



# Bureau of Justice Statistics Bulletin

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# Capital Punishment 1996

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Nineteen States executed 45 prisoners during 1996. The number executed was 11 fewer than in 1995. The prisoners executed during 1996 had been under sentence of death an average of 10 years and 5 months, 9 months less than that for inmates executed in 1995.

At yearend 1996, 3,219 prisoners were under sentence of death. California held the largest number on death row (454), followed by Texas (438), Florida (373), and Pennsylvania (203). Eleven prisoners were under a Federal sentence of death.

During 1996, 32 State and Federal prison systems received 299 prisoners under sentence of death. California (39 admissions), Texas (33), Florida and North Carolina (25 each) accounted for 41% of those sentenced to death.

During 1996, 45 men were executed. Of those executed, 27 were non-Hispanic whites; 14 were non-Hispanic blacks; 2, white Hispanics; and 2, whites with unknown Hispanic origin. Thirty-six of the executions were carried out by lethal injection, 7 by

From January 1, 1977, to December 31, 1996, 358 executions took place in 27 States. Two-thirds of these executions occurred in 6 States: Texas (107), Florida (38), Virginia (37), Missouri and Louisiana (23 each), and Georgia (22).

**For an advance count of executions in 1997, see page 12.**

## Highlights

### Status of the death penalty, December 31, 1996

Executions during 1996	Number of prisoners under sentence of death	Jurisdictions without a death penalty		
Virginia	8	California	454	Alaska
Missouri	6	Texas	438	District of Columbia
South Carolina	6	Florida	373	Hawaii
Delaware	3	Pennsylvania	203	Iowa
Texas	3	Ohio	170	Maine
Arizona	2	Illinois	161	Massachusetts
California	2	North Carolina	161	Michigan
Florida	2	Alabama	151	Minnesota
Georgia	2	Oklahoma	133	North Dakota
Oklahoma	2	Arizona	121	Rhode Island
Alabama	1	Georgia	96	Vermont
Arkansas	1	Missouri	93	West Virginia
Illinois	1	Tennessee	91	Wisconsin
Indiana	1	Nevada	81	
Louisiana	1	South Carolina	68	
Nebraska	1	Louisiana	63	
Nevada	1	Mississippi	57	
Oregon	1	18 other jurisdictions	305	
Utah	1			
<b>Total</b>	<b>45</b>	<b>Total</b>	<b>3,219</b>	

- At yearend 1996, 34 States and the Federal prison system held 3,219 prisoners under sentence of death, 5% more than at yearend 1995.

Persons under sentence of death, by race

	1986	1996
White	1,013	1,820
Black	762	1,349
Native American	16	24
Asian	9	18
Other	0	8

- The 259 Hispanic inmates under sentence of death accounted for 8.8% of inmates with a known ethnicity.

- Forty-eight women were under a sentence of death in 1996.

- Among persons for whom arrest information was available, the average age at time of arrest was 28; 2% of inmates were age 17 or younger.

- At yearend, the youngest inmate was 17; the oldest was 81.

- Of the 5,534 people under sentence of death between 1977 and 1996, 6.5% were executed, 2.6% died by causes other than execution, and 32.7% received other dispositions.

- The number of States authorizing lethal injection increased from 17 in 1986 to 32 in 1996. In 1996, 80% of all executions were by lethal injection, compared to 61% in 1986.

