



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB1333

Introduced 02/09/05, by Rep. John J. Millner

#### SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-1097.5  
55 ILCS 5/5-1097.7 new

Amends the Counties Code. Provides that no adult entertainment facilities within an unincorporated area of a county shall be located within 1,000 feet of a specified area, such as a school, a day care center, a public park, a place of religious worship, or a residence (now, the ban applies throughout the county but does not include residences). Provides that the Attorney General or the State's attorney of the county in which the adult entertainment facility is located may seek enforcement by injunction. Provides that a county may adopt an ordinance to regulate adult entertainment facilities and includes definitions of specified anatomical areas and specified sexual activities. Provides that the ordinance may authorize the State's attorney to institute a civil action to restrain an ordinance violation. Authorizes fines of up to \$1,000 per day for each violation and injunctive relief to abate violations or to prevent violations from continuing.

LRB094 07416 AJO 37578 b

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 5-1097.5 and by adding Section 5-1097.7 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 locate  
9 an adult entertainment facility within 3,000 feet of the  
10 property boundaries of any school, day care center, cemetery,  
11 public park, forest preserve, public housing, ~~and~~ place of  
12 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 other  
17 exhibitions or (ii) an adult bookstore or adult video store  
18 whose primary business is the commercial sale, dissemination,  
19 or distribution of sexually explicit material, shows, or other  
20 exhibitions. "Unincorporated area of a county" means any area  
21 not within the boundaries of a municipality.

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

30 (Source: P.A. 93-1056, eff. 11-23-04.)

31 (55 ILCS 5/5-1097.7 new)

1       Sec. 5-1097.7. Local ordinances to regulate adult  
2 entertainment facilities and obscenity.

3       (a) Definitions. In this Act:

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

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

22       (b) Ordinance to regulate adult entertainment facilities.  
23 A county may adopt by ordinance reasonable regulations  
24 concerning the operation of any business: (i) defined as an  
25 adult entertainment facility in Section 5-1097.5 of this Act or  
26 (ii) that offers or provides activities by employees, agents,  
27 or contractors of the business that involve exposure of  
28 specified anatomical areas or performance of specified sexual  
29 activities in view of any patron, client, or customer of the  
30 business. A county ordinance may also prohibit the sale,  
31 dissemination, display, exhibition, or distribution of obscene  
32 materials or conduct. A county adopting an ordinance to  
33 regulate adult entertainment facilities may authorize the  
34 State's Attorney to institute a civil action to restrain  
35 violations of that ordinance. In that proceeding, the court  
36 shall enter such orders as it considers necessary to abate the

1 violation and to prevent the violation from continuing or from  
2 being renewed in the future. In addition to any injunctive  
3 relief granted by the court, an ordinance may further authorize  
4 the court to assess fines of up to \$1,000 per day for each  
5 violation of the ordinance, with each day in violation  
6 constituting a new and separate offense.