



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB1033

Introduced 1/9/2025, by Rep. John M. Cabello

#### SYNOPSIS AS INTRODUCED:

55 ILCS 5/3-6033	from Ch. 34, par. 3-6033
55 ILCS 5/3-7008	from Ch. 34, par. 3-7008
65 ILCS 5/10-1-7	from Ch. 24, par. 10-1-7
65 ILCS 5/10-2.1-6	from Ch. 24, par. 10-2.1-6

Amends the Counties Code. Restores certain provisions of the Counties Code and the Illinois Municipal Code concerning citizenship of employees of a sheriff's department and police officer applicants to the form in which they existed before their amendment by Public Act 103-357. Effective immediately.

LRB104 03479 RTM 13502 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 3. The Counties Code is amended by changing  
5 Sections 3-6033 and 3-7008 as follows:

6 (55 ILCS 5/3-6033) (from Ch. 34, par. 3-6033)

7 Sec. 3-6033. Citizenship and residence. ~~The~~ It is unlawful  
8 for the sheriff of any county of fewer than 1,000,000  
9 inhabitants, or the corporate authorities of any ~~municipality~~  
10 ~~may~~ city, town or village to authorize, empower, employ, or  
11 permit ~~a~~ any person to act as deputy sheriff or special  
12 policeman for the purpose of preserving the peace, who is not a  
13 citizen of the United States, ~~who is legally authorized under~~  
14 ~~federal law to work in the United States and is authorized~~  
15 ~~under federal law to obtain, carry, or purchase or otherwise~~  
16 ~~possess a firearm, or who is an individual against whom~~  
17 ~~immigration action has been deferred by the U.S. Citizenship~~  
18 ~~and Immigration Services under the federal Deferred Action for~~  
19 ~~Childhood Arrivals (DACA) process and is authorized under~~  
20 ~~federal law to obtain, carry, or purchase or otherwise possess~~  
21 ~~a firearm.~~

22 (Source: P.A. 86-962; 87-357; 103-357, eff. 1-1-24.)

1 (55 ILCS 5/3-7008) (from Ch. 34, par. 3-7008)

2 Sec. 3-7008. Appointments. The appointment of deputy  
3 sheriffs in the Police Department, full-time deputy sheriffs  
4 not employed as county police officers or county corrections  
5 officers and of employees in the Department of Corrections  
6 shall be made from those applicants who have been certified by  
7 the Board as being qualified for appointment. Certification  
8 for appointment in one department shall not constitute  
9 certification for appointment in another department.  
10 Certification may be made at any point prior to appointment  
11 and may be made in conjunction with the Sheriff's application  
12 process. All persons so appointed shall, at the time of their  
13 appointment, be not less than 21 years of age, or 20 years of  
14 age and have successfully completed 2 years of law enforcement  
15 studies at an accredited college or university. Any person  
16 appointed subsequent to successful completion of 2 years of  
17 such law enforcement studies shall not have power of arrest,  
18 nor shall he or she be permitted to carry firearms, until he or  
19 she reaches 21 years of age. ~~Any person appointed shall be a~~  
20 ~~citizen of the United States, an individual who is legally~~  
21 ~~authorized to work in the United States under federal law and~~  
22 ~~is authorized under federal law to obtain, carry, or purchase~~  
23 ~~or otherwise possess a firearm, or an individual against whom~~  
24 ~~immigration action has been deferred by the U.S. Citizenship~~  
25 ~~and Immigration Services under the federal Deferred Action for~~  
26 ~~Childhood Arrivals (DACA) process and who is authorized under~~

1 ~~federal law to obtain, carry, or purchase or otherwise possess~~  
2 ~~a firearm.~~ In addition, all persons so appointed shall be not  
3 more than the maximum age limit fixed by the Board from time to  
4 time, be of sound mind and body, be of good moral character, be  
5 citizens of the United States, have not been convicted of a  
6 crime which the Board considers to be detrimental to the  
7 applicant's ability to carry out his or her duties, possess  
8 such prerequisites of training, education and experience as  
9 the Board may from time to time prescribe, and shall be  
10 required to pass successfully mental, physical, psychiatric  
11 and other tests and examinations as may be prescribed by the  
12 Board. Preference shall be given in such appointments to  
13 persons who have honorably served in the military or naval  
14 services of the United States. All appointees shall serve a  
15 probationary period of 12 months and during that period may be  
16 discharged at the will of the Sheriff. However, civil service  
17 employees of the house of correction who have certified status  
18 at the time of the transfer of the house of correction to the  
19 County Department of Corrections are not subject to this  
20 probationary period, and they shall retain their job titles,  
21 such tenure privileges as are now enjoyed and any subsequent  
22 title changes shall not cause reduction in rank or elimination  
23 of positions.