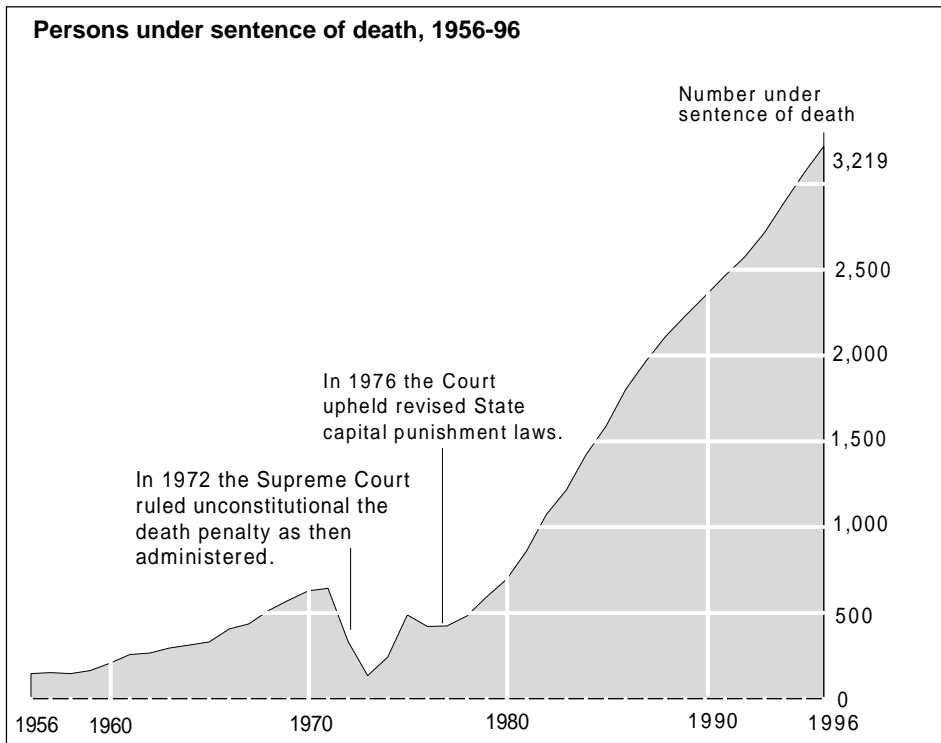


Figure 1

During this 20-year period, a total of 5,154 persons entered State and Federal prisons under sentences of death, among whom 51% were white, 41% were black, 7% were Hispanic, and 1% were of other races.

Also during 1977-96, 1,957 prisoners were removed from a death sentence as a result of dispositions other than execution (resentencing, retrial, commutation, or death while awaiting execution). Of persons removed by other means, 52% were white, 41% were black, 5% were Hispanic, 1% were Native American, and 0.5% were Asian.

### Capital punishment laws

At yearend 1996 the death penalty was authorized by the statutes of 38 States and by Federal statute (tables 1 and 2). During 1996 there were no successful challenges to the constitutionality of State death penalty laws, and no State enacted any new legislation authorizing capital punishment.

#### Statutory changes

During 1996, seven States revised statutory provisions relating to the death penalty. Most of the changes

involved additional aggravating or mitigating circumstances, procedural amendments, and revisions to capital offenses.

By State, the changes were as follows:

**Florida** — Added sections to the penal code and amended the code of criminal procedure. These changes became effective 10/1/96.

Florida added as aggravating factors the commission of a capital felony by a convicted felon under sentence of imprisonment; commission of a capital felony while engaged in abuse of an elderly or disabled adult resulting in great bodily harm or permanent disability or disfigurement; a capital felony committed against a person in a vulnerable state due to advanced age, disability, or the defendant's position of familial/custodial authority; and commission of a capital felony by a "criminal street gang member" (FS 921.141(5)(a), (d), (m), and (n)).

Florida also added as a mitigating factor "the existence of other factors in the defendant's background that would mitigate against imposition of the death penalty" (FS 921.141(6)(h)).

Florida legislators also amended the code of criminal procedure to specify that a new execution date must be set within 10 days after a stay of execution has been lifted (FS 922.06, 922.07, and 922.08).

**Indiana** — Added to its penal code as an aggravating factor burning, mutilation, or torture of the victim while the victim was alive (Indiana Code § 35-50-2-9(b)(11)), effective 7/1/96.

**Ohio** — Amended its code of criminal procedure to establish a procedure for resentencing after a death sentence has been vacated. Upon vacation of the sentence due to an error during the sentencing phase of a trial, the trial court that sentenced the offender will impanel a new jury or three-judge panel, whichever body conducted the original sentencing hearing (O.R.C. § 2929.06(A)(2)), effective 7/1/96.

