

1 AN ACT concerning police and fire-fighters, amending
2 named Acts.

3 Be it enacted by the People of the State of Illinois,
4 represented in the General Assembly:

5 Section 5. The Illinois Municipal Code is amended by
6 changing Sections 10-1-7, 10-1-12, 10-2.1-6, and 10-2.1-14 as
7 follows:

8 (65 ILCS 5/10-1-7) (from Ch. 24, par. 10-1-7)

9 Sec. 10-1-7. Examination of applicants;
10 disqualifications.

11 (a) All applicants for offices or places in the
12 classified service, except those mentioned in Section
13 10-1-17, are subject to examination. The examination shall
14 be public, competitive, and open to all citizens of the
15 United States, with specified limitations as to residence,
16 age, health, habits and moral character.

17 (b) Residency requirements in effect at the time an
18 individual enters the fire or police service of a
19 municipality (other than a municipality that has more than
20 1,000,000 inhabitants) cannot be made more restrictive for
21 that individual during his or her period of service for that
22 municipality, or be made a condition of promotion, except for
23 the rank or position of Fire or Police Chief.

24 (c) No person with a record of misdemeanor convictions
25 except those under Sections 11-6, 11-7, 11-9, 11-14, 11-15,
26 11-17, 11-18, 11-19, 12-2, 12-6, 12-15, 14-4, 16-1, 21.1-3,
27 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4, 31-6, 31-7, 32-1, 32-2,
28 32-3, 32-4, 32-8, and subsections (1), (6) and (8) of Section
29 24-1 of the Criminal Code of 1961 or arrested for any cause
30 but not convicted on that cause shall be disqualified from
31 taking the examination on grounds of habits or moral

1 character, unless the person is attempting to qualify for a
2 position on the police department, in which case the
3 conviction or arrest may be considered as a factor in
4 determining the person's habits or moral character.

5 (d) Persons entitled to military preference under
6 Section 10-1-16 shall not be subject to limitations
7 specifying age unless they are applicants for a position as a
8 fireman or a policeman having no previous employment status
9 as a fireman or policeman in the regularly constituted fire
10 or police department of the municipality, in which case they
11 must not have attained their 35th birthday, except any person
12 who has served as an auxiliary policeman under Section
13 3.1-30-20 for at least 5 years and is under 40 years of age.

14 (d-5) Age limitations under subsection (d) shall not
15 apply to any person who has served full-time in the military
16 for at least 10 years and who is 45 years of age or under.

17 (e) All employees of a municipality of less than 500,000
18 population (except those who would be excluded from the
19 classified service as provided in this Division 1) who are
20 holding that employment as of the date a municipality adopts
21 this Division 1, or as of July 17, 1959, whichever date is
22 the later, and who have held that employment for at least 2
23 years immediately before that later date, and all firemen and
24 policemen regardless of length of service who were either
25 appointed to their respective positions by the board of fire
26 and police commissioners under the provisions of Division 2
27 of this Article or who are serving in a position (except as a
28 temporary employee) in the fire or police department in the
29 municipality on the date a municipality adopts this Division
30 1, or as of July 17, 1959, whichever date is the later, shall
31 become members of the classified civil service of the
32 municipality without examination.

33 (f) The examinations shall be practical in their
34 character, and shall relate to those matters that will fairly

1 test the relative capacity of the persons examined to
2 discharge the duties of the positions to which they seek to
3 be appointed. The examinations shall include tests of
4 physical qualifications, health, and (when appropriate)
5 manual skill. If an applicant is unable to pass the physical
6 examination solely as the result of an injury received by the
7 applicant as the result of the performance of an act of duty
8 while working as a temporary employee in the position for
9 which he or she is being examined, however, the physical
10 examination shall be waived and the applicant shall be
11 considered to have passed the examination. No questions in
12 any examination shall relate to political or religious
13 opinions or affiliations. Results of examinations and the
14 eligible registers prepared from the results shall be
15 published by the commission within 60 days after any
16 examinations are held.

