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LRB094 03768 RAS 41272 a

1 AMENDMENT TO HOUSE BILL 602

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 602 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the Adult  
5 Entertainment Message Regulation Act.

6 Section 5. Definitions. In this Act:

7 "Adult cabaret" means a nightclub, bar, restaurant, or  
8 similar establishment in which owners, employees, or both  
9 appear in a state of nudity or semi-nudity in the performance  
10 of their duties or patrons are permitted or encouraged to  
11 appear in a state of nudity or semi-nudity.

12 "Message" means any outdoor communication, the intent of  
13 which is to advertise any adult cabaret or sexually-oriented  
14 business, as the terms are defined in this Act.

15 "Semi-nudity" means a state of dress in which opaque  
16 clothing fails to cover the genitals, anus, anal cleft or  
17 cleavage, pubic area, vulva, nipple, and areola of the female  
18 breast below a horizontal line across the top of the areola at  
19 its highest point. Semi-nudity includes the entire lower  
20 portion of the female breast, but does not include any portion  
21 of the cleavage of the female breast exhibited by wearing  
22 apparel, provided that the areola is not exposed in whole or  
23 part.

24 "Sexually-oriented business" means any business that

1 offers its patrons goods of which a substantial portion are  
2 sexually-oriented materials. Any business where more than 10%  
3 of display space is used for sexually-oriented materials is  
4 presumed to be a sexually-oriented business.

5 "Sexually-oriented materials" means any textual,  
6 pictorial, or 3-dimensional material that explicitly depicts  
7 subject matter that is intended to be sexually arousing,  
8 including, but not limited to, nudity, sexual conduct, sexual  
9 excitement, or sadomasochistic abuse.

10 Section 10. Message or other outdoor communication  
11 regulation. No message or other outdoor communication  
12 advertising an adult cabaret or a sexually-oriented business  
13 may be located within the boundaries of any municipality or  
14 within one mile of any municipal boundary, Interstate highway,  
15 public or private elementary or secondary school, or church,  
16 synagogue, or other established place of worship, except that  
17 if such business is located within one mile of any municipal  
18 boundary, Interstate highway, public or private elementary or  
19 secondary school, or church, synagogue, or other established  
20 place of worship, then the business may display a maximum of 2  
21 exterior messages on the premises of the business, consisting  
22 of one message of identification and one message solely giving  
23 notice that the premises are off limits to minors. The message  
24 of identification shall be no more than 40 square feet in size  
25 and shall include no more than the following information: name,  
26 street address, telephone number, and operating hours of the  
27 business.

28 Section 15. Grace period. Messages or other outdoor  
29 communications existing at the time of the effective date of  
30 this Act that do not conform to the requirements of this Act  
31 may be allowed to continue in non-conforming use for the term  
32 of the contract, up to one year after the effective date of

1 this Act.

2 Section 20. Penalty. Any owner of an adult cabaret or a  
3 sexually-oriented business who violates any provision of this  
4 Act is guilty of a Class C misdemeanor. Each day that a  
5 violation of this Act continues to exist constitutes a separate  
6 offense.

7 Section 25. Home rule; local ordinances; scope of Act.

8 (a) Except as provided in subsection (b) of this Section, a  
9 home rule unit may not regulate messages or other outdoor  
10 communications advertising adult cabarets or sexually-oriented  
11 businesses in a manner that is less restrictive than this Act.  
12 This subsection (a) is a limitation under subsection (i) of  
13 Section 6 of Article VII of the Illinois Constitution on the  
14 concurrent exercise by home rule units of powers and functions  
15 exercised by the State.

16 (b) A unit of local government may, by ordinance adopted  
17 after the effective date of this Act, allow messages or other  
18 outdoor communications within the jurisdiction of that unit of  
19 local government that would otherwise be in violation of this  
20 Act. Messages or other outdoor communications in compliance  
21 with such an ordinance are not in violation of this Act.

22 (c) This Act shall not apply within a municipality with a  
23 population over 500,000.

24 Section 99. Effective date. This Act takes effect July 1,  
25 2005."