



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB2680

Introduced 1/20/2006, by Sen. Antonio Munoz

SYNOPSIS AS INTRODUCED:

| | |
|---------------------|-----------------------------|
| 50 ILCS 710/2 | from Ch. 85, par. 516 |
| 55 ILCS 5/3-6013 | from Ch. 34, par. 3-6013 |
| 60 ILCS 1/100-10 | |
| 65 ILCS 5/3.1-30-5 | from Ch. 24, par. 3.1-30-5 |
| 65 ILCS 5/3.1-30-20 | from Ch. 24, par. 3.1-30-20 |
| 65 ILCS 5/10-1-7 | from Ch. 24, par. 10-1-7 |
| 65 ILCS 5/10-2.1-4 | from Ch. 24, par. 10-2.1-4 |
| 65 ILCS 5/10-2.1-6 | from Ch. 24, par. 10-2.1-6 |
| 65 ILCS 5/10-3-1 | from Ch. 24, par. 10-3-1 |
| 720 ILCS 5/17-2 | from Ch. 38, par. 17-2 |

Amends the Peace Officer Firearm Training Act. Deletes a provision that the Act does not apply to auxiliary policemen authorized under the Illinois Municipal Code. Amends various Acts to change the title of municipal "auxiliary policemen" to "auxiliary police officers". Amends the Illinois Municipal Code. Deletes a provision that auxiliary police officers, when on duty, shall also be conservators of the peace. Requires auxiliary police officers to have firearm training under the Peace Officer Firearm Training Act before they are permitted to carry a firearm as part of their duties. Amends the Criminal Code of 1961. Prohibits the use of the words "officer", "peace officer", "police", "law enforcement", "trooper", "sheriff", "deputy", "deputy sheriff", "state police", or similar words in the title of any organization, magazine, or other publication unless the organization is authorized to use those terms under provisions of the Solicitation for Charities Act, and provides that a violation is a Class C misdemeanor. Effective immediately.

LRB094 18997 BDD 54480 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning law enforcement.

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

4 Section 5. The Peace Officer Firearm Training Act is
5 amended by changing Section 2 as follows:

6 (50 ILCS 710/2) (from Ch. 85, par. 516)

7 Sec. 2. Training course for peace officers.

8 (a) Successful completion of a 40 hour course of training
9 in use of a suitable type firearm shall be a condition
10 precedent to the possession and use of that respective firearm
11 by any peace officer in this State in connection with the
12 officer's official duties. The training must be approved by the
13 Illinois Law Enforcement Training Standards Board ("the
14 Board") and may be given in logical segments but must be
15 completed within 6 months from the date of the officer's
16 initial employment. To satisfy the requirements of this Act,
17 the training must include the following:

18 (1) Instruction in the dangers of misuse of the
19 firearm, safety rules, and care and cleaning of the
20 firearm.

21 (2) Practice firing on a range and qualification with
22 the firearm in accordance with the standards established by
23 the Board.

24 (3) Instruction in the legal use of firearms under the
25 Criminal Code of 1961 and relevant court decisions.

26 (4) A forceful presentation of the ethical and moral
27 considerations assumed by any person who uses a firearm.

28 (b) Any officer who successfully completes the Basic
29 Training Course prescribed for recruits by the Board shall be
30 presumed to have satisfied the requirements of this Act.

31 (c) The Board shall cause the training courses to be
32 conducted twice each year within each of the Mobile Team

1 Regions, but no training course need be held when there are no
2 police officers requiring the training.

3 (d) (Blank). ~~This Act shall not apply to auxiliary~~
4 ~~policemen authorized by Section 3.1-30-20 of the Illinois~~
5 ~~Municipal Code, except that the training course provided for in~~
6 ~~that Section shall contain a presentation of the ethical,~~
7 ~~moral, and legal considerations to be taken into account by any~~
8 ~~person who uses a firearm.~~

9 (e) The Board may waive, or may conditionally waive, the 40
10 hour course of training if, in the Board's opinion, the officer
11 has previously successfully completed a course of similar
12 content and duration. In cases of waiver, the officer shall
13 demonstrate his or her knowledge and proficiency by passing the
14 written examination on firearms and by successfully passing the
15 range qualification portion of the prescribed course of
16 training.

17 (Source: P.A. 90-646, eff. 7-24-98.)

