

# NARSOL E.D. quoted in Chicago Daily Law Bulletin

written by admin | June 25, 2020



By [Timothy Eggert](#) . . . The state’s criminal code completely bars child sex offenders from entering public parks, despite an exception written into a similar but separate part of the law, the Illinois Supreme Court ruled last week.

The 5-2 majority held that the exception in Section 11-9.3(a-10) of the Illinois Criminal Code of 2012, which allows child sex offenders to visit public parks with their minor children when other minor children are present, cannot be read into Section 11-9.4-1(b), which prohibits a child sex offender from “knowingly be[ing] present in any public park.”

Patrick A. Legoo was convicted of criminal sexual abuse in 2006 and later convicted of being a child sex offender in a public park in 2016, when he was following his son to a park. He argued the latter conviction should be reversed because the legislature intended to include the exception when it wrote the law.

Writing for the 5-2 majority, Justice Thomas L. Kilbride, rejected Legoo's argument that the two statutes are "inextricably intertwined" and upheld the conviction. . . .

In a four-page dissent authored by Justice Rita B. Garman and joined by Chief Justice Anne M. Burke, the justices argued that for an offender to exercise the exception in section 11-9.3(a-10), it must be read into section 11-9.4-1(b).

"That means that he may enter and may knowingly be present at the park, because one cannot bring his child to the park without going himself," Garman wrote. . . .

Specifically, Section 11-9.3(a-10) applies to all child sex offenders, criminalizes the act of approaching, contacting or communicating with a minor while in a public park and carries a Class 4 felony punishment for violating it.

But Section 11-9.4-1(b) applies to all offenders except "Romeo and Juliet" offenders and also criminalizes offenders' mere presence in public parks and carries a Class A misdemeanor for its first violation and a Class 4 felony for its second violation. . . .

Brenda Jones, the executive director of the National Association for Rational Sexual Offense Laws, said in an emailed statement that NARSOL is disappointed with the court's decision, but that it hopes the legislature considers clarifying the statutory provisions.

"It's truly a tragedy that Mr. Legoo stands convicted of violating the law of Illinois when he was simply searching for his minor child who happened to be hanging out with a friend in a park," Jones said.

**[Read the full piece here at the Chicago Daily Law Bulletin.](#)**