Ohio lawmakers also added a provision specifying that defendants who were under age 18 at the time of the offense will be sentenced to life rather than death (O.R.C. § 2929.03(E)(1)), effective 7/1/96.

**Pennsylvania** — Added to its penal code as an aggravating factor the killing of a woman who was in her third trimester of pregnancy when the defendant had knowledge of the victim's pregnancy (42 Pa.C.S. § 9711(d)(17)), effective 1/16/96.

**South Carolina** — Added to its penal code as an aggravating factor murder of a witness or potential witness committed for the purpose of impeding or deterring prosecution of any crime (§ 16-3-20(C)(a)(11)), effective 5/20/96.

**Tennessee** — Revised an aggravating circumstance to include murder of emergency medical or rescue workers, paramedics, or firefighters engaged in official duty when the defendant knew or reasonably should have known the occupation of the victim (Tenn. Code Ann. § 39-13-204(i)(9)), effective 7/1/96.

Virginia — Amended the definition of capital murder to include among enumerated kidnaping offenses intent to defile the victim; to remove the condition of being armed with a deadly weapon for murder in the course of a robbery; and to add killing of more than one person within a 3-year period

(Va. Code § 18.2-31(1), (4), and (8)), effective 7/1/96.

#### Automatic review

Of the 38 States with capital punishment statutes at yearend 1996, 36 provided for review of all death sentences regardless of the defendant's wishes. Arkansas had no specific provisions for automatic review. In South Carolina the defendant had the right to waive sentence review if the defendant was deemed competent by the court (*State v. Torrence*, 473 S.E. 2d 703 (S.C. 1996)). The Federal death penalty procedures did not provide for automatic review after a sentence of death had been imposed.

While most of the 36 States authorized an automatic review of both the conviction and sentence, Idaho, Indiana, Oklahoma, and Tennessee required review of the sentence only. In Idaho, review of the conviction had to be filed through appeal or forfeited. In Indiana and Kentucky a defendant could waive review of the conviction.

The review is usually conducted by the State's highest appellate court regardless of the defendant's wishes. In Kentucky a defendant has the right to waive appeal; in Mississippi the question of whether a defendant could waive the right to automatic review of the sentence had not been addressed; and in Wyoming neither statute nor case law clearly precluded a waiver of appeal. If either the conviction or the sentence was vacated, the case could be remanded to the trial court for additional proceedings or for retrial. As a result of retrial or resentencing, the death sentence could be reimposed.