18 Section 10. The Counties Code is amended by changing
19 Section 3-6013 as follows:

20 (55 ILCS 5/3-6013) (from Ch. 34, par. 3-6013)

21 Sec. 3-6013. Duties, training and compensation of
22 auxiliary deputies. Auxiliary deputies shall not supplement
23 members of the regular county police department or regular
24 deputies in the performance of their assigned and normal
25 duties, except as provided herein. Auxiliary deputies may be
26 assigned and directed by the sheriff to perform the following
27 duties in the county:

28 To aid or direct traffic within the county, to aid in
29 control of natural or human made disasters, to aid in case of
30 civil disorder as assigned and directed by the sheriff,
31 provided, that in emergency cases which render it impractical
32 for members of the regular county police department or regular
33 deputies to perform their assigned and normal duties, the
34 sheriff is hereby authorized to assign and direct auxiliary

1 deputies to perform such regular and normal duties.
2 Identification symbols worn by such auxiliary deputies shall be
3 different and distinct from those used by members of the
4 regular county police department or regular deputies. Such
5 auxiliary deputies shall at all times during the performance of
6 their duties be subject to the direction and control of the
7 sheriff of the county. Such auxiliary deputies shall not carry
8 firearms, except with the permission of the sheriff, and only
9 while in uniform and in the performance of their assigned
10 duties.

11 Auxiliary deputies, prior to entering upon any of their
12 duties, shall receive a course of training in the use of
13 weapons and other police procedures as shall be appropriate in
14 the exercise of the powers conferred upon them under this
15 Division, which training and course of study shall be
16 determined and provided by the sheriff of each county utilizing
17 auxiliary deputies, provided that, before being permitted to
18 carry a firearm an auxiliary deputy must have the same course
19 of training as required of peace officers in Section 2 of the
20 Peace Officer Firearm Training Act. The county authorities
21 shall require that all auxiliary deputies be residents of the
22 county served by them. Prior to the appointment of any
23 auxiliary deputy his or her fingerprints shall be taken and no
24 person shall be appointed as such auxiliary deputy if he or she
25 has been convicted of a felony or other crime involving moral
26 turpitude.

27 Auxiliary deputies may not be paid a salary, except as
28 provided in Section 3-6036, but may be reimbursed for actual
29 expenses incurred in performing their assigned duty. The County
30 Board must approve such actual expenses and arrange for
31 payment.

32 Nothing in this Division shall preclude an auxiliary deputy
33 from holding a simultaneous appointment as an auxiliary police
34 officer ~~police~~man pursuant to Section 3-6-5 of the Illinois
35 Municipal Code.

36 (Source: P.A. 86-972; 86-1475; 87-895.)

1 Section 15. The Township Code is amended by changing
2 Section 100-10 as follows:

3 (60 ILCS 1/100-10)

4 Sec. 100-10. Township enforcement officer.

5 (a) The township board may appoint a township enforcement
6 officer to serve for a term of one year and may remove the
7 officer for cause. Every person appointed to the office of
8 township enforcement officer, before entering on the duties of
9 the office and within 10 days after being notified of the
10 appointment, shall cause to be filed in the office of the
11 township clerk a notice signifying his or her acceptance of the
12 office. A neglect to cause the notice to be filed shall be
13 deemed a refusal to serve.

14 (b) The sheriff of the county in which the township is
15 situated may disapprove the appointment within 30 days after
16 the notice is filed. The disapproval precludes that person from
17 serving as the township enforcement officer, and the township
18 board may appoint another person to that position subject to
19 approval by the sheriff.

20 (c) Every person appointed to the office of township
21 enforcement officer, before entering upon the duties of the
22 office, shall execute, with sufficient sureties to be approved
23 by the supervisor or clerk of the township, an instrument in
24 writing by which the township enforcement officer and his or
25 her sureties shall jointly and severally agree to pay to each
26 and every person who may be entitled thereto all sums of money
27 as the township enforcement officer may become liable to pay on
28 account of any neglect or default of the township enforcement
29 officer or on account of any misfeasance of the township
30 enforcement officer in the discharge of, or failure to
31 faithfully perform, any of the duties of the office.

32 (d) The township enforcement officer shall have the same
33 power and authority within the township as a deputy sheriff but
34 only for the purpose of enforcing township ordinances. The

1 township enforcement officer shall not carry firearms and will
2 not be required to comply with the Peace Officer Firearm
3 Training Act. The officer shall attend law enforcement training
4 classes conducted by the Illinois Law Enforcement Training
5 Standards Board. The township board shall appropriate all
6 necessary monies for the training.

