant possess an associate's

1 degree under this subsection shall be waived if one or more of
2 the following applies: (1) the applicant has served for 24
3 months of honorable active duty in the United States Armed
4 Forces and has not been discharged dishonorably or under
5 circumstances other than honorable or (2) the applicant has
6 served for 180 days of active duty in the United States Armed
7 Forces in combat duty recognized by the Department of Defense.

8 The requirement that an applicant possess a bachelor's
9 degree under this subsection shall be waived if one or more of
10 the following applies: (1) the applicant has served for 36
11 months of honorable active duty in the United States Armed
12 Forces and has not been discharged dishonorably or under
13 circumstances other than honorable or (2) the applicant has
14 served for 180 days of active duty in the United States Armed
15 Forces in combat duty recognized by the Department of Defense.

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

20 (j) No person shall be appointed to the police or fire
21 department unless he or she is a person of good character and
22 not an habitual drunkard, gambler, or a person who has been
23 convicted of a felony or a crime involving moral turpitude. No
24 person, however, shall be disqualified from appointment to the
25 fire department because of his or her record of misdemeanor
26 convictions except those under Sections 11-1.50, 11-6, 11-7,

1 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2,
2 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3,
3 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8,
4 subdivisions (a)(1) and (a)(2)(C) of Section 11-14.3, and
5 subsections (1), (6) and (8) of Section 24-1 of the Criminal
6 Code of 1961 or the Criminal Code of 2012, or arrest for any
7 cause without conviction on that cause. Any such person who is
8 in the department may be removed on charges brought and after a
9 trial as provided in this Division 2.1.

10 (Source: P.A. 96-472, eff. 8-14-09; 96-1551, eff. 7-1-11;
11 97-1150, eff. 1-25-13.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.