**Table 1. Capital offenses, by State, 1996**

<b>Alabama.</b> Intentional murder with 1 of 18 aggravating factors (13A-5-40).	<b>Montana.</b> Capital murder with 9 aggravating circumstances (46-18-303 MCA).
<b>Arizona.</b> First-degree murder accompanied by at least 1 of 10 aggravating factors.	<b>Nebraska.</b> First-degree murder with a finding of at least 1 statutorily-defined aggravating circumstance.
<b>Arkansas.</b> Capital murder (Ark. Code Ann. 5-10-101) with a finding of at least 1 of 9 aggravating circumstances; treason.	<b>Nevada.</b> First-degree murder with 10 aggravating circumstances.
<b>California.</b> First-degree murder with special circumstances; train-wrecking; treason; perjury causing execution.	<b>New Hampshire.</b> Capital murder (RSA 630:1).
<b>Colorado.</b> First-degree murder with at least 1 of 13 aggravating factors; treason. Capital sentencing excludes persons determined to be mentally retarded.	<b>New Jersey.</b> Purposeful or knowing murder by offender's own conduct; contract murder; solicitation by command or threat in furtherance of a narcotics conspiracy (NJSA 2C:11-3C).
<b>Connecticut.</b> Capital felony with 9 categories of aggravated homicide (C.G.S. 53a-54b).	<b>New Mexico.</b> First-degree murder (Section 30-2-1 A, NMSA).
<b>Delaware.</b> First-degree murder with aggravating circumstances.	<b>New York.</b> First-degree murder with 1 of 10 aggravating factors. Capital sentencing excludes persons determined to be mentally retarded.
<b>Florida.</b> First-degree murder; felony murder; capital drug trafficking.	<b>North Carolina.</b> First-degree murder (N.C.G.S. 14-17).
<b>Georgia.</b> Murder; kidnaping with bodily injury or ransom when the victim dies; aircraft hijacking; treason.	<b>Ohio.</b> Aggravated murder with at least 1 of 8 aggravating circumstances (O.R.C. secs. 2929.01, 2903.01, and 2929.04).
<b>Idaho.</b> First-degree murder; aggravated kidnaping.	<b>Oklahoma.</b> First-degree murder in conjunction with a finding of at least 1 of 8 statutorily defined aggravating circumstances.
<b>Illinois.</b> First-degree murder with 1 of 15 aggravating circumstances.	<b>Oregon.</b> Aggravated murder (ORS 163.095).
<b>Indiana.</b> Murder with 15 aggravating circumstances. Capital sentencing excludes persons determined to be mentally retarded.	<b>Pennsylvania.</b> First-degree murder with 17 aggravating circumstances.
<b>Kansas.</b> Capital murder with 7 aggravating circumstances. Capital sentencing excludes persons determined to be mentally retarded.	<b>South Carolina.</b> Murder with 1 of 10 aggravating circumstances (§ 16-3-20(C)(a)). Mental retardation is a mitigating factor.
<b>Kentucky.</b> Murder with aggravating factors; kidnaping with aggravating factors.	<b>South Dakota.</b> First-degree murder with 1 of 10 aggravating circumstances.
<b>Louisiana.</b> First-degree murder; aggravated rape of victim under age 12; treason (La. R.S. 14:30, 14:42, and 14:113).	<b>Tennessee.</b> First-degree murder.
<b>Maryland.</b> First-degree murder, either premeditated or during the commission of a felony, provided that certain death eligibility requirements are satisfied.	<b>Texas.</b> Criminal homicide with 1 of 8 aggravating circumstances (TX Penal Code 19.03).
<b>Mississippi.</b> Capital murder (97-3-19(2) MCA); capital rape (97-3-65(1) MCA); aircraft piracy (97-25-55(1) MCA).	<b>Utah.</b> Aggravated murder; aggravated assault by a prisoner serving a life sentence if serious bodily injury is intentionally caused (76-5-202, Utah Code Annotated).
<b>Missouri.</b> First-degree murder (565.020 RSMO).	<b>Virginia.</b> First-degree murder with 1 of 9 aggravating circumstances (VA Code § 18.2-31).
	<b>Washington.</b> Aggravated first-degree murder.
	<b>Wyoming.</b> First-degree murder.

