



**STATE OF INDIANA
HOUSE OF REPRESENTATIVES**

THIRD FLOOR STATE HOUSE
INDIANAPOLIS, INDIANA 46204

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COMMITTEES:

Commerce, Small Business and Economic Development, Chairman
Utilities, Energy and Telecommunication
Employment, Labor and Pensions

May 9, 2025

Dear Members of the Legislative Council,

I write to respectfully request that the Legislative Council assign to an appropriate Interim Study Committee a review of Indiana's policies and practices concerning the death penalty. The State of Indiana resumed executions in December 2024 after a 15-year hiatus, raising serious legal, moral, and administrative questions that demand further examination. In light of renewed bipartisan interest and growing public concern, we believe this is an opportune moment for legislators to examine whether the death penalty continues to serve justice, uphold human dignity, and reflect the values of the people of Indiana.

Background

During the 2025 Legislative Session, I authored HB1030, which sought to repeal Indiana's law concerning the imposition and execution of death sentences. While the bill did not receive a hearing in the House Courts and Criminal Code Committee, it generated significant bipartisan interest and renewed public discussion around the death penalty in our state.

In December 2024, after a 15-year hiatus, Indiana resumed executions with the death of Joseph Corcoran. This sudden resumption has prompted renewed scrutiny. At the same time, concerns have been raised nationwide about the use of pentobarbital as a method of lethal injection, particularly regarding whether it causes prolonged and painful deaths. This reawakening of capital punishment in Indiana—combined with the practical, ethical, and theological issues involved—demands careful study.

Perhaps most alarming, however, is the now well-documented reality that innocent individuals have been executed in states with capital punishment. This fact alone should prompt Indiana to pause and consider the finality and fallibility of the death penalty. Many Hoosiers now believe that life imprisonment without the possibility of parole may be the more just and responsible alternative.

Moral Considerations

Human life is sacred. It must be so. Each life is sacred because, from its beginning, it involves the creative action of God. Every human being remains forever in a unique and special relationship with the Creator. But life cannot be sacred in one moment and disposable in another. If we begin deciding when life is sacred and when it is not, our society risks moral confusion and cultural decline. Some of the most profound voices of Western civilization—from Augustine of Hippo to John Paul II—affirm that if a prisoner can be securely confined and the public kept safe, then execution is no longer a morally defensible punishment. A life in confinement can still be active, productive, and redemptive. A justice system that reflects both public safety and divine reverence for life is one that truly honors our Creator.

How can we justify the sanctity of every life, while simultaneously taking the soul of a human being? I was taught that two wrongs do not make a right. We must ask ourselves whether our actions align with that moral truth. The issue is not simply about punishment—it is about who we are as a people. In considering the sanctity of life, we must also acknowledge what has been affirmed by the U.S. Supreme Court: individuals diagnosed with serious mental illness cannot constitutionally be executed. This raises serious questions about how and when mental competency is assessed in capital cases. Who determines the mental condition of the defendant, and should a separate legal proceeding be held to make that determination? Prosecutors often argue that a defendant's mental condition did not preclude them from committing the crime—but should that be weighed by a separate body, distinct from the jury's role in determining guilt?



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Policy and Procedural Concerns

Execution is not an isolated act. It implicates many individuals—state employees who transport the prisoner, prepare the execution chamber, manufacture or obtain the lethal drugs, and ultimately carry out the injection. Many of these same people feed, clothe, and care for the prisoners daily. Are these same individuals then to carry out a state-mandated killing? This involvement is not without consequence.

This raises a significant question: Do we offer adequate mental health support and counseling for state employees involved in the execution process? If we do not, we risk serious emotional and moral harm to the very people tasked with carrying out state policy. Furthermore, if the moral burden is too great to place on state workers, should members of the General Assembly—those who pass these laws—be the ones to carry out the execution themselves? At the very least, should the General Assembly set the date of execution only after reviewing all legal and medical findings? The weight of such final decisions demands accountability at the highest level. Further, there are fundamental questions about fairness and transparency in the death penalty process:

- Why do some individuals who commit the same capital offense receive vastly different sentences?
- Why are plea bargains offered to those accused of capital crimes, allowing them to avoid execution?
- Since 2002, Indiana has required juries—not judges alone—to decide death sentences. What of the prisoners sentenced before this change? Are their sentences less just?
- Why does the state maintain secrecy around the procurement of lethal injection drugs?
- Why are those drugs not tested 24 hours before execution to confirm their purity and efficacy?
- What is the most reliable and humane method of execution, if it is to be used at all?
- If capital punishment is meant to deter and reflect justice, why is it not carried out in public view?

Beyond these legal and administrative questions lies a deeper issue: is it worth the emotional, financial, and moral toll? With costly trials, appeals, and the risk of wrongful convictions, we must ask whether capital punishment is a sustainable or just policy in Indiana.

Objectives of the Summer Study Committee

To support a meaningful and balanced discussion, I respectfully request that the Legislative Council assign the issue of Indiana's use of the death penalty to an interim study committee to consider the following questions:

- **Moral and Emotional Impacts**
 - How can we reconcile the sanctity of life with a system that takes life?
 - Should Indiana provide counseling and therapeutic support for state employees who participate in executions?



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- Should defendants with diagnosed mental illness be subject to a separate legal process to determine whether they can be constitutionally sentenced to death?
- How is mental illness assessed in capital cases, and is that process adequate and impartial?
- Should members of the General Assembly be directly responsible for carrying out the executions they authorize through law, rather than placing that burden on state employees?
- Should the General Assembly be required to set the date of execution only after personally reviewing all trial records, mental health evaluations, and appeals?
- **Equity and Consistency**
 - Why do some prisoners receive the death penalty while others, who commit similar crimes, do not?
 - Why are plea bargains allowed in capital cases, effectively eliminating the death sentence for some?
 - How do sentencing differences before and after 2002 affect the fairness of Indiana's death row?
 - If a jury finds a defendant guilty, should a separate trial phase determine their mental competency for execution, apart from guilt?
 - Are prosecutors placing undue weight on their own interpretation of a defendant's mental condition, and should there be greater independent oversight?
- **Execution Methods and Transparency**
 - What is the most effective and humane method of execution?
 - Why are lethal injection drugs not tested prior to use for safety and effectiveness?
 - Why does the state conduct drug procurement in secrecy?
 - If executions are just and necessary, why are they not conducted in public view?

These questions strike at the heart of justice, morality, public accountability, and administrative procedure. A summer study committee will provide the General Assembly with the opportunity to reflect carefully on whether Indiana's death penalty laws align with our values, principles, and obligations to public safety.

Sincerely,

Bob Morris
State Representative
District 84

Kyle Miller
State Representative
District 82

Victoria Garcia Wilburn
State Representative
District 32



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