

## Office of the Kane County State's Attorney



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## ERIN'S LAW LESSON LEADS TO DISCLOSURE AND PREDATORY SEXUAL ASSAULT CHARGES ELGIN MAN COULD FACE LENGTHY IMPRISONMENT FOR YEARS OF ABUSE

March 4, 2020

After hearing a state mandated program in her school about recognizing child sexual assault and abuse, an Elgin child revealed that she had been abused for years by someone she knew, prompting criminal charges.

Kane County State's Attorney Joe McMahon has charged 45-year-old **Luis-Alberto Najera-Ayala** with the offense of predatory criminal sexual assault of a child, Class X, 7 counts.

Kane County prosecutors allege that between January 2017 and February 2020 Najera-Ayala sexually assaulted the victim multiple times. Najera-Ayala knows the victim, who is younger than 13 years old.

In late February, the victim heard an Erin's Law presentation in her school. Erin's Law, passed in Illinois in 2013, requires public schools to teach all students a prevention-oriented sexual abuse and personal body safety program. The program teaches age-appropriate techniques to recognize sexual abuse and inappropriate touching and to tell a trusted adult if they have been abused. The day the victim heard the Erin's Law presentation, she promptly told her mother about the alleged abuse, which had been going on for several years. Her mother then contacted the Elgin police, who referred the case to the Kane County Child Advocacy Center and also made a report with the Illinois Department of Children and Family Services.

Najera-Ayala appeared Feb. 25 in Kane County bond court. Kane County Circuit Judge Michael Noland set his bail at \$1 million with 10 percent (\$100,000) to apply for bond.

Judge Noland set Najera-Ayala's next court appearance for 9 a.m. March 11, 2020, in Courtroom 311 at the Kane County Judicial Center.

If convicted of all current counts, Najera-Ayala faces a prison sentence of between 42 and 210 years of imprisonment in the Illinois Department of Corrections.

In addition to the prison term, Najera will have to register for life as a sexual offender in accordance with the Illinois Sexual Offender Registration Act.

Erin's Law is named for Chicago-area native Erin Merryn, a childhood sexual abuse survivor who advocates to empower child victims of sexual abuse to tell of their abuse and hold offenders accountable. According to Ms. Merryn:

- One in four girls and one in six boys will be sexually assaulted before they turn 18 years old
- More than 90 percent of victims are assaulted by a family member or friend
- Only one in 10 sexually abused children ever tell anyone about it

Ms. Merryn continues to advocate for Erin's Law to be passed in all 50 states. She has successfully lobbied lawmakers in 37 states to pass its requirements, most recently New York. According to her Website, [www.erinslaw.org](http://www.erinslaw.org), the 13 states that have not yet passed Erin's Law are Arizona, Florida, Hawaii, Idaho, Iowa, Kansas, Kentucky, Massachusetts, Nebraska, North Carolina, Ohio, South Dakota and Wisconsin.

Illinois was the first state to pass Erin's Law, in 2013.

Ms. Merryn now lives in Elgin, Illinois.

**Kane County State's Attorney Joe McMahon said:**

"Many people did the right thing in helping to get this victim to a place of safety and hold this defendant accountable for his alleged crimes. Because of Erin's Law, the victim believed that if she spoke up, someone would listen. Her mother did indeed believe her and made a report. These are two courageous people. This is how Erin's Law is supposed to work. I encourage lawmakers in the 13 remaining states to listen to Erin Merryn and act quickly to pass this law on behalf of children."

The charges against Najera-Ayala are not proof of guilt. Najera-Ayala is presumed innocent and is entitled to a fair trial in which it is the state's burden to prove guilt beyond a reasonable doubt.

**Luis-Alberto Najera-Ayala:** Age 45 (d.o.b. 3-4-1974), of the 700 block of Jay Street, Elgin, Illinois. Case No. 20CF387.