

SUBJECT: Relatives of murder victims attending executions

COMMITTEE: Criminal Jurisprudence — committee substitute recommended

VOTE: 5 ayes — Place, Talton, Greenberg, Nixon, Pitts
1 nay — Farrar
1 present, not voting — Pickett
2 absent — Hudson, Solis

SENATE VOTE: On final passage, March 28 — 29-0

WITNESSES: (*On House companion, HB 285*):

For — Patsy M. Teer, Linda Kelly, Randy L. Ertman, Melissa Pena, Betty Marshall, the Marshall family; Andy Kahan, Justice For All, Houston Crime Commission

Against — None

On — Wayne Scott, Texas Department of Criminal Justice, Institutional Division

DIGEST: SB 38 would entitle up to five close relatives of a murder victim to be present at the execution of a capital murderer. The Texas Department of Criminal Justice (TDCJ) would be required to take reasonable measures to give notice of the day, time and place of the execution to close relatives of the victim who have filed a victim impact statement with the department.

SUPPORTERS SAY: Close relatives of murder victims have the right to attend the execution of the person who murdered their loved one. Since the inmate can have up to five relatives or friends attend the execution, it is only fair that relatives of the victim have the same opportunity. Witnessing the execution can bring closure to the incident and help persons deal with the pain of losing a relative. While it is anticipated that most relatives of murder victims would

not want to attend an execution, the opportunity should be available for those who do.

TDCJ can easily accommodate the relatives of victims by dividing the witness room with a wall and establishing a separate entrance. TDCJ currently allows relatives of victims who travel to the execution site to be near the event in a separate room.

At least three other states allow victims' relatives to witness an execution.

**OPPONENTS
SAY:**

Allowing relatives of murder victims to attend an execution would invade the privacy of the inmate who is being executed. Condemned inmates have a right to decide who should witness their execution. Allowing victims' relatives to witness an execution could unwisely turn a private event into a public spectacle that could become a celebration for the victims' relatives. As a compromise, witnesses could be allowed unless an inmate objects.

NOTES:

The companion bill, HB 285 by Bailey, has been reported favorably by the House Criminal Jurisprudence Committee.

The committee amendment states that victims' relatives would be entitled, not just allowed, to attend an execution, and to require TDCJ to take reasonable measures to notify relatives of an execution.