

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 Counties Code is amended by changing Section
5 5-1097.5 and by adding Section 5-1097.7 as follows:

6 (55 ILCS 5/5-1097.5)

7 Sec. 5-1097.5. Adult entertainment facility. It is
8 prohibited within an unincorporated area of a county to locate
9 an adult entertainment facility within 3,000 feet of the
10 property boundaries of any school, day care center, cemetery,
11 public park, forest preserve, public housing, ~~and~~ place of
12 religious worship, or residence.

13 For the purposes of this Section, "adult entertainment
14 facility" means (i) a striptease club or pornographic movie
15 theatre whose business is the commercial sale, dissemination,
16 or distribution of sexually explicit material, shows, or other
17 exhibitions or (ii) an adult bookstore or adult video store
18 whose primary business is the commercial sale, dissemination,
19 or distribution of sexually explicit material, shows, or other
20 exhibitions. "Unincorporated area of a county" means any area
21 not within the boundaries of a municipality.

22 The State's Attorney of the county where the adult
23 entertainment facility is located or the Attorney General may
24 institute a civil action for an injunction to restrain
25 violations of this Section. In that proceeding, the court shall
26 determine whether a violation has been committed and shall
27 enter such orders as it considers necessary to remove the
28 effect of any violation and to prevent the violation from
29 continuing or from being renewed in the future.

30 (Source: P.A. 93-1056, eff. 11-23-04.)

31 (55 ILCS 5/5-1097.7 new)

1 Sec. 5-1097.7. Local ordinances to regulate adult
2 entertainment facilities and obscenity.

3 (a) Definitions. In this Act:

4 "Specified anatomical area" means human genitals or pubic
5 region, buttocks, anus, or the female breast below a point
6 immediately above the top the areola that is less than
7 completely or opaquely covered, or human male genitals in a
8 discernibly turgid state even if completely or opaquely
9 covered.

10 "Specified sexual activities" means (i) human genitals in a
11 state of sexual stimulation or excitement; (ii) acts of human
12 masturbation, sexual intercourse, fellatio, or sodomy; (iii)
13 fondling, kissing, or erotic touching of specified anatomical
14 areas; (iv) flagellation or torture in the context of a sexual
15 relationship; (v) masochism, erotic or sexually oriented
16 torture, beating, or the infliction of pain; (vi) erotic
17 touching, fondling, or other such contact with an animal by a
18 human being; or (vii) human excretion, urination,
19 menstruation, or vaginal or anal irrigation as part of or in
20 connection with any of the activities set forth in items (i)
21 through (vi).

22 (b) Ordinance to regulate adult entertainment facilities.
23 A county may adopt by ordinance reasonable regulations
24 concerning the operation of any business: (i) defined as an
25 adult entertainment facility in Section 5-1097.5 of this Act or
26 (ii) that offers or provides activities by employees, agents,
27 or contractors of the business that involve exposure of
28 specified anatomical areas or performance of specified sexual
29 activities in view of any patron, client, or customer of the
30 business. A county ordinance may also prohibit the sale,
31 dissemination, display, exhibition, or distribution of obscene
32 materials or conduct. A county adopting an ordinance to
33 regulate adult entertainment facilities may authorize the
34 State's Attorney to institute a civil action to restrain
35 violations of that ordinance. In that proceeding, the court
36 shall enter such orders as it considers necessary to abate the

1 violation and to prevent the violation from continuing or from
2 being renewed in the future. In addition to any injunctive
3 relief granted by the court, an ordinance may further authorize
4 the court to assess fines of up to \$1,000 per day for each
5 violation of the ordinance, with each day in violation
6 constituting a new and separate offense.