



Rep. Josh Harms

**Filed: 5/9/2013**

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LRB098 08317 OMW 45653 a

1 AMENDMENT TO SENATE BILL 1908

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1908, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

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

7 (65 ILCS 5/10-2.1-6) (from Ch. 24, par. 10-2.1-6)

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

10 (a) All applicants for a position in either the fire or  
11 police department of the municipality shall be under 35 years  
12 of age, shall be subject to an examination that shall be  
13 public, competitive, and open to all applicants (unless the  
14 council or board of trustees by ordinance limit applicants to  
15 electors of the municipality, county, state or nation) and  
16 shall be subject to reasonable limitations as to residence,

1 health, habits, and moral character. The municipality may not  
2 charge or collect any fee from an applicant who has met all  
3 prequalification standards established by the municipality for  
4 any such position. With respect to a police department, a  
5 veteran shall be allowed to exceed the maximum age provision of  
6 this Section by the number of years served on active military  
7 duty, but by no more than 10 years of active military duty.

8 (b) Residency requirements in effect at the time an  
9 individual enters the fire or police service of a municipality  
10 (other than a municipality that has more than 1,000,000  
11 inhabitants) cannot be made more restrictive for that  
12 individual during his period of service for that municipality,  
13 or be made a condition of promotion, except for the rank or  
14 position of Fire or Police Chief.

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

26 (d) The age limitation in subsection (a) does not apply (i)

1 to any person previously employed as a policeman or fireman in  
2 a regularly constituted police or fire department of (I) any  
3 municipality, regardless of whether the municipality is  
4 located in Illinois or in another state, or (II) a fire  
5 protection district whose obligations were assumed by a  
6 municipality under Section 21 of the Fire Protection District  
7 Act, (ii) to any person who has served a municipality as a  
8 regularly enrolled volunteer fireman for 5 years immediately  
9 preceding the time that municipality begins to use full time  
10 firemen to provide all or part of its fire protection service,  
11 or (iii) to any person who has served as an auxiliary police  
12 officer under Section 3.1-30-20 for at least 5 years and is  
13 under 40 years of age, (iv) to any person who has served as a  
14 deputy under Section 3-6008 of the Counties Code and otherwise  
15 meets necessary training requirements, or (v) to any person who  
16 has served as a sworn officer as a member of the Illinois  
17 Department of State Police.

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

26 (f) Applicants who are 18 years of age and who have

1 successfully completed 2 years of study in fire techniques,  
2 amounting to a total of 4 high school credits, within the cadet  
3 program of a municipality may be considered for appointment to  
4 active duty with the fire department of any municipality.

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

8 (h) The examinations shall be practical in character and  
9 relate to those matters that will fairly test the capacity of  
10 the persons examined to discharge the duties of the positions  
11 to which they seek appointment. No person shall be appointed to  
12 the police or fire department if he or she does not possess a  
13 high school diploma or an equivalent high school education. A  
14 board of fire and police commissioners may, by its rules,  
15 require police applicants to have obtained an associate's  
16 degree or a bachelor's degree as a prerequisite for employment.  
17 The examinations shall include tests of physical  
18 qualifications and health. A board of fire and police  
19 commissioners may, by its rules, waive portions of the required  
20 examination for police applicants who have previously been  
21 full-time sworn officers of a regular police department in any  
22 municipal, county, university, or State law enforcement  
23 agency, provided they are certified by the Illinois Law  
24 Enforcement Training Standards Board and have been with their  
25 respective law enforcement agency within the State for at least  
26 2 years. No person shall be appointed to the police or fire

1 department if he or she has suffered the amputation of any limb  
2 unless the applicant's duties will be only clerical or as a  
3 radio operator. No applicant shall be examined concerning his  
4 or her political or religious opinions or affiliations. The  
5 examinations shall be conducted by the board of fire and police  
6 commissioners of the municipality as provided in this Division  
7 2.1.

8 The requirement that a police applicant possess an  
9 associate's degree under this subsection may be waived if one  
10 or more of the following applies: (1) the applicant has served  
11 for 24 months of honorable active duty in the United States  
12 Armed 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 and has not been discharged dishonorably or under circumstances  
17 other than honorable.

18 The requirement that a police applicant possess a  
19 bachelor's degree under this subsection may be waived if one or  
20 more of the following applies: (1) the applicant has served for  
21 36 months of honorable active duty in the United States Armed  
22 Forces and has not been discharged dishonorably or under  
23 circumstances other than honorable or (2) the applicant has  
24 served for 180 days of active duty in the United States Armed  
25 Forces in combat duty recognized by the Department of Defense  
26 and has not been discharged dishonorably or under circumstances

1 other than honorable.

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

6 (j) No person shall be appointed to the police or fire  
7 department unless he or she is a person of good character and  
8 not an habitual drunkard, gambler, or a person who has been  
9 convicted of a felony or a crime involving moral turpitude. No  
10 person, however, shall be disqualified from appointment to the  
11 fire department because of his or her record of misdemeanor  
12 convictions except those under Sections 11-1.50, 11-6, 11-7,  
13 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2,  
14 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3,  
15 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8,  
16 subdivisions (a)(1) and (a)(2)(C) of Section 11-14.3, and  
17 subsections (1), (6) and (8) of Section 24-1 of the Criminal  
18 Code of 1961 or the Criminal Code of 2012, or arrest for any  
19 cause without conviction on that cause. Any such person who is  
20 in the department may be removed on charges brought and after a  
21 trial as provided in this Division 2.1.

22 (Source: P.A. 96-472, eff. 8-14-09; 96-1551, eff. 7-1-11;  
23 97-1150, eff. 1-25-13.)

24 Section 99. Effective date. This Act takes effect upon  
25 becoming law."