7 (d-5) (1) Except as provided in paragraph (2) of this
8 subsection, in all actions for the violation of any township
9 ordinance, the township enforcement officer shall be
10 authorized to issue and to serve upon any person who the
11 township enforcement officer has reasonable grounds to believe
12 is guilty of a violation of a township ordinance a notice of
13 violation that shall constitute a summons and complaint. A copy
14 of such notice of violation shall be forwarded to the circuit
15 court having jurisdiction over the township where the violation
16 is alleged to have been committed. Every person who has been
17 issued a summons shall appear for trial, and the action shall
18 be prosecuted in the corporate name of the township.

19 (2) In all actions for violation of any township ordinance
20 when the fine would not be in excess of \$500 and no jail term
21 could be imposed, service of summons may be made by the
22 township clerk by certified mail, return receipt requested,
23 whether service is to be within or without the State.

24 (e) The township enforcement officer shall carry an
25 identification document provided by the township board
26 identifying him or her as the township enforcement officer. The
27 officer shall notify the township clerk of any violations of
28 township ordinances.

29 (f) Nothing in this Code precludes a county auxiliary
30 deputy or deputy sheriff, or a municipal policeman or auxiliary
31 police officer ~~policeman~~ from serving as a township enforcement
32 officer during off-duty hours.

33 (g) The township board may provide compensation for the
34 township enforcement officer on either a per diem or a salary
35 basis.

36 (h) (Blank).

1 (Source: P.A. 88-62; 88-586, eff. 8-12-94; 89-589, eff.
2 1-1-97.)

3 Section 20. The Illinois Municipal Code is amended by
4 changing Sections 3.1-30-5, 3.1-30-20, 10-1-7, 10-2.1-4,
5 10-2.1-6, and 10-3-1 as follows:

6 (65 ILCS 5/3.1-30-5) (from Ch. 24, par. 3.1-30-5)

7 Sec. 3.1-30-5. Appointed officers in all municipalities.

8 (a) The mayor or president, as the case may be, by and with
9 the advice and consent of the city council or the board of
10 trustees, may appoint (1) a treasurer (if the treasurer is not
11 an elected position in the municipality), (2) a collector, (3)
12 a comptroller, (4) a marshal, (5) an attorney or a corporation
13 counsel, (6) one or more purchasing agents and deputies, (7)
14 the number of auxiliary police officers ~~police men~~ determined
15 necessary by the corporate authorities, (8) police matrons, (9)
16 a commissioner of public works, (10) a budget director or a
17 budget officer, and (11) other officers necessary to carry into
18 effect the powers conferred upon municipalities.

19 (b) By ordinance or resolution to take effect at the end of
20 the current fiscal year, the corporate authorities, by a
21 two-thirds vote, may discontinue any appointed office and
22 devolve the duties of that office on any other municipal
23 officer. After discontinuance, no officer filling the office
24 before its discontinuance shall have any claim against the
25 municipality for salary alleged to accrue after the date of
26 discontinuance.

27 (c) Vacancies in all appointed municipal offices may be
28 filled in the same manner as appointments are made under
29 subsection (a). The city council or board of trustees of a
30 municipality, by ordinance not inconsistent with this Code, may
31 prescribe the duties, define the powers, and fix the term of
32 office of all appointed officers of the municipality; but the
33 term of office, except as otherwise expressly provided in this
34 Code, shall not exceed that of the mayor or president of the

1 municipality.

2 (d) An appointed officer of a municipality may resign from
3 his or her office. If an appointed officer resigns, he or she
4 shall continue in office until a successor has been chosen and
5 has qualified. If there is a failure to appoint a municipal
6 officer, or the person appointed fails to qualify, the person
7 filling the office shall continue in office until a successor
8 has been chosen and has qualified. If an appointed municipal
9 officer ceases to perform the duties of or to hold the office
10 by reason of death, permanent physical or mental disability,
11 conviction of a disqualifying crime, or dismissal from or
12 abandonment of office, the mayor or president of the
13 municipality may appoint a temporary successor to the officer.
14 (Source: P.A. 87-1119; 88-537.)

