

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 Except as provided under subsection (c), a A county may adopt
7 by ordinance reasonable regulations concerning the operation
8 of any business: (i) defined as an adult entertainment facility
9 in Section 5-1097.5 of this Act or (ii) that offers or provides
10 activities by employees, agents, or contractors of the business
11 that involve exposure of specified anatomical areas or
12 performance of specified sexual activities in view of any
13 patron, client, or customer of the business. A county ordinance
14 may also prohibit the sale, dissemination, display,
15 exhibition, or distribution of obscene materials or conduct.

16 (c) Specified counties. A non-home rule county with a
17 population of at least 900,000 may adopt, by ordinance,
18 reasonable regulations concerning the operation of a business
19 in unincorporated areas of the county: (i) defined as an adult
20 entertainment facility in Section 5-1097.5 of this Act; (ii)
21 that involves exposure of specified anatomical areas or
22 performance of specified sexual activities by a person within
23 the business' premises; or (iii) that offers or provides
24 sexually-oriented entertainment services or activities. The
25 ordinance may also prohibit the sale, dissemination, display,
26 exhibition, or distribution of obscene materials or conduct.

1 If the county has established a licensing program as part
2 of its regulation of adult entertainment facilities under this
3 subsection, the findings, decision, and orders of the licensing
4 official or licensing body is subject to review in the Circuit
5 Court of the county. The Administrative Review Law and the
6 rules adopted under the Administrative Review Law apply to and
7 govern the judicial review of the final findings, decision, and
8 order of the licensing official or licensing body under this
9 subsection.

10 (d) Civil actions. A county adopting an ordinance to
11 regulate adult entertainment facilities may authorize the
12 State's Attorney to institute a civil action to restrain
13 violations of that ordinance. In that proceeding, the court
14 shall enter such orders as it considers necessary to abate the
15 violation and to prevent the violation from continuing or from
16 being renewed in the future. In addition to any injunctive
17 relief granted by the court, an ordinance may further authorize
18 the court to assess fines of up to \$1,000 per day for each
19 violation of the ordinance, with each day in violation
20 constituting a new and separate offense. If a non-home rule
21 county with a population of at least 900,000 has a code hearing
22 unit established under Division 5-41 or Division 5-43 of this
23 Code, then the county may enforce and prosecute violations of
24 the ordinance through its administrative adjudication program.

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