17 (g) The commission shall control all examinations, and
18 may, whenever an examination is to take place, designate a
19 suitable number of persons, either in or not in the official
20 service of the municipality, to be examiners. The examiners
21 shall conduct the examinations as directed by the commission
22 and shall make a return or report of the examinations to the
23 commission. If the appointed examiners are in the official
24 service of the municipality, the examiners shall not receive
25 extra compensation for conducting the examinations. The
26 commission may at any time substitute any other person,
27 whether or not in the service of the municipality, in the
28 place of any one selected as an examiner. The commission
29 members may themselves at any time act as examiners without
30 appointing examiners. The examiners at any examination shall
31 not all be members of the same political party.

32 (h) In municipalities of 500,000 or more population, no
33 person who has attained his or her 35th birthday shall be
34 eligible to take an examination for a position as a fireman

1 or a policeman unless the person has had previous employment
2 status as a policeman or fireman in the regularly constituted
3 police or fire department of the municipality, except as
4 provided in this Section.

5 (i) In municipalities of more than 5,000 but not more
6 than 200,000 inhabitants, no person who has attained his or
7 her 35th birthday shall be eligible to take an examination
8 for a position as a fireman or a policeman unless the person
9 has had previous employment status as a policeman or fireman
10 in the regularly constituted police or fire department of the
11 municipality, except as provided in this Section.

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

20 (k) In municipalities of more than 500,000 population,
21 applications for examination for and appointment to positions
22 as firefighters or police shall be made available at various
23 branches of the public library of the municipality.

24 (l) No municipality having a population less than
25 1,000,000 shall require that any fireman appointed to the
26 lowest rank serve a probationary employment period of longer
27 than one year. The limitation on periods of probationary
28 employment provided in this amendatory Act of 1989 is an
29 exclusive power and function of the State. Pursuant to
30 subsection (h) of Section 6 of Article VII of the Illinois
31 Constitution, a home rule municipality having a population
32 less than 1,000,000 must comply with this limitation on
33 periods of probationary employment, which is a denial and
34 limitation of home rule powers. Notwithstanding anything to

1 the contrary in this Section, the probationary employment
2 period limitation shall not apply to a fireman whose position
3 also includes paramedic responsibilities.

4 (Source: P.A. 86-990; 87-1119.)

5 (65 ILCS 5/10-1-12) (from Ch. 24, par. 10-1-12)

6 Sec. 10-1-12. Register; eligibility list. From the
7 returns or reports of the examiners, or from the examinations
8 made by the commission, the commission shall prepare a
9 register for each grade or class of positions in the
10 classified service of such municipality of the persons whose
11 general average standing upon examination for such grade or
12 class is not less than the minimum fixed by the rules of such
13 commission, and who are otherwise eligible. Such persons
14 shall take rank upon the register as candidates in the order
15 of their relative excellence as determined by examination,
16 without reference to priority of time of examination.

17 Within 60 days after each examination, an eligibility
18 list shall be posted by the Commission, which shall show the
19 final grades of the candidates without reference to priority
20 of time of examination and subject to claim for military
21 credit. Candidates who are eligible for military credit
22 shall make a claim in writing within 10 days after posting of
23 the eligibility list or such claim shall be deemed waived.
24 Appointment shall be subject to a final physical examination.

25 If a person is placed on an eligibility list and becomes
26 overage before he or she is appointed to a police or fire
27 department, the person remains eligible for appointment until
28 the list is abolished pursuant to authorized procedures.
29 Otherwise no person who has attained the age of 36 years
30 shall be inducted as a member of a police department and no
31 person who has attained the age of 35 years shall be inducted
32 as a member of a fire department, except that a person who
33 has served full-time in the military for at least 10 years

1 and who is 45 years of age or under may be inducted as a
2 member of a police or fire department and except as otherwise
3 provided in this Division.

