



Sen. John F. Curran

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10100SB1580sam001

LRB101 06651 AWJ 59115 a

1 AMENDMENT TO SENATE BILL 1580

2 AMENDMENT NO. _____. Amend Senate Bill 1580 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Counties Code is amended by changing
5 Section 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

1 state of sexual stimulation or excitement; (ii) acts of human
2 masturbation, sexual intercourse, fellatio, or sodomy; (iii)
3 fondling, kissing, or erotic touching of specified anatomical
4 areas; (iv) flagellation or torture in the context of a sexual
5 relationship; (v) masochism, erotic or sexually oriented
6 torture, beating, or the infliction of pain; (vi) erotic
7 touching, fondling, or other such contact with an animal by a
8 human being; or (vii) human excretion, urination,
9 menstruation, or vaginal or anal irrigation as part of or in
10 connection with any of the activities set forth in items (i)
11 through (vi).

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

23 (c) Specified counties. A non-home rule county with a
24 population of at least 900,000 may adopt, by ordinance,
25 reasonable regulations concerning the operation of a business
26 in unincorporated areas of the county: (i) defined as an adult

1 entertainment facility in Section 5-1097.5 of this Act; (ii)
2 that involves exposure of specified anatomical areas or
3 performance of specified sexual activities by a person within
4 the business' premises; or (iii) that offers or provides
5 sexually-oriented entertainment services or activities. The
6 ordinance may also prohibit the sale, dissemination, display,
7 exhibition, or distribution of obscene materials or conduct.

8 If the county has established a licensing program as part
9 of its regulation of adult entertainment facilities under this
10 subsection, the findings, decision, and orders of the licensing
11 official or licensing body is subject to review in the Circuit
12 Court of the county. The Administrative Review Law and the
13 rules adopted under the Administrative Review Law apply to and
14 govern the judicial review of the final findings, decision, and
15 order of the licensing official or licensing body under this
16 subsection.

17 (d) Civil actions. A county adopting an ordinance to
18 regulate adult entertainment facilities may authorize the
19 State's Attorney to institute a civil action to restrain
20 violations of that ordinance. In that proceeding, the court
21 shall enter such orders as it considers necessary to abate the
22 violation and to prevent the violation from continuing or from
23 being renewed in the future. In addition to any injunctive
24 relief granted by the court, an ordinance may further authorize
25 the court to assess fines of up to \$1,000 per day for each
26 violation of the ordinance, with each day in violation

1 constituting a new and separate offense. If a non-home rule
2 county with a population of at least 900,000 has a code hearing
3 unit established under Division 5-41 or Division 5-43 of this
4 Code, then the county may enforce and prosecute violations of
5 the ordinance through its administrative adjudication program.
6 (Source: P.A. 94-496, eff. 1-1-06.)".