

Office of the Kane County State's Attorney



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JUDGE DISMISSES LAWSUIT FILED AGAINST KANE STATE'S ATTORNEY, CITY OF AURORA BY SEX OFFENDERS PLAINTIFFS SOUGHT TO PREVENT AUTHORITIES FROM ENFORCING SEX OFFENDER RESIDENCY LAWS

July 28, 2020

Kane County Circuit Judge Kevin T. Busch has dismissed a lawsuit filed on behalf of 18 residents of Wayside Cross Ministries in Aurora against the Kane County State's Attorney's Office and the City of Aurora.

The plaintiffs had sought to prevent Kane County prosecutors and the City of Aurora from enforcing residency provisions of Illinois' sex offender statutes.

Judge Busch dismissed the suit on July 24, 2020, at the request of the plaintiffs.

The plaintiffs claimed in the lawsuit that authorities were "misinterpreting and misapplying" the residency provisions, and also that application of the law substantially burdened their exercise of religion and was a violation of the Illinois Religious Freedom Restoration Act.

Each of the plaintiffs is convicted of a sex offense and subject to residential restrictions as a result.

In living at Wayside Cross, in the 200 block of East New York Street, Aurora, and within 500 feet of McCarty Park, the plaintiffs were not in compliance with the law.

Wayside Cross was able to resolve the issue by assisting each of the plaintiffs in finding a home in a residence that is in compliance with the state's sex offender laws.

With all of the plaintiffs now in compliance, the lawsuit became moot.

Kane County State's Attorney Joe McMahon said:

"We are pleased by the dismissal of this lawsuit brought by residents of Wayside Cross Ministries. By working collaboratively the residents were able to find new housing without prolonged or expensive litigation."