

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 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
17 charge or collect any fee from an applicant who has met all
18 prequalification standards established by the municipality for
19 any such position.

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

27 (c) No person with a record of misdemeanor convictions
28 except those under Sections 11-6, 11-7, 11-9, 11-14, 11-15,
29 11-17, 11-18, 11-19, 12-2, 12-6, 12-15, 14-4, 16-1, 21.1-3,
30 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4, 31-6, 31-7, 32-1, 32-2,
31 32-3, 32-4, 32-8, and subsections (1), (6) and (8) of Section
32 24-1 of the Criminal Code of 1961 or arrested for any cause but

1 not convicted on that cause shall be disqualified from taking
2 the examination to qualify for a position in the fire
3 department on grounds of habits or moral character.

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

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

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

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

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

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

22 (j) No person shall be appointed to the police or fire
23 department unless he or she is a person of good character and
24 not an habitual drunkard, gambler, or a person who has been
25 convicted of a felony or a crime involving moral turpitude. No
26 person, however, shall be disqualified from appointment to the
27 fire department because of his or her record of misdemeanor
28 convictions except those under Sections 11-6, 11-7, 11-9,
29 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6, 12-15, 14-4,
30 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4, 31-6, 31-7,
31 32-1, 32-2, 32-3, 32-4, 32-8, and subsections (1), (6) and (8)
32 of Section 24-1 of the Criminal Code of 1961 or arrest for any
33 cause without conviction on that cause. Any such person who is
34 in the department may be removed on charges brought and after a
35 trial as provided in this Division 2.1.

36 (Source: P.A. 92-533, eff. 3-14-02.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.