15 (65 ILCS 5/3.1-30-20) (from Ch. 24, par. 3.1-30-20)

16 Sec. 3.1-30-20. Auxiliary police officers ~~police~~.

17 (a) Auxiliary police officers ~~police~~ shall not be
18 members of the regular police department of the municipality.
19 Auxiliary police officers ~~police~~ shall not supplement
20 members of the regular police department of any municipality in
21 the performance of their assigned and normal duties, except as
22 otherwise provided in this Code. Auxiliary police officers
23 ~~police~~ shall only be assigned to perform the following
24 duties in a municipality: (i) to aid or direct traffic within
25 the municipality, (ii) to aid in control of natural or man made
26 disasters, and (iii) to aid in case of civil disorder as
27 directed by the chief of police. When it is impractical for
28 members of the regular police department to perform those
29 normal and regular police duties, however, the chief of police
30 of the regular police department may assign auxiliary police
31 officers ~~police~~ to perform those normal and regular police
32 duties. Identification symbols worn by auxiliary police
33 officers ~~police~~ shall be different and distinct from those
34 used by members of the regular police department. Auxiliary
35 police officers ~~police~~ shall at all times during the

1 performance of their duties be subject to the direction and
2 control of the chief of police of the municipality. Auxiliary
3 police officers ~~police~~ shall not carry firearms, except with
4 the permission of the chief of police and while in uniform and
5 in the performance of their duties. ~~Auxiliary policemen, when~~
6 ~~on duty, shall also be conservators of the peace and shall have~~
7 ~~the powers specified in Section 3.1 15-25.~~

8 (b) Auxiliary police officers ~~police~~, before entering
9 upon any of their duties, shall receive a course of training in
10 the use of weapons and other police procedures appropriate for
11 the exercise of the powers conferred upon them under this Code.
12 The training and course of study shall be determined and
13 provided by the corporate authorities of each municipality
14 employing auxiliary police officers ~~police~~. Before being
15 permitted to carry a firearm, however, an auxiliary police
16 officer must have the same course of training as required of
17 peace officers under Section 2 of the Peace Officer Firearm
18 Training Act. The municipal authorities may require that all
19 auxiliary police officers ~~police~~ be residents of the
20 municipality served by them. Before the appointment of an
21 auxiliary police officer ~~police~~, the person's fingerprints
22 shall be taken, and no person shall be appointed as an
23 auxiliary police officer ~~police~~ if that person has been
24 convicted of a felony or other crime involving moral turpitude.

25 (c) The Line of Duty Law Enforcement Officers, Civil
26 Defense Workers, Civil Air Patrol Members, Paramedics and
27 Firemen Compensation Act shall be applicable to auxiliary
28 police officers ~~police~~ upon their death in the line of duty
29 described in this Code.

30 (Source: P.A. 87-1119; revised 11-15-04.)

31 (65 ILCS 5/10-1-7) (from Ch. 24, par. 10-1-7)

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

33 (a) All applicants for offices or places in the classified
34 service, except those mentioned in Section 10-1-17, are subject
35 to examination. The examination shall be public, competitive,

1 and open to all citizens of the United States, with specified
2 limitations as to residence, age, health, habits and moral
3 character.

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

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

23 (d) Persons entitled to military preference under Section
24 10-1-16 shall not be subject to limitations specifying age
25 unless they are applicants for a position as a fireman or a
26 policeman having no previous employment status as a fireman or
27 policeman in the regularly constituted fire or police
28 department of the municipality, in which case they must not
29 have attained their 35th birthday, except any person who has
30 served as an auxiliary police officer ~~policeman~~ under Section
31 3.1-30-20 for at least 5 years and is under 40 years of age.

32 (e) All employees of a municipality of less than 500,000
33 population (except those who would be excluded from the
34 classified service as provided in this Division 1) who are
35 holding that employment as of the date a municipality adopts
36 this Division 1, or as of July 17, 1959, whichever date is the

1 later, and who have held that employment for at least 2 years
2 immediately before that later date, and all firemen and
3 policemen regardless of length of service who were either
4 appointed to their respective positions by the board of fire
5 and police commissioners under the provisions of Division 2 of
6 this Article or who are serving in a position (except as a
7 temporary employee) in the fire or police department in the
8 municipality on the date a municipality adopts this Division 1,
9 or as of July 17, 1959, whichever date is the later, shall
10 become members of the classified civil service of the
11 municipality without examination.

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

29 (g) The commission shall control all examinations, and may,
30 whenever an examination is to take place, designate a suitable
31 number of persons, either in or not in the official service of
32 the municipality, to be examiners. The examiners shall conduct
33 the examinations as directed by the commission and shall make a
34 return or report of the examinations to the commission. If the
35 appointed examiners are in the official service of the
36 municipality, the examiners shall not receive extra

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

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

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

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

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

34 (l) No municipality having a population less than 1,000,000
35 shall require that any fireman appointed to the lowest rank
36 serve a probationary employment period of longer than one year.