24 An applicant who is a veteran, as that term is defined in  
25 38 U.S.C. 101(2), who was discharged honorably or generally  
26 under honorable conditions no later than 6 months before

1 applying may request examination to occur before the next  
2 scheduled examination date and, if requested, may be examined  
3 as soon as possible prior to the next examination date  
4 following receipt of the application. Once the applicant  
5 passes the examination and all other requirements to be on an  
6 eligibility list, the applicant shall be immediately placed on  
7 the eligibility list. Nothing in this paragraph waives  
8 eligibility for the applicant to receive military preference  
9 points during the application process or employment.

10 (Source: P.A. 103-357, eff. 1-1-24; 103-623, eff. 1-1-25.)

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

13 (65 ILCS 5/10-1-7) (from Ch. 24, par. 10-1-7)

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

15 (a) All applicants for offices or places in the classified  
16 service, except those mentioned in Section 10-1-17, are  
17 subject to examination. The examination shall be public,  
18 competitive, and open to all citizens of the United States,  
19 with specified limitations as to residence, age, health,  
20 habits, and moral character. ~~An individual who is not a~~  
21 ~~citizen but is legally authorized to work in the United States~~  
22 ~~under federal law or is an individual against whom immigration~~  
23 ~~action has been deferred by the U.S. Citizenship and~~  
24 ~~Immigration Services under the federal Deferred Action for~~

1 ~~Childhood Arrivals (DACA) process is authorized to apply for~~  
2 ~~the position of police officer, subject to (i) all~~  
3 ~~requirements and limitations, other than citizenship, to which~~  
4 ~~other applicants are subject and (ii) the individual being~~  
5 ~~authorized under federal law to obtain, carry, or purchase or~~  
6 ~~otherwise possess a firearm.~~

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 or her period of service for that  
12 municipality, or be made a condition of promotion, except for  
13 the rank or 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,  
18 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8, subdivisions  
19 (a)(1) and (a)(2)(C) of Section 11-14.3, and paragraphs (1),  
20 (6), and (8) of subsection (a) of Section 24-1 of the Criminal  
21 Code of 1961 or the Criminal Code of 2012 or arrested for any  
22 cause but not convicted on that cause shall be disqualified  
23 from taking the examination on grounds of habits or moral  
24 character, unless the person is attempting to qualify for a  
25 position on the police department, in which case the  
26 conviction or arrest may be considered as a factor in

1 determining the person's habits or moral character.

2 (d) Persons entitled to military preference under Section  
3 10-1-16 shall not be subject to limitations specifying age  
4 unless they are applicants for a position as a fireman or a  
5 policeman having no previous employment status as a fireman or  
6 policeman in the regularly constituted fire or police  
7 department of the municipality, in which case they must not  
8 have attained their 35th birthday, except any person who has  
9 served as an auxiliary police officer under Section 3.1-30-20  
10 for at least 5 years and is under 40 years of age.

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

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

18           (g) The commission shall control all examinations, and  
19 may, whenever an examination is to take place, designate a  
20 suitable number of persons, either in or not in the official  
21 service of the municipality, to be examiners. The examiners  
22 shall conduct the examinations as directed by the commission  
23 and shall make a return or report of the examinations to the  
24 commission. If the appointed examiners are in the official  
25 service of the municipality, the examiners shall not receive  
26 extra compensation for conducting the examinations unless the

1 examiners are subject to a collective bargaining agreement  
2 with the municipality. The commission may at any time  
3 substitute any other person, whether or not in the service of  
4 the municipality, in the place of any one selected as an  
5 examiner. The commission members may themselves at any time  
6 act as examiners without appointing examiners. The examiners  
7 at any examination shall not all be members of the same  
8 political party.

9 (h) In municipalities of 500,000 or more population, no  
10 person who has attained his or her 35th birthday shall be  
11 eligible to take an examination for a position as a fireman or  
12 a policeman unless the person has had previous employment  
13 status as a policeman or fireman in the regularly constituted  
14 police or fire department of the municipality, except as  
15 provided in this Section.

16 (i) In municipalities of more than 5,000 but not more than  
17 200,000 inhabitants, no person who has attained his or her  
18 35th birthday shall be eligible to take an examination for a  
19 position as a fireman or a policeman unless the person has had  
20 previous employment status as a policeman or fireman in the  
21 regularly constituted police or fire department of the  
22 municipality, except as provided in this Section.

