



# WISCONSIN LEGISLATIVE REFERENCE BUREAU

## MEMORANDUM

**TO:** Representative Sylvia Ortiz-Velez  
**FROM:** Ryan LeCloux, legislative analyst  
**DATE:** February 23, 2023  
**SUBJECT:** Citizenship requirements for police officers and firefighters

You asked for information on states that allow noncitizens, particularly lawful permanent residents, to serve as police officers or firefighters. This memorandum provides a summary of different states' laws and proposed legislation that allow noncitizens to serve as police officers or firefighters.

### States that allow noncitizens to serve as police officers

Several states' laws explicitly allow noncitizens to serve as police officers or do not include U.S. citizenship as a requirement to be a police officer. Specific eligibility requirements vary, with some states limiting eligibility only to lawful permanent residents and other states allowing other legal residents to serve, such as residents who are authorized to work in the United States under the Deferred Action for Childhood Arrivals (DACA) program.

Following is a summary of states' laws that permit some or all lawful permanent residents to serve as police officers:

- **Maryland.** Under Md. Code Ann., [Public Safety § 3-209 \(a\) \(5\)](#), a permanent legal resident who served in the U.S. military and was honorably discharged is eligible to be a police officer, provided that the person has applied to obtain U.S. citizenship.
- **North Dakota.** Under N.D. Admin. Code [109-02-01-03](#), a person with “resident alien status,” as defined by U.S. citizenship and immigration services laws and regulations, is eligible to serve as a police officer.
- **Tennessee.** In 2022, Tennessee enacted [2022 Public Chapter 847](#), which amended its law to allow any permanent legal resident to become a police officer, provided the person applies for or obtains U.S. citizenship within six years of his or her employment start date. Under Tennessee's prior law, a permanent legal resident could become a police officer, but only if that permanent legal resident served in the U.S. military and was honorably discharged.

- **Washington.** Under Wash. Rev. Code § [41.12.070](#), lawful permanent residents “who can read and write the English language” are allowed to serve as police officers.

Following is a summary of states’ laws that permit other legal residents in addition to lawful permanent residents to serve as police officers:

- **California.** Under Cal. Gov’t Code § [1031 \(a\)](#), any person who is legally authorized to work in the United States, regardless of citizenship status, may work as a police officer. The law was amended in 2022, with the enactment of [2022 Chapter 825](#), to expand eligibility to anyone who is legally permitted to work in the United States. Under prior state law, a person had to be either a U.S. citizen or a lawful permanent resident.
- **Hawaii.** Hawaii law provides requirements for employment with state, county, or municipal government under Haw. Rev. Stat. § [78-1 \(c\)](#). Under this statute, individuals may work as government employees, including as police officers, if they are “citizens, nationals, or permanent resident aliens of the United states” or if they are “eligible under federal law for unrestricted employment in the United States.”
- **Utah.** In 2021, Utah enacted [2021 Senate Bill 102](#), which authorized lawful permanent residents to serve as police officers. To be eligible, noncitizens must have been in the United States legally for at least five years and authorized to work.

Other states allow noncitizens to be police officers but do not explicitly provide for this under state law. Instead, these states’ laws simply omit citizenship as a requirement, thereby allowing noncitizens to be eligible for these positions. Additionally, states typically authorize or delegate the task of establishing minimum training and recruitment standards for police officers to law enforcement standards boards, as is the case in Wisconsin under Wis. Stat. § [165.85 \(3\) \(b\)](#). Recruitment requirements could include citizenship or residency requirements. Furthermore, local jurisdictions and police departments often establish their own criteria and may or may not require citizenship as a criterion. States that allow the hiring of noncitizens but do not explicitly indicate so by law include [Colorado](#), [Maine](#), and [Vermont](#).

Several states have proposed legislation this year to remove citizenship as a requirement to be a police officer. Those states’ legislation are summarized below.

- **Colorado.** [2023 House Bill 1143](#) would seek authorization from the U.S. Department of Justice to allow DACA recipients to possess a firearm for the purposes of being a police officer. Colorado law currently does not have a citizenship requirement to be a police officer, but the Colorado Peace Officer Standards and Training Board has put out [guidance](#) for noncitizens regarding potential barriers due to federal firearms laws.
- **Illinois.** [2023 House Bill 3751](#) would allow noncitizens who are legally authorized to work in the United States to serve as police officers.
- **Nevada.** [2023 Assembly Bill 30](#) would remove the citizenship requirement and allow any person who is legally authorized to work in the United States to serve as a police officer.

- **Virginia.** [2023 House Bill 2144](#) would allow permanent residents and DACA recipients to qualify for law enforcement positions including police officers, law-enforcement officers, deputy sheriffs, and chiefs of police. Current Virginia law requires a person to be a U.S. citizen to hold these positions, but allows for this requirement to be waived by the Department of Criminal Justice Services.

## Requirements for firefighters

States' laws often do not specify citizenship requirements for firefighters. States often allow local jurisdictions or fire departments to set their own criteria or delegate the task of establishing basic requirements to licensing and regulatory bodies. For example, under Tex. Local Gov't Code Ann. § [143.023 \(d\)](#), an applicant to work in a fire department must meet all legal requirements necessary for certification, as set by the Commission on Fire Protection Personnel Standards and Education. However, several states do specifically authorize noncitizens to serve as firefighters under their state statutes or administrative codes, as summarized below.

- **Kentucky.** As required under Ky. Rev. Stat. Ann. § [95A.040 \(1\) \(d\)](#), the Commission on Fire Protection has established requirements for volunteer firefighters under 739 Ky. Admin. Regs. [2:100](#) that allows a lawful permanent resident or other lawfully present person to serve as a volunteer firefighter. However, under Ky. Rev. Stat. Ann. § [95.440 \(2\)](#), employees of fire departments in cities and urban-county governments must be U.S. citizens.
- **Montana.** Under Mont. Code Ann. § [7-33-4107](#), lawful permanent residents may be firefighters.
- **Nevada.** Nev. Rev. Stat. § [450B.188](#) prohibits denying a person's application for a license to be a firefighter based solely on the person's citizenship or immigration status.
- **Washington.** Under Wash. Rev. Code § [41.08.070](#), lawful permanent residents "who can read and write the English language" may serve as city firefighters.

In addition to these states, New York introduced two bills pertaining to citizenship requirements for police officers and firefighters. Under [2021 Assembly Bill 1666](#), localities would be authorized to remove citizenship as a requirement to work as a police officer or firefighter in their jurisdictions. Under [2021 Assembly Bill 1661](#), localities would be authorized to waive citizenship requirements from qualifications of police officers or firefighters if proof of honorable or general discharge from the U.S. military or New York guard or naval militia is provided.

Please contact me if you would like more information pertaining to this subject. I can be reached at [Ryan.LeCloux@legis.wisconsin.gov](mailto:Ryan.LeCloux@legis.wisconsin.gov) or 608-504-5820.