1 The limitation on periods of probationary employment provided
2 in this amendatory Act of 1989 is an exclusive power and
3 function of the State. Pursuant to subsection (h) of Section 6
4 of Article VII of the Illinois Constitution, a home rule
5 municipality having a population less than 1,000,000 must
6 comply with this limitation on periods of probationary
7 employment, which is a denial and limitation of home rule
8 powers. Notwithstanding anything to the contrary in this
9 Section, the probationary employment period limitation may be
10 extended for a firefighter who is required, as a condition of
11 employment, to be a certified paramedic, during which time the
12 sole reason that a firefighter may be discharged without a
13 hearing is for failing to meet the requirements for paramedic
14 certification.

15 (Source: P.A. 94-135, eff. 7-7-05.)

16 (65 ILCS 5/10-2.1-4) (from Ch. 24, par. 10-2.1-4)

17 Sec. 10-2.1-4. Fire and police departments; Appointment of
18 members; Certificates of appointments.

19 The board of fire and police commissioners shall appoint
20 all officers and members of the fire and police departments of
21 the municipality, including the chief of police and the chief
22 of the fire department, unless the council or board of trustees
23 shall by ordinance as to them otherwise provide; except as
24 otherwise provided in this Section, and except that in any
25 municipality which adopts or has adopted this Division 2.1 and
26 also adopts or has adopted Article 5 of this Code, the chief of
27 police and the chief of the fire department shall be appointed
28 by the municipal manager, if it is provided by ordinance in
29 such municipality that such chiefs, or either of them, shall
30 not be appointed by the board of fire and police commissioners.

31 If the chief of the fire department or the chief of the
32 police department or both of them are appointed in the manner
33 provided by ordinance, they may be removed or discharged by the
34 appointing authority. In such case the appointing authority
35 shall file with the corporate authorities the reasons for such

1 removal or discharge, which removal or discharge shall not
2 become effective unless confirmed by a majority vote of the
3 corporate authorities.

4 If a member of the department is appointed chief of police
5 or chief of the fire department prior to being eligible to
6 retire on pension, he shall be considered as on furlough from
7 the rank he held immediately prior to his appointment as chief.
8 If he resigns as chief or is discharged as chief prior to
9 attaining eligibility to retire on pension, he shall revert to
10 and be established in whatever rank he currently holds, except
11 for previously appointed positions, and thereafter be entitled
12 to all the benefits and emoluments of that rank, without regard
13 as to whether a vacancy then exists in that rank.

14 All appointments to each department other than that of the
15 lowest rank, however, shall be from the rank next below that to
16 which the appointment is made except as otherwise provided in
17 this Section, and except that the chief of police and the chief
18 of the fire department may be appointed from among members of
19 the police and fire departments, respectively, regardless of
20 rank, unless the council or board of trustees shall have by
21 ordinance as to them otherwise provided. A chief of police or
22 the chief of the fire department, having been appointed from
23 among members of the police or fire department, respectively,
24 shall be permitted, regardless of rank, to take promotional
25 exams and be promoted to a higher classified rank than he
26 currently holds, without having to resign as chief of police or
27 chief of the fire department.

28 The sole authority to issue certificates of appointment
29 shall be vested in the Board of Fire and Police Commissioners
30 and all certificates of appointments issued to any officer or
31 member of the fire or police department of a municipality shall
32 be signed by the chairman and secretary respectively of the
33 board of fire and police commissioners of such municipality,
34 upon appointment of such officer or member of the fire and
35 police department of such municipality by action of the board
36 of fire and police commissioners.

1 The term "policemen" as used in this Division does not
2 include auxiliary police officers ~~policemen~~ except as provided
3 for in Section 10-2.1-6.

4 Any full time member of a regular fire or police department
5 of any municipality which comes under the provisions of this
6 Division or adopts this Division 2.1 or which has adopted any
7 of the prior Acts pertaining to fire and police commissioners,
8 is a city officer.

9 Notwithstanding any other provision of this Section, the
10 Chief of Police of a department in a non-homerule municipality
11 of more than 130,000 inhabitants may, without the advice or
12 consent of the Board of Fire and Police Commissioners, appoint
13 up to 6 officers who shall be known as deputy chiefs or
14 assistant deputy chiefs, and whose rank shall be immediately
15 below that of Chief. The deputy or assistant deputy chiefs may
16 be appointed from any rank of sworn officers of that
17 municipality, but no person who is not such a sworn officer may
18 be so appointed. Such deputy chief or assistant deputy chief
19 shall have the authority to direct and issue orders to all
20 employees of the Department holding the rank of captain or any
21 lower rank. A deputy chief of police or assistant deputy chief
22 of police, having been appointed from any rank of sworn
23 officers of that municipality, shall be permitted, regardless
24 of rank, to take promotional exams and be promoted to a higher
25 classified rank than he currently holds, without having to
26 resign as deputy chief of police or assistant deputy chief of
27 police.