23 (j) In all municipalities, applicants who are 20 years of  
24 age and who have successfully completed 2 years of law  
25 enforcement studies at an accredited college or university may  
26 be considered for appointment to active duty with the police

1 department. An applicant described in this subsection (j) who  
2 is appointed to active duty shall not have power of arrest, nor  
3 shall the applicant be permitted to carry firearms, until he  
4 or she reaches 21 years of age.

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

9 (l) No municipality having a population less than  
10 1,000,000 shall require that any fireman appointed to the  
11 lowest rank serve a probationary employment period of longer  
12 than one year. The limitation on periods of probationary  
13 employment provided in Public Act 86-990 is an exclusive power  
14 and function of the State. Pursuant to subsection (h) of  
15 Section 6 of Article VII of the Illinois Constitution, a home  
16 rule municipality having a population less than 1,000,000 must  
17 comply with this limitation on periods of probationary  
18 employment, which is a denial and limitation of home rule  
19 powers. Notwithstanding anything to the contrary in this  
20 Section, the probationary employment period limitation may be  
21 extended for a firefighter who is required, as a condition of  
22 employment, to be a licensed paramedic, during which time the  
23 sole reason that a firefighter may be discharged without a  
24 hearing is for failing to meet the requirements for paramedic  
25 licensure.

26 (m) To the extent that this Section or any other Section in

1 this Division conflicts with Section 10-1-7.1 or 10-1-7.2,  
2 then Section 10-1-7.1 or 10-1-7.2 shall control.

3 (Source: P.A. 102-813, eff. 5-13-22; 103-357, eff. 1-1-24.)

4 (65 ILCS 5/10-2.1-6) (from Ch. 24, par. 10-2.1-6)

5 Sec. 10-2.1-6. Examination of applicants;  
6 disqualifications.

7 (a) All applicants for a position in either the fire or  
8 police department of the municipality shall be under 35 years  
9 of age, shall be subject to an examination that shall be  
10 public, competitive, and open to all applicants (unless the  
11 council or board of trustees by ordinance limit applicants to  
12 electors of the municipality, county, state, or nation) and  
13 shall be subject to reasonable limitations as to residence,  
14 health, habits, and moral character. ~~An individual who is not  
15 a citizen but is legally authorized to work in the United  
16 States under federal law or is an individual against whom  
17 immigration action has been deferred by the U.S. Citizenship  
18 and Immigration Services under the federal Deferred Action for  
19 Childhood Arrivals (DACA) process is authorized to apply for  
20 the position of police officer, subject to (i) all  
21 requirements and limitations, other than citizenship, to which  
22 other applicants are subject and (ii) the individual being  
23 authorized under federal law to obtain, carry, or purchase or  
24 otherwise possess a firearm.~~ The municipality may not charge  
25 or collect any fee from an applicant who has met all

1 prequalification standards established by the municipality for  
2 any such position. With respect to a police department, a  
3 veteran shall be allowed to exceed the maximum age provision  
4 of this Section by the number of years served on active  
5 military duty, but by no more than 10 years of active military  
6 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,  
18 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8, subdivisions  
19 (a)(1) and (a)(2)(C) of Section 11-14.3, and paragraphs (1),  
20 (6), and (8) of subsection (a) of Section 24-1 of the Criminal  
21 Code of 1961 or the Criminal Code of 2012, or arrested for any  
22 cause but not convicted on that cause shall be disqualified  
23 from taking the examination to qualify for a position in the  
24 fire department on grounds of habits or moral character.

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

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

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 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  
11 to the police or fire department if he or she does not possess  
12 a high school diploma or an equivalent high school education.  
13 A 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  
16 employment. 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  
19 required examination for police applicants who have previously  
20 been full-time sworn officers of a regular police department  
21 in any 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  
25 least 2 years. No person shall be appointed to the police or  
26 fire department if he or she has suffered the amputation of any

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

7 The requirement that a police applicant possess an  
8 associate's degree under this subsection may 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; (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 and has not been discharged dishonorably or under  
16 circumstances other than honorable; or (3) the applicant has  
17 successfully received credit for a minimum of 60 credit hours  
18 toward a bachelor's degree from an accredited college or  
19 university.

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

1 Forces in combat duty recognized by the Department of Defense  
2 and has not been discharged dishonorably or under  
3 circumstances other than honorable.

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

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

24 (Source: P.A. 102-538, eff. 8-20-21; 102-813, eff. 5-13-22;  
25 103-357, eff. 1-1-24.)

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.