**Table 2. Federal laws providing for the death penalty, 1996**

8 U.S.C. 1342 - Murder related to the smuggling of aliens.	18 U.S.C. 1114 - Murder of a Federal judge or law enforcement official.	18 U.S.C. 1958 - Murder for hire.
18 U.S.C. 32-34 - Destruction of aircraft, motor vehicles, or related facilities resulting in death.	18 U.S.C. 1116 - Murder of a foreign official.	18 U.S.C. 1959 - Murder involved in a racketeering offense.
18 U.S.C. 36 - Murder committed during a drug-related drive-by shooting.	18 U.S.C. 1118 - Murder by a Federal prisoner.	18 U.S.C. 1992 - Willful wrecking of a train resulting in death.
18 U.S.C. 37 - Murder committed at an airport serving international civil aviation.	18 U.S.C. 1119 - Murder of a U.S. national in a foreign country.	18 U.S.C. 2113 - Bank-robbery-related murder or kidnaping.
18 U.S.C. 115(b)(3) [by cross-reference to 18 U.S.C. 1111] - Retaliatory murder of a member of the immediate family of law enforcement officials.	18 U.S.C. 1120 - Murder by an escaped Federal prisoner already sentenced to life imprisonment.	18 U.S.C. 2119 - Murder related to a carjacking.
18 U.S.C. 241, 242, 245, 247 - Civil rights offenses resulting in death.	18 U.S.C. 1121 - Murder of a State or local law enforcement official or other person aiding in a Federal investigation; murder of a State correctional officer.	18 U.S.C. 2245 - Murder related to rape or child molestation.
18 U.S.C. 351 [by cross-reference to 18 U.S.C. 1111] - Murder of a member of Congress, an important executive official, or a Supreme Court Justice.	18 U.S.C. 1201 - Murder during a kidnaping.	18 U.S.C. 2251 - Murder related to sexual exploitation of children.
18 U.S.C. 794 - Espionage.	18 U.S.C. 1203 - Murder during a hostage-taking.	18 U.S.C. 2280 - Murder committed during an offense against maritime navigation.
18 U.S.C. 844(d), (f), (i) - Death resulting from offenses involving transportation of explosives, destruction of government property, or destruction of property related to foreign or interstate commerce.	18 U.S.C. 1503 - Murder of a court officer or juror.	18 U.S.C. 2281 - Murder committed during an offense against a maritime fixed platform.
18 U.S.C. 924(i) - Murder committed by the use of a firearm during a crime of violence or a drug trafficking crime.	18 U.S.C. 1512 - Murder with the intent of preventing testimony by a witness, victim, or informant.	18 U.S.C. 2332 - Terrorist murder of a U.S. national in another country.
18 U.S.C. 930 - Murder committed in a Federal Government facility.	18 U.S.C. 1513 - Retaliatory murder of a witness, victim, or informant.	18 U.S.C. 2332a - Murder by the use of a weapon of mass destruction.
18 U.S.C. 1091 - Genocide.	18 U.S.C. 1716 - Mailing of injurious articles with intent to kill or resulting in death.	18 U.S.C. 2340 - Murder involving torture.
18 U.S.C. 1111 - First-degree murder.	18 U.S.C. 1751 [by cross-reference to 18 U.S.C. 1111] - Assassination or kidnaping resulting in the death of the President or Vice President.	18 U.S.C. 2381 - Treason.
		21 U.S.C. 848(e) - Murder related to a continuing criminal enterprise or related murder of a Federal, State, or local law enforcement officer.
		49 U.S.C. 1472-1473 - Death resulting from aircraft hijacking.

*Method of execution*

As of December 31, 1996, lethal injection was the predominant method of execution (32 States) (table 3). Eleven States authorized electrocution; 7 States, lethal gas; 4 States, hanging; and 3 States, a firing squad.

Seventeen States authorized more than one method — lethal injection and an alternative method — generally at the election of the condemned prisoner; however, 5 of these 17 stipulated which method must be used, depending on the date of

sentencing; 1 authorized hanging only if lethal injection could not be given; and, if lethal injection is ever ruled unconstitutional, 1 authorized lethal gas, and 1 authorized electrocution.

The Federal Government authorizes method of execution under 2 different laws. Offenses prosecuted under 28 C.F.R., Part 26, mandate lethal injection, while those prosecuted under the Violent Crime Control and Law Enforcement Act of 1994 (18 U.S.C. 3596) call for the method of the State in which the conviction took place.

*Minimum age*

In 1996 eight jurisdictions did not specify a minimum age for which the death penalty could be imposed (table 4). In some States the minimum age was set forth in the statutory provisions that determine the age at which a juvenile may be transferred to criminal court for trial as an adult. Fourteen States and the Federal system required a minimum age of 18. Sixteen States indicated an age of eligibility between 14 and 17.

