

**SUBJECT:** Changing listed cause of death on certificates for executed inmates

**COMMITTEE:** Corrections — favorable, without amendment

**VOTE:** 6 ayes — Madden, R. Allen, Haggerty, Hochberg, McReynolds, Noriega  
0 nays  
1 absent — D. Jones

**WITNESSES:** For — Dianne Clements, Justice for All; Diane Marino; Patsy Teer  
Against — None

**DIGEST:** HB 93 would require death certificates of Texas Department of Criminal Justice (TDCJ) inmates who are lawfully executed to state the cause of death as "death caused by judicial execution."  
  
The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2005.

**SUPPORTERS SAY:** HB 93 would clarify that inmates who are lawfully executed are not victims of homicide but rather have been put to death under by a judicial order. Lethal injections are legal, court-ordered actions that should have their own category and not be grouped statistically with murders that are illegal.  
  
Death certificates of executed inmates now list the manner of death as "homicide," the same thing listed on death certificates of murder victims. Having the same cause of death on the death certificates of both victims and their murderers equates the two deaths inappropriately, causing unneeded emotional strain for victims' families and loved ones. Victims' families have described seeing the same phrase on the death certificates of both their loved ones and the people who murdered their loved ones as a slap in the face that feels unjust.

HB 93 would bring Texas in line with the approximately 14 other states that have made similar changes to clarify the method of death after a legal execution.

Any impact on the Department of State Health Services in redesigning the death certificate would be small and absorbable and would be outweighed by the positive impact the bill would make in the lives of victims' families. The new electronic death reporting system is not finalized, and the state should have ample time and resources to make the small change that would be required by HB 93 before the new system is implemented.

**OPPONENTS  
SAY:**

HB 93 is unnecessary because current practices accurately reflect what occurs when a death row inmate is executed. Texas death certificates have six options for designating the manner of death – natural, accident, suicide, homicide, pending investigation, and could not be determined. Physicians who fill out the death certificates for executed inmates typically check "homicide" because it means a killing of one human being by another. The physician also typically fills in the space for the "immediate cause" of death on the death certificate by writing "court ordered lethal injection." Taken together this information accurately reflects what occurs during an execution and makes no statement about the morality of what occurs.

Amending the Texas death certificate to say something other than homicide would be an attempt to sanitize what the state is doing when it executes inmates. The state should continue accurately to reflect its actions on death certificates and not try to make the taking of a life by the state more antiseptic by creating a special category of "judicial execution."

HB 93 could be costly to the state. The state is now developing an electronic death reporting system that will be able quickly to verify a deceased person's social security number. The new system already is being tested through a pilot program and is set for full implementation by January 1, 2006. The new system is being developed through a federal grant that has deadlines that must be met to receive grant payments. Those payments are used to pay vendors developing the system. Requiring a change in new electronic death certificates would mean that technical and programming changes would have to be made that would cause the state to miss deadlines set by the federal grant and leave the state without a source of revenue to pay the vendors. The state should not incur these

unnecessary expenses for the approximately 20 or 25 inmates who are executed annually.