



Sen. Jason A. Barickman

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LRB098 08317 OMW 43176 a

1 AMENDMENT TO SENATE BILL 1908

2 AMENDMENT NO. _____. Amend Senate Bill 1908 by replacing
3 everything after the enacting clause with the following:

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

1 charge or collect any fee from an applicant who has met all
2 prequalification standards established by the municipality for
3 any such position. With respect to a police department, a
4 veteran shall be allowed to exceed the maximum age provision of
5 this Section by the number of years served on active military
6 duty, but by no more than 10 years of active military duty.

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

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

25 (d) The age limitation in subsection (a) does not apply (i)
26 to any person previously employed as a policeman or fireman in

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

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

25 (f) Applicants who are 18 years of age and who have
26 successfully completed 2 years of study in fire techniques,

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

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

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

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

7 The requirement that a police applicant possess an
8 associate's degree under this subsection shall be waived if one
9 or more of the following applies: (1) the applicant has served
10 for 24 months of honorable active duty in the United States
11 Armed Forces and has not been discharged dishonorably or under
12 circumstances other than honorable or (2) the applicant has
13 served for 180 days of active duty in the United States Armed
14 Forces in combat duty recognized by the Department of Defense.

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

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

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

17 (Source: P.A. 96-472, eff. 8-14-09; 96-1551, eff. 7-1-11;
18 97-1150, eff. 1-25-13.)

19 Section 99. Effective date. This Act takes effect upon
20 becoming law."