28 Notwithstanding any other provision of this Section, a
29 non-homerule municipality of 130,000 or fewer inhabitants,
30 through its council or board of trustees, may, by ordinance,
31 provide for a position of deputy chief to be appointed by the
32 chief of the police department. The ordinance shall provide for
33 no more than one deputy chief position if the police department
34 has fewer than 25 full-time police officers and for no more
35 than 2 deputy chief positions if the police department has 25
36 or more full-time police officers. The deputy chief position

1 shall be an exempt rank immediately below that of Chief. The
2 deputy chief may be appointed from any rank of sworn, full-time
3 officers of the municipality's police department, but must have
4 at least 5 years of full-time service as a police officer in
5 that department. A deputy chief shall serve at the discretion
6 of the Chief and, if removed from the position, shall revert to
7 the rank currently held, without regard as to whether a vacancy
8 exists in that rank. A deputy chief of police, having been
9 appointed from any rank of sworn full-time officers of that
10 municipality's police department, shall be permitted,
11 regardless of rank, to take promotional exams and be promoted
12 to a higher classified rank than he currently holds, without
13 having to resign as deputy chief of police.

14 No municipality having a population less than 1,000,000
15 shall require that any firefighter appointed to the lowest rank
16 serve a probationary employment period of longer than one year.
17 The limitation on periods of probationary employment provided
18 in this amendatory Act of 1989 is an exclusive power and
19 function of the State. Pursuant to subsection (h) of Section 6
20 of Article VII of the Illinois Constitution, a home rule
21 municipality having a population less than 1,000,000 must
22 comply with this limitation on periods of probationary
23 employment, which is a denial and limitation of home rule
24 powers. Notwithstanding anything to the contrary in this
25 Section, the probationary employment period limitation may be
26 extended for a firefighter who is required, as a condition of
27 employment, to be a certified paramedic, during which time the
28 sole reason that a firefighter may be discharged without a
29 hearing is for failing to meet the requirements for paramedic
30 certification.

31 (Source: P.A. 93-486, eff. 8-8-03; 94-135, eff. 7-7-05.)

32 (65 ILCS 5/10-2.1-6) (from Ch. 24, par. 10-2.1-6)

33 Sec. 10-2.1-6. Examination of applicants;
34 disqualifications.

35 (a) All applicants for a position in either the fire or

1 police department of the municipality shall be under 35 years
2 of age, shall be subject to an examination that shall be
3 public, competitive, and open to all applicants (unless the
4 council or board of trustees by ordinance limit applicants to
5 electors of the municipality, county, state or nation) and
6 shall be subject to reasonable limitations as to residence,
7 health, habits, and moral character. The municipality may not
8 charge or collect any fee from an applicant who has met all
9 prequalification standards established by the municipality for
10 any such position.

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

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

27 (d) The age limitation in subsection (a) does not apply (i)
28 to any person previously employed as a policeman or fireman in
29 a regularly constituted police or fire department of (I) any
30 municipality or (II) a fire protection district whose
31 obligations were assumed by a municipality under Section 21 of
32 the Fire Protection District Act, (ii) to any person who has
33 served a municipality as a regularly enrolled volunteer fireman
34 for 5 years immediately preceding the time that municipality
35 begins to use full time firemen to provide all or part of its
36 fire protection service, or (iii) to any person who has served

1 as an auxiliary police officer ~~police officer~~ under Section
2 3.1-30-20 for at least 5 years and is under 40 years of age,
3 (iv) to any person who has served as a deputy under Section
4 3-6008 of the Counties Code and otherwise meets necessary
5 training requirements, or (v) to any person who has served as a
6 sworn officer as a member of the Illinois Department of State
7 Police.

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

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

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

24 (h) The examinations shall be practical in character and
25 relate to those matters that will fairly test the capacity of
26 the persons examined to discharge the duties of the positions
27 to which they seek appointment. No person shall be appointed to
28 the police or fire department if he or she does not possess a
29 high school diploma or an equivalent high school education. A
30 board of fire and police commissioners may, by its rules,
31 require police applicants to have obtained an associate's
32 degree or a bachelor's degree as a prerequisite for employment.
33 The examinations shall include tests of physical
34 qualifications and health. No person shall be appointed to the
35 police or fire department if he or she has suffered the
36 amputation of any limb unless the applicant's duties will be

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

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 11-6, 11-7, 11-9,
17 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6, 12-15, 14-4,
18 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4, 31-6, 31-7,
19 32-1, 32-2, 32-3, 32-4, 32-8, and subsections (1), (6) and (8)
20 of Section 24-1 of the Criminal Code of 1961 or arrest for any
21 cause without conviction on that cause. Any such person who is
22 in the department may be removed on charges brought and after a
23 trial as provided in this Division 2.1.

