



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB1580

Introduced 2/15/2019, by Sen. John F. Curran

SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-1097.7

Amends the Counties Code. Provides that a county may adopt an ordinance with reasonable regulations concerning the operation of any business that involves exposure of specified anatomical areas or performance of specified sexual activities by a person within the business' premises or that offers or provides sexually-oriented entertainment services or activities (rather than that offers or provides activities by employees, agents, or contractors of the business that involve exposure of specified anatomical areas or performance of specified sexual activities in view of any patron, client, or customer of the business). Provides if a county has established a licensing program as part of its regulation of adult entertainment facilities, the findings, decision, and orders of the licensing official or licensing body is subject to review in the circuit court of the county and that the Administrative Review Law apply to and govern the judicial review. Allows a county having a code hearing unit to enforce and prosecute violations of the adult entertainment facilities ordinance through its administrative adjudication program.

LRB101 06651 AWJ 51678 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 5-1097.7 as follows:

6 (55 ILCS 5/5-1097.7)

7 Sec. 5-1097.7. Local ordinances to regulate adult
8 entertainment facilities and obscenity.

9 (a) Definitions. In this Act:

10 "Specified anatomical area" means human genitals or pubic
11 region, buttocks, anus, or the female breast below a point
12 immediately above the top the areola that is less than
13 completely or opaquely covered, or human male genitals in a
14 discernibly turgid state even if completely or opaquely
15 covered.

16 "Specified sexual activities" means (i) human genitals in a
17 state of sexual stimulation or excitement; (ii) acts of human
18 masturbation, sexual intercourse, fellatio, or sodomy; (iii)
19 fondling, kissing, or erotic touching of specified anatomical
20 areas; (iv) flagellation or torture in the context of a sexual
21 relationship; (v) masochism, erotic or sexually oriented
22 torture, beating, or the infliction of pain; (vi) erotic
23 touching, fondling, or other such contact with an animal by a

1 human being; or (vii) human excretion, urination,
2 menstruation, or vaginal or anal irrigation as part of or in
3 connection with any of the activities set forth in items (i)
4 through (vi).

5 (b) Ordinance to regulate adult entertainment facilities.
6 A county may adopt by ordinance reasonable regulations
7 concerning the operation of any business: (i) defined as an
8 adult entertainment facility in Section 5-1097.5 of this Act;
9 ~~or (ii) that offers or provides activities by employees,~~
10 ~~agents, or contractors of the business~~ that involves involve
11 exposure of specified anatomical areas or performance of
12 specified sexual activities by a person within the business'
13 premises; or (iii) that offers or provides sexually-oriented
14 entertainment services or activities in view of any patron,
15 ~~client, or customer of the business.~~ A county ordinance may
16 also prohibit the sale, dissemination, display, exhibition, or
17 distribution of obscene materials or conduct.

18 (c) Administrative review. If a county has established a
19 licensing program as part of its regulation of adult
20 entertainment facilities, the findings, decision, and orders
21 of the licensing official or licensing body is subject to
22 review in the circuit court of the county. The Administrative
23 Review Law and the rules adopted under the Administrative
24 Review Law apply to and govern the judicial review of the final
25 findings, decision, and order of the licensing official or
26 licensing body under this Section.

1 (d) Civil actions. A county adopting an ordinance to
2 regulate adult entertainment facilities may authorize the
3 State's Attorney to institute a civil action to restrain
4 violations of that ordinance. In that proceeding, the court
5 shall enter such orders as it considers necessary to abate the
6 violation and to prevent the violation from continuing or from
7 being renewed in the future. In addition to any injunctive
8 relief granted by the court, an ordinance may further authorize
9 the court to assess fines of up to \$1,000 per day for each
10 violation of the ordinance, with each day in violation
11 constituting a new and separate offense. A county having a code
12 hearing unit established under Division 5-41 or Division 5-43
13 of this Code may enforce and prosecute violations of the
14 ordinance through its administrative adjudication program.

15 (Source: P.A. 94-496, eff. 1-1-06.)