

HOUSE RESOLUTION No. 6018

By Committee on Federal and State Affairs

3-26

9 A RESOLUTION requiring the attorney general to re-file criminal mis-
10 demeanor charges originally filed on December 21, 2006 in Sedgwick
11 County District Court, in which probable cause was found to believe
12 that Dr. George Tiller engaged in criminal activity; and to pursue such
13 charges through their final resolution with the Kansas Supreme Court.
14 WHEREAS, The constitution of the State of Kansas places the re-
15 sponsibility of prosecuting criminal conduct on the attorney general of
16 the State of Kansas and district attorneys and county attorneys; and
17 WHEREAS, The constitution protects citizens from overzealous pros-
18 ecution or persecution by government agencies by requiring a judicial
19 finding based on evidence presented of probable cause to believe that
20 crimes have been committed before a warrant for the arrest or a summons
21 to appear may be issued to a criminal defendant; and
22 WHEREAS, Two independent district court judges have reviewed evi-
23 dence presented by the former attorney general and both judges have
24 found probable cause to believe that crimes have been committed; and
25 WHEREAS, District Court Judge Eric Yost of Sedgwick County swore
26 under oath that after reviewing evidence presented that he found prob-
27 able cause to believe that crimes have been committed and that Dr.
28 George Tiller committed those crimes; and
29 WHEREAS, A summons was duly issued for Dr. George Tiller to duly
30 appear to answer said charges; and
31 WHEREAS, Kansas statute provides the attorney general of the State
32 of Kansas the responsibility and authority pursuant to K.S.A. 22-3103 and
33 65-445 to investigate and file such charges; and
34 WHEREAS, A finding of probable cause substantially and properly
35 demonstrates that a prosecution should proceed and is appropriate; and
36 WHEREAS, The failure to prosecute charges in which a court has
37 found probable cause to believe that crimes have been committed seri-
38 ously undermine public confidence in the rule of law in the State of
39 Kansas; and
40 WHEREAS, Procedural maneuvers by those charged with prosecut-
41 ing criminal conduct should not be utilized to prevent such prosecution;
42 and
43 WHEREAS, The State has an obligation to ensure that no one is held

1 above the law and that all citizens are subject to the law equally: Now,
2 therefore,

3 *Be it resolved by the House of Representatives of the State of Kan-*
4 *sas:* That in accordance with K.S.A. 75-702, the attorney general of the
5 State of Kansas is hereby required to file and seek final resolution before
6 the Kansas Supreme Court and such other courts as may be warranted
7 by the criminal charges reflected in the attorney general's filing of De-
8 cember 21, 2006 against Dr. George Tiller, in such timing and manner
9 consistent with the oath of that office to ensure that charges in which
10 probable cause has been found are heard by a jury so that the interests
11 of justice may be served.