

SB3513



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB3513

Introduced 2/14/2020, by Sen. Elgie R. Sims, Jr.

SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-1097.7

Amends the Counties Code. In provisions allowing a non-home rule county to adopt an ordinance with reasonable regulations concerning the operation of specified adult entertainment facilities or businesses in unincorporated areas of the county, removes a restriction limiting the provisions to non-home rule counties with a population of at least 900,000. Makes a grammatical change. Effective January 1, 2021.

LRB101 14383 AWJ 63269 b

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 (Text of Section before amendment by P.A. 101-405)

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

10 (a) Definitions. In this Act:

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

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

1 touching, fondling, or other such contact with an animal by a
2 human being; or (vii) human excretion, urination,
3 menstruation, or vaginal or anal irrigation as part of or in
4 connection with any of the activities set forth in items (i)
5 through (vi).

6 (b) Ordinance to regulate adult entertainment facilities.
7 A county may adopt by ordinance reasonable regulations
8 concerning the operation of any business: (i) defined as an
9 adult entertainment facility in Section 5-1097.5 of this Act or
10 (ii) that offers or provides activities by employees, agents,
11 or contractors of the business that involve exposure of
12 specified anatomical areas or performance of specified sexual
13 activities in view of any patron, client, or customer of the
14 business. A county ordinance may also prohibit the sale,
15 dissemination, display, exhibition, or distribution of obscene
16 materials or conduct. A county adopting an ordinance to
17 regulate adult entertainment facilities may authorize the
18 State's Attorney to institute a civil action to restrain
19 violations of that ordinance. In that proceeding, the court
20 shall enter such orders as it considers necessary to abate the
21 violation and to prevent the violation from continuing or from
22 being renewed in the future. In addition to any injunctive
23 relief granted by the court, an ordinance may further authorize
24 the court to assess fines of up to \$1,000 per day for each
25 violation of the ordinance, with each day in violation
26 constituting a new and separate offense.

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

2 (Text of Section after amendment by P.A. 101-405)

3 Sec. 5-1097.7. Local ordinances to regulate adult
4 entertainment facilities and obscenity.

5 (a) Definitions. In this Act:

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

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

24 (b) Ordinance to regulate adult entertainment facilities.
25 Except as provided under subsection (c), a county may adopt by

1 ordinance reasonable regulations concerning the operation of
2 any business: (i) defined as an adult entertainment facility in
3 Section 5-1097.5 of this Act or (ii) that offers or provides
4 activities by employees, agents, or contractors of the business
5 that involve exposure of specified anatomical areas or
6 performance of specified sexual activities in view of any
7 patron, client, or customer of the business. A county ordinance
8 may also prohibit the sale, dissemination, display,
9 exhibition, or distribution of obscene materials or conduct.

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

22 If the county has established a licensing program as part
23 of its regulation of adult entertainment facilities under this
24 subsection, the findings, decision, and orders of the licensing
25 official or licensing body is subject to review in the Circuit
26 Court of the county. The Administrative Review Law and the

1 rules adopted under the Administrative Review Law apply to and
2 govern the judicial review of the final findings, decision, and
3 order of the licensing official or licensing body under this
4 subsection.

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

20 (Source: P.A. 101-405, eff. 1-1-20.)

21 Section 95. No acceleration or delay. Where this Act makes
22 changes in a statute that is represented in this Act by text
23 that is not yet or no longer in effect (for example, a Section
24 represented by multiple versions), the use of that text does
25 not accelerate or delay the taking effect of (i) the changes

1 made by this Act or (ii) provisions derived from any other
2 Public Act.

3 Section 99. Effective date. This Act takes effect January
4 1, 2021.