

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. With respect to a police department, a  
20 veteran shall be allowed to exceed the maximum age provision of  
21 this Section by the number of years served on active military  
22 duty, but by no more than 10 years of active military duty.

23 (b) Residency requirements in effect at the time an

1 individual enters the fire or police service of a municipality  
2 (other than a municipality that has more than 1,000,000  
3 inhabitants) cannot be made more restrictive for that  
4 individual during his period of service for that municipality,  
5 or be made a condition of promotion, except for the rank or  
6 position of Fire or Police Chief.

7 (c) No person with a record of misdemeanor convictions  
8 except those under Sections 11-1.50, 11-6, 11-7, 11-9, 11-14,  
9 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2, 12-6, 12-15,  
10 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4, 31-6,  
11 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8, subdivisions (a) (1) and  
12 (a) (2) (C) of Section 11-14.3, and subsections (1), (6) and (8)  
13 of Section 24-1 of the Criminal Code of 1961 or the Criminal  
14 Code of 2012, or arrested for any cause but not convicted on  
15 that cause shall be disqualified from taking the examination to  
16 qualify for a position in the fire department on grounds of  
17 habits or moral character.

18 (d) The age limitation in subsection (a) does not apply (i)  
19 to any person previously employed as a policeman or fireman in  
20 a regularly constituted police or fire department of (I) any  
21 municipality, regardless of whether the municipality is  
22 located in Illinois or in another state, or (II) a fire  
23 protection district whose obligations were assumed by a  
24 municipality under Section 21 of the Fire Protection District  
25 Act, (ii) to any person who has served a municipality as a  
26 regularly enrolled volunteer fireman for 5 years immediately

1 preceding the time that municipality begins to use full time  
2 firemen to provide all or part of its fire protection service,  
3 or (iii) to any person who has served as an auxiliary police  
4 officer under Section 3.1-30-20 for at least 5 years and is  
5 under 40 years of age, (iv) to any person who has served as a  
6 deputy under Section 3-6008 of the Counties Code and otherwise  
7 meets necessary training requirements, or (v) to any person who  
8 has served as a sworn officer as a member of the Illinois  
9 Department of State Police.

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

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

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

26 (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. A board of fire and police  
11 commissioners may, by its rules, waive portions of the required  
12 examination for police applicants who have previously been  
13 full-time sworn officers of a regular police department in any  
14 municipal, county, university, or State law enforcement  
15 agency, provided they are certified by the Illinois Law  
16 Enforcement Training Standards Board and have been with their  
17 respective law enforcement agency within the State for at least  
18 2 years. No person shall be appointed to the police or fire  
19 department if he or she has suffered the amputation of any limb  
20 unless the applicant's duties will be only clerical or as a  
21 radio operator. No applicant shall be examined concerning his  
22 or her political or religious opinions or affiliations. The  
23 examinations shall be conducted by the board of fire and police  
24 commissioners of the municipality as provided in this Division  
25 2.1.

26 The requirement that a police applicant possess an

1 associate's degree under this subsection may be waived if one  
2 or more of the following applies: (1) the applicant has served  
3 for 24 months of honorable active duty in the United States  
4 Armed Forces and has not been discharged dishonorably or under  
5 circumstances other than honorable or (2) the applicant has  
6 served for 180 days of active duty in the United States Armed  
7 Forces in combat duty recognized by the Department of Defense  
8 and has not been discharged dishonorably or under circumstances  
9 other than honorable.

10 The requirement that a police applicant possess a  
11 bachelor's degree under this subsection may be waived if one or  
12 more of the following applies: (1) the applicant has served for  
13 36 months of honorable active duty in the United States Armed  
14 Forces and has not been discharged dishonorably or under  
15 circumstances other than honorable or (2) the applicant has  
16 served for 180 days of active duty in the United States Armed  
17 Forces in combat duty recognized by the Department of Defense  
18 and has not been discharged dishonorably or under circumstances  
19 other than honorable.

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

24 (j) No person shall be appointed to the police or fire  
25 department unless he or she is a person of good character and  
26 not an habitual drunkard, gambler, or a person who has been

1 convicted of a felony or a crime involving moral turpitude. No  
2 person, however, shall be disqualified from appointment to the  
3 fire department because of his or her record of misdemeanor  
4 convictions except those under Sections 11-1.50, 11-6, 11-7,  
5 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2,  
6 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3,  
7 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8,  
8 subdivisions (a)(1) and (a)(2)(C) of Section 11-14.3, and  
9 subsections (1), (6) and (8) of Section 24-1 of the Criminal  
10 Code of 1961 or the Criminal Code of 2012, or arrest for any  
11 cause without conviction on that cause. Any such person who is  
12 in the department may be removed on charges brought and after a  
13 trial as provided in this Division 2.1.

14 (Source: P.A. 96-472, eff. 8-14-09; 96-1551, eff. 7-1-11;  
15 97-1150, eff. 1-25-13.)

16 Section 99. Effective date. This Act takes effect upon  
17 becoming law.