24 (Source: P.A. 94-29, eff. 6-14-05.)

25 (65 ILCS 5/10-3-1) (from Ch. 24, par. 10-3-1)

26 Sec. 10-3-1. The salary to be paid to a policeman in any
27 municipality with 5,000 or more inhabitants but with less than
28 25,000 inhabitants, shall be not less than \$500 per month. The
29 salary to be paid to a policeman in any municipality with
30 25,000 or more inhabitants but with less than 50,000
31 inhabitants shall be not less than \$550 per month. The salary
32 to be paid to a policeman in any municipality with 50,000 or
33 more inhabitants but with less than 250,000 inhabitants shall
34 be not less than \$600 per month.

35 In this Section 10-3-1 "policeman" means any member of a

1 regularly constituted police department of a municipality,
2 sworn and commissioned to perform police duties, and includes
3 the chief of police, assistant chief of police, chief of
4 detectives, captains, lieutenants, sergeants, plain clothes
5 men and patrolmen. The term "policeman" as used in this Section
6 10-3-1 does not include any of the following persons: Part time
7 policemen, special policemen, auxiliary police officers
8 ~~policemen~~, policemen serving initial probationary periods,
9 night watchmen, temporary employees, clerks or other civilian
10 employees of a police department, traffic guards, civilian
11 parking meter and parking facilities personnel or so-called
12 auxiliary police officers ~~policemen~~ specially appointed to aid
13 or direct traffic at or near schools or public functions, or to
14 aid in civilian defense, or special policemen temporarily
15 employed or commissioned as police officers.

16 (Source: Laws 1968, p. 76.)

17 Section 25. The Criminal Code of 1961 is amended by
18 changing Section 17-2 as follows:

19 (720 ILCS 5/17-2) (from Ch. 38, par. 17-2)

20 Sec. 17-2. False personation; use of title; solicitation;
21 certain entities.

22 (a) A person commits a false personation when he or she
23 falsely represents himself or herself to be a member or
24 representative of any veterans' or public safety personnel
25 organization or a representative of any charitable
26 organization, or when any person exhibits or uses in any manner
27 any decal, badge or insignia of any charitable, public safety
28 personnel, or veterans' organization when not authorized to do
29 so by the charitable, public safety personnel, or veterans'
30 organization. "Public safety personnel organization" has the
31 meaning ascribed to that term in Section 1 of the Solicitation
32 for Charity Act.

33 (a-5) A person commits a false personation when he or she
34 falsely represents himself or herself to be a veteran in

1 seeking employment or public office. In this subsection,
2 "veteran" means a person who has served in the Armed Services
3 or Reserved Forces of the United States.

4 (b) No person shall use the words "Chicago Police,"
5 "Chicago Police Department," "Chicago Patrolman," "Chicago
6 Sergeant," "Chicago Lieutenant," "Chicago Peace Officer" or
7 any other words to the same effect in the title of any
8 organization, magazine, or other publication without the
9 express approval of the Chicago Police Board.

10 (b-5) No person shall use the words "Cook County Sheriff's
11 Police" or "Cook County Sheriff" or any other words to the same
12 effect in the title of any organization, magazine, or other
13 publication without the express approval of the office of the
14 Cook County Sheriff's Merit Board. The references to names and
15 titles in this Section may not be construed as authorizing use
16 of the names and titles of other organizations or public safety
17 personnel organizations otherwise prohibited by this Section
18 or the Solicitation for Charity Act.

19 (b-10) No person may use, in the title of any organization,
20 magazine, or other publication, the words "officer", "peace
21 officer", "police", "law enforcement", "trooper", "sheriff",
22 "deputy", "deputy sheriff", "state police", or any other word
23 or words that would reasonably be understood to imply that an
24 organization is composed of law enforcement personnel unless
25 the organization is authorized to use those terms under
26 subsection (d-2) of Section 11 of the Solicitation for
27 Charities Act.

28 (c) (Blank).

