

1 AN ACT concerning counties.

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
5 Section 5-1097.5 and by adding Section 5-1097.6 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
9 locate an adult entertainment facility within 1,000 feet of
10 the property boundaries of any school, day care center,
11 cemetery, public park, forest preserve, public housing, and
12 place of 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
17 other exhibitions or (ii) an adult bookstore or adult video
18 store whose primary business is the commercial sale,
19 dissemination, or distribution of sexually explicit material,
20 shows, or other exhibitions. "Unincorporated area of a
21 county" means any area not within the boundaries of a
22 municipality.

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

31 (Source: P.A. 90-394, eff. 1-1-98; 90-634, eff. 7-24-98.)

1 (55 ILCS 5/5-1097.6 new)

2 Sec. 5-1097.6. Local ordinances to regulate adult
3 entertainment facilities and obscenity.

4 (a) Definitions. In this Act:

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

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

23 (b) Ordinance to regulate adult entertainment
24 facilities. A county may adopt by ordinance reasonable
25 regulations concerning the operation of any business: (i)
26 defined as an adult entertainment facility in Section
27 5-1097.5 of this Act or (ii) that offers or provides
28 activities by employees, agents, or contractors of the
29 business that involve exposure of specified anatomical areas
30 or performance of specified sexual activities in view of any
31 patron, client, or customer of the business. A county
32 ordinance may also prohibit the sale, dissemination, display,
33 exhibition, or distribution of obscene materials or conduct.
34 A county adopting an ordinance to regulate adult

1 entertainment facilities may authorize the State's Attorney
2 to institute a civil action to restrain violations of that
3 ordinance. In that proceeding, the court shall enter such
4 orders as it considers necessary to abate the violation and
5 to prevent the violation from continuing or from being
6 renewed in the future. In addition to any injunctive relief
7 granted by the court, an ordinance may further authorize the
8 court to assess fines of up to \$1,000 per day for each
9 violation of the ordinance, with each day in violation
10 constituting a new and separate offense.