4 (Source: P.A. 89-52, eff. 6-30-95; 90-481, eff. 8-17-97.)

5 (65 ILCS 5/10-2.1-6) (from Ch. 24, par. 10-2.1-6)
6 Sec. 10-2.1-6. Examination of applicants;
7 disqualifications.

8 (a) All applicants for a position in either the fire or
9 police department of the municipality shall be under 35 years
10 of age, shall be subject to an examination that shall be
11 public, competitive, and open to all applicants (unless the
12 council or board of trustees by ordinance limit applicants to
13 electors of the municipality, county, state or nation) and
14 shall be subject to reasonable limitations as to residence,
15 health, habits, and moral character. The municipality may
16 not charge or collect any fee from an applicant who has met
17 all prequalification standards established by the
18 municipality for any such position.

19 (b) Residency requirements in effect at the time an
20 individual enters the fire or police service of a
21 municipality (other than a municipality that has more than
22 1,000,000 inhabitants) cannot be made more restrictive for
23 that individual during his period of service for that
24 municipality, or be made a condition of promotion, except for
25 the rank or position of Fire or Police Chief.

26 (c) No person with a record of misdemeanor convictions
27 except those under Sections 11-6, 11-7, 11-9, 11-14, 11-15,
28 11-17, 11-18, 11-19, 12-2, 12-6, 12-15, 14-4, 16-1, 21.1-3,
29 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4, 31-6, 31-7, 32-1, 32-2,
30 32-3, 32-4, 32-8, and subsections (1), (6) and (8) of Section
31 24-1 of the Criminal Code of 1961 or arrested for any cause
32 but not convicted on that cause shall be disqualified from
33 taking the examination to qualify for a position in the fire

1 department on grounds of habits or moral character.

2 (d) The age limitation in subsection (a) does not apply
3 (i) to any person previously employed as a policeman or
4 fireman in a regularly constituted police or fire department
5 of (I) any municipality or (II) a fire protection district
6 whose obligations were assumed by a municipality under
7 Section 21 of the Fire Protection District Act, (ii) to any
8 person who has served a municipality as a regularly enrolled
9 volunteer fireman for 5 years immediately preceding the time
10 that municipality begins to use full time firemen to provide
11 all or part of its fire protection service, ~~or~~ (iii) to any
12 person who has served as an auxiliary policeman under Section
13 3.1-30-20 for at least 5 years and is under 40 years of age,
14 or (iv) to any person who has served full-time in the
15 military for at least 10 years and who is 45 years of age or
16 under.

17 (e) Applicants who are 20 years of age and who have
18 successfully completed 2 years of law enforcement studies at
19 an 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
22 to 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,
27 amounting to a total of 4 high school credits, within the
28 cadet program of a municipality may be considered for
29 appointment to active duty with the fire department of any
30 municipality.

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

34 (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
4 to the police or fire department if he or she does not
5 possess a high school diploma or an equivalent high school
6 education. A board of fire and police commissioners may, by
7 its rules, require police applicants to have obtained an
8 associate's degree or a bachelor's degree as a prerequisite
9 for employment. The examinations shall include tests of
10 physical qualifications and health. No person shall be
11 appointed to the police or fire department if he or she has
12 suffered the amputation of any limb unless the applicant's
13 duties will be only clerical or as a radio operator. No
14 applicant shall be examined concerning his or her political
15 or religious opinions or affiliations. The examinations
16 shall be conducted by the board of fire and police
17 commissioners of the municipality as provided in this
18 Division 2.1.

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

23 (j) No person shall be appointed to the police or fire
24 department unless he or she is a person of good character and
25 not an habitual drunkard, gambler, or a person who has been
26 convicted of a felony or a crime involving moral turpitude.
27 No person, however, shall be disqualified from appointment to
28 the fire department because of his or her record of
29 misdemeanor convictions except those under Sections 11-6,
30 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6,
31 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1,
32 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and
33 subsections (1), (6) and (8) of Section 24-1 of the Criminal
34 Code of 1961 or arrest for any cause without conviction on

1 that cause. Any such person who is in the department may be
2 removed on charges brought and after a trial as provided in
3 this Division 2.1.