29 (c-1) No person may claim or represent that he or she is
30 acting on behalf of any police department, chief of a police
31 department, fire department, chief of a fire department,
32 sheriff's department, or sheriff when soliciting financial
33 contributions or selling or delivering or offering to sell or
34 deliver any merchandise, goods, services, memberships, or
35 advertisements unless the chief of the police department, fire
36 department, and the corporate or municipal authority thereof,

1 or the sheriff has first entered into a written agreement with
2 the person or with an organization with which the person is
3 affiliated and the agreement permits the activity.

4 (c-2) No person, when soliciting financial contributions
5 or selling or delivering or offering to sell or deliver any
6 merchandise, goods, services, memberships, or advertisements
7 may claim or represent that he or she is representing or acting
8 on behalf of any nongovernmental organization by any name which
9 includes "officer", "peace officer", "police", "law
10 enforcement", "trooper", "sheriff", "deputy", "deputy
11 sheriff", "State police", or any other word or words which
12 would reasonably be understood to imply that the organization
13 is composed of law enforcement personnel unless the person is
14 actually representing or acting on behalf of the
15 nongovernmental organization, and the nongovernmental
16 organization is controlled by and governed by a membership of
17 and represents a group or association of active duty peace
18 officers, retired peace officers, or injured peace officers and
19 before commencing the solicitation or the sale or the offers to
20 sell any merchandise, goods, services, memberships, or
21 advertisements, a written contract between the soliciting or
22 selling person and the nongovernmental organization has been
23 entered into.

24 (c-3) No person may solicit financial contributions or sell
25 or deliver or offer to sell or deliver any merchandise, goods,
26 services, memberships, or advertisements on behalf of a police,
27 sheriff, or other law enforcement department unless that person
28 is actually representing or acting on behalf of the department
29 or governmental organization and has entered into a written
30 contract with the police chief, or head of the law enforcement
31 department, and the corporate or municipal authority thereof,
32 or the sheriff, which specifies and states clearly and fully
33 the purposes for which the proceeds of the solicitation,
34 contribution, or sale will be used.

35 (c-4) No person, when soliciting financial contributions
36 or selling or delivering or offering to sell or deliver any

1 merchandise, goods, services, memberships, or advertisements,
2 may claim or represent that he or she is representing or acting
3 on behalf of any nongovernmental organization by any name which
4 includes the term "fireman", "fire fighter", "paramedic", or
5 any other word or words which would reasonably be understood to
6 imply that the organization is composed of fire fighter or
7 paramedic personnel unless the person is actually representing
8 or acting on behalf of the nongovernmental organization, and
9 the nongovernmental organization is controlled by and governed
10 by a membership of and represents a group or association of
11 active duty, retired, or injured fire fighters (for the
12 purposes of this Section, "fire fighter" has the meaning
13 ascribed to that term in Section 2 of the Illinois Fire
14 Protection Training Act) or active duty, retired, or injured
15 emergency medical technicians - ambulance, emergency medical
16 technicians - intermediate, emergency medical technicians -
17 paramedic, ambulance drivers, or other medical assistance or
18 first aid personnel, and before commencing the solicitation or
19 the sale or delivery or the offers to sell or deliver any
20 merchandise, goods, services, memberships, or advertisements,
21 a written contract between the soliciting or selling person and
22 the nongovernmental organization has been entered into.

23 (c-5) No person may solicit financial contributions or sell
24 or deliver or offer to sell or deliver any merchandise, goods,
25 services, memberships, or advertisements on behalf of a
26 department or departments of fire fighters unless that person
27 is actually representing or acting on behalf of the department
28 or departments and has entered into a written contract with the
29 department chief and corporate or municipal authority thereof
30 which specifies and states clearly and fully the purposes for
31 which the proceeds of the solicitation, contribution, or sale
32 will be used.

33 (c-6) No person may claim or represent that he or she is an
34 airman, airline employee, airport employee, or contractor at an
35 airport in order to obtain the uniform, identification card,
36 license, or other identification paraphernalia of an airman,

1 airline employee, airport employee, or contractor at an
2 airport.

3 (d) Sentence. False personation, unapproved use of a name
4 or title, or solicitation in violation of subsection (a), (b),
5 ~~or~~ (b-5), or (b-10) of this Section is a Class C misdemeanor.
6 False personation in violation of subsections (a-5) and (c-6)
7 is a Class A misdemeanor. Engaging in any activity in violation
8 of subsection (c-1), (c-2), (c-3), (c-4), or (c-5) of this
9 Section is a Class 4 felony.

10 (Source: P.A. 94-548, eff. 8-11-05.)

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.