



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB1776

Introduced 1/28/2025, by Rep. Barbara Hernandez

SYNOPSIS AS INTRODUCED:

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
70 ILCS 705/16.06d new	

Amends the Illinois Municipal Code and the Fire Protection District Act. Provides that an individual who is legally authorized to work in the United States under federal law is authorized to apply for the position of firefighter, subject to all requirements and limitations, other than citizenship, to which other applicants are subject. Effective January 1, 2026.

LRB104 09838 RTM 19906 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 Sections 10-1-7 and 10-2.1-6 as follows:

6 (65 ILCS 5/10-1-7) (from Ch. 24, par. 10-1-7)

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

8 (a) All applicants for offices or places in the classified
9 service, except those mentioned in Section 10-1-17, are
10 subject to examination. The examination shall be public,
11 competitive, and open to all citizens of the United States,
12 with specified limitations as to residence, age, health,
13 habits, and moral character. An individual who is legally
14 authorized to work in the United States under federal law is
15 authorized to apply for the position of firefighter, subject
16 to all requirements and limitations, other than citizenship,
17 to which other applicants are subject. An individual who is
18 not a citizen but is legally authorized to work in the United
19 States under federal law or is an individual against whom
20 immigration action has been deferred by the U.S. Citizenship
21 and Immigration Services under the federal Deferred Action for
22 Childhood Arrivals (DACA) process is authorized to apply for
23 the position of police officer, subject to (i) all

1 requirements and limitations, other than citizenship, to which
2 other applicants are subject and (ii) the individual being
3 authorized under federal law to obtain, carry, or purchase or
4 otherwise possess a firearm.

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

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

26 (d) Persons entitled to military preference under Section

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

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

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

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

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

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

14 (i) In municipalities of more than 5,000 but not more than
15 200,000 inhabitants, no person who has attained his or her
16 35th birthday shall be eligible to take an examination for a
17 position as a fireman or a policeman unless the person has had
18 previous employment status as a policeman or fireman in the
19 regularly constituted police or fire department of the
20 municipality, except as provided in this Section.

21 (j) In all municipalities, applicants who are 20 years of
22 age and who have successfully completed 2 years of law
23 enforcement studies at an accredited college or university may
24 be considered for appointment to active duty with the police
25 department. An applicant described in this subsection (j) who
26 is appointed to active duty shall not have power of arrest, nor

1 shall the applicant be permitted to carry firearms, until he
2 or she reaches 21 years of age.

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

7 (l) No municipality having a population less than
8 1,000,000 shall require that any fireman appointed to the
9 lowest rank serve a probationary employment period of longer
10 than one year. The limitation on periods of probationary
11 employment provided in Public Act 86-990 is an exclusive power
12 and function of the State. Pursuant to subsection (h) of
13 Section 6 of Article VII of the Illinois Constitution, a home
14 rule municipality having a population less than 1,000,000 must
15 comply with this limitation on periods of probationary
16 employment, which is a denial and limitation of home rule
17 powers. Notwithstanding anything to the contrary in this
18 Section, the probationary employment period limitation may be
19 extended for a firefighter who is required, as a condition of
20 employment, to be a licensed paramedic, during which time the
21 sole reason that a firefighter may be discharged without a
22 hearing is for failing to meet the requirements for paramedic
23 licensure.

24 (m) To the extent that this Section or any other Section in
25 this Division conflicts with Section 10-1-7.1 or 10-1-7.2,
26 then Section 10-1-7.1 or 10-1-7.2 shall control.

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

2 (65 ILCS 5/10-2.1-6) (from Ch. 24, par. 10-2.1-6)

3 Sec. 10-2.1-6. Examination of applicants;
4 disqualifications.

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

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

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

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

1 (d) The age limitation in subsection (a) does not apply
2 (i) to any person previously employed as a policeman or
3 fireman in a regularly constituted police or fire department
4 of (I) any municipality, regardless of whether the
5 municipality is located in Illinois or in another state, or
6 (II) a fire protection district whose obligations were assumed
7 by a municipality under Section 21 of the Fire Protection
8 District Act, (ii) to any person who has served a municipality
9 as a regularly enrolled volunteer fireman for 5 years
10 immediately preceding the time that municipality begins to use
11 full time firemen to provide all or part of its fire protection
12 service, or (iii) to any person who has served as an auxiliary
13 police officer under Section 3.1-30-20 for at least 5 years
14 and is under 40 years of age, (iv) to any person who has served
15 as a deputy under Section 3-6008 of the Counties Code and
16 otherwise meets necessary training requirements, or (v) to any
17 person who has served as a sworn officer as a member of the
18 Illinois State Police.

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

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

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

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

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

9 The requirement that a police applicant possess an
10 associate's degree under this subsection may be waived if one
11 or more of the following applies: (1) the applicant has served
12 for 24 months of honorable active duty in the United States
13 Armed Forces and has not been discharged dishonorably or under
14 circumstances other than honorable; (2) the applicant has
15 served for 180 days of active duty in the United States Armed
16 Forces in combat duty recognized by the Department of Defense
17 and has not been discharged dishonorably or under
18 circumstances other than honorable; or (3) the applicant has
19 successfully received credit for a minimum of 60 credit hours
20 toward a bachelor's degree from an accredited college or
21 university.

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

1 circumstances other than honorable or (2) the applicant has
2 served for 180 days of active duty in the United States Armed
3 Forces in combat duty recognized by the Department of Defense
4 and has not been discharged dishonorably or under
5 circumstances other than honorable.

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

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

26 (Source: P.A. 102-538, eff. 8-20-21; 102-813, eff. 5-13-22;

1 103-357, eff. 1-1-24.)

2 Section 10. The Fire Protection District Act is amended by
3 adding Section 16.06d as follows:

4 (70 ILCS 705/16.06d new)

5 Sec. 16.06d. Applicants. An individual who is legally
6 authorized to work in the United States under federal law is
7 authorized to apply for the position of firefighter, subject
8 to all requirements and limitations, other than citizenship,
9 to which other applicants are subject.

10 Section 99. Effective date. This Act takes effect January
11 1, 2026.