4 (Source: P.A. 89-52, eff. 6-30-95; 90-445, eff. 8-16-97;
5 90-481, eff. 8-17-97; 90-655, eff. 7-30-98.)

6 (65 ILCS 5/10-2.1-14) (from Ch. 24, par. 10-2.1-14)

7 Sec. 10-2.1-14. Register of eligibles. The board of fire
8 and police commissioners shall prepare and keep a register of
9 persons whose general average standing, upon examination, is
10 not less than the minimum fixed by the rules of the board,
11 and who are otherwise eligible. These persons shall take
12 rank upon the register as candidates in the order of their
13 relative excellence as determined by examination, without
14 reference to priority of time of examination. Applicants who
15 have been awarded a certificate attesting to their successful
16 completion of the Minimum Standards Basic Law Enforcement
17 Training Course, as provided in the Illinois Police Training
18 Act, may be given preference in appointment over noncertified
19 applicants.

20 Within 60 days after each examination, an eligibility
21 list shall be posted by the board, which shall show the final
22 grades of the candidates without reference to priority of
23 time of examination and subject to claim for military credit.
24 Candidates who are eligible for military credit shall make a
25 claim in writing within 10 days after the posting of the
26 eligibility list or such claim shall be deemed waived.
27 Appointment shall be subject to a final physical examination.

28 If a person is placed on an eligibility list and becomes
29 overage before he or she is appointed to a police or fire
30 department, the person remains eligible for appointment until
31 the list is abolished pursuant to authorized procedures.
32 Otherwise no person who has attained the age of 36 years
33 shall be inducted as a member of a police department and no

1 person who has attained the age of 35 years shall be inducted
2 as a member of a fire department, except that a person who
3 has served full-time in the military for at least 10 years
4 and who is 45 years of age or under may be inducted as a
5 member of a police or fire department and except as otherwise
6 provided in this Division.

7 (Source: P.A. 89-52, eff. 6-30-95; 90-455, eff. 8-16-97;
8 90-481, eff. 8-17-97; 90-655, eff. 7-30-98.)

9 Section 10. The Fire Protection District Act is amended
10 by changing Section 16.06 as follows:

11 (70 ILCS 705/16.06) (from Ch. 127 1/2, par. 37.06)

12 Sec. 16.06. All applicants for a position in the fire
13 department of the fire protection district shall be under 35
14 years of age and shall be subjected to examination, which
15 shall be public, competitive, and free to all applicants,
16 subject to reasonable limitations as to health, habits, and
17 moral character; provided that the foregoing age limitation
18 shall not apply (i) in the case of any person having previous
19 employment status as a fireman in a regularly constituted
20 fire department of any fire protection district or (ii) in
21 the case of any person who has served full-time in the
22 military for at least 10 years and who is 45 years of age or
23 under, and further provided that each fireman or fire chief
24 who is a member in good standing in a regularly constituted
25 fire department of any municipality which shall be or shall
26 have subsequently been included within the boundaries of any
27 fire protection district now or hereafter organized shall be
28 given a preference for original appointment in the same
29 class, grade or employment over all other applicants. The
30 examinations shall be practical in their character and shall
31 relate to those matters which will fairly test the persons
32 examined as to their relative capacity to discharge the

1 duties of the positions to which they seek appointment. The
2 examinations shall include tests of physical qualifications
3 and health. No applicant, however, shall be examined
4 concerning his political or religious opinions or
5 affiliations. The examinations shall be conducted by the
6 board of fire commissioners.

7 (Source: P.A. 89-52, eff. 6-30-95; 90-481, eff. 8-17-97.)

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.