**Table 3. Method of execution, by State, 1996**

	Lethal injection	Electrocution	Lethal gas	Hanging	Firing squad
Arizona <sup>a,b</sup>	New Hampshire <sup>a</sup>	Alabama	Arizona <sup>a,b</sup>	Delaware <sup>a,c</sup>	Idaho <sup>a</sup>
Arkansas <sup>a,d</sup>	New Jersey	Arkansas <sup>a,d</sup>	California <sup>a</sup>	Montana <sup>a</sup>	Oklahoma <sup>a,e</sup>
California <sup>a</sup>	New Mexico	Florida	Maryland <sup>f</sup>	New Hampshire <sup>a,g</sup>	Utah <sup>a</sup>
Colorado	New York	Georgia	Mississippi <sup>a,h</sup>	Washington <sup>a</sup>	
Connecticut	North Carolina <sup>a</sup>	Kentucky	Missouri <sup>a</sup>		
Delaware <sup>a,c</sup>	Ohio <sup>a</sup>	Nebraska	North Carolina <sup>a</sup>		
Idaho <sup>a</sup>	Oklahoma <sup>a</sup>	Ohio <sup>a</sup>	Wyoming <sup>a,i</sup>		
Illinois	Oregon	Oklahoma <sup>a,e</sup>			
Indiana	Pennsylvania	South Carolina <sup>a</sup>			
Kansas	South Carolina <sup>a</sup>	Tennessee			
Louisiana	South Dakota	Virginia <sup>a</sup>			
Maryland <sup>f</sup>	Texas				
Mississippi <sup>a,h</sup>	Utah <sup>a</sup>				
Missouri <sup>a</sup>	Virginia <sup>a</sup>				
Montana <sup>a</sup>	Washington <sup>a</sup>				
Nevada	Wyoming <sup>a</sup>				

Note: The method of execution of Federal prisoners is lethal injection, pursuant to 28 C.F.R., Part 26. For offenses under the Violent Crime Control and Law Enforcement Act of 1994, the method is that of the State in which the conviction took place, pursuant to 18 U.S.C. 3596.

<sup>a</sup>Authorizes 2 methods of execution.

<sup>b</sup>Arizona authorizes lethal injection for persons sentenced after 11/15/92; those sentenced before that date may select lethal injection or lethal gas.

<sup>c</sup>Delaware authorizes lethal injection for those whose capital offense occurred after 6/13/86; those who committed the offense before that date may select lethal injection or hanging.

<sup>d</sup>Arkansas authorizes lethal injection for persons committing a capital offense on or after 7/4/83; those who committed the offense before that date may select lethal injection or electrocution.

<sup>e</sup>Oklahoma authorizes electrocution if lethal injection is ever held to be unconstitutional and firing squad if both lethal injection and electrocution are held unconstitutional.

<sup>f</sup>Maryland authorizes lethal injection for all inmates, as of 3/25/94. One inmate, convicted prior to that date, has selected lethal gas for method of execution.

<sup>g</sup>New Hampshire authorizes hanging only if lethal injection cannot be given.

<sup>h</sup>Mississippi authorizes lethal injection for those convicted after 7/1/84 and lethal gas for those convicted earlier.

<sup>i</sup>Wyoming authorizes lethal gas if lethal injection is ever held to be unconstitutional.

**Table 4. Minimum age authorized for capital punishment, 1996**

Age 16 or less	Age 17	Age 18	None specified
Alabama (16)	Georgia	California	Arizona
Arkansas (14) <sup>a</sup>	New Hampshire	Colorado	Idaho
Delaware (16)	North Carolina <sup>b</sup>	Connecticut <sup>c</sup>	Montana
Florida (16)	Texas	Federal system	Louisiana
Indiana (16)		Illinois	Pennsylvania
Kentucky (16)		Kansas	South Carolina
Mississippi (16) <sup>d</sup>		Maryland	South Dakota <sup>e</sup>
Missouri (16)		Nebraska	Utah
Nevada (16)		New Jersey	
Oklahoma (16)		New Mexico	
Virginia (14) <sup>f</sup>		New York	
Wyoming (16)		Ohio	
		Oregon	
		Tennessee	
		Washington	

Note: Reporting by States reflects interpretations by State attorney general offices and may differ from previously reported ages.

<sup>a</sup>See Arkansas Code Ann. 9-27-318(b)(1)(Repl. 1991).

<sup>b</sup>The age required is 17 unless the murderer was incarcerated for murder when a subsequent murder occurred; then the age may be 14.

<sup>c</sup>See Conn. Gen. Stat. 53a-46a(g)(1).

<sup>d</sup>The minimum age defined by statute is 13, but the effective age is 16 based on a Mississippi Supreme Court decision.

<sup>e</sup>Juveniles may be transferred to adult court. Age can be a mitigating factor.

<sup>f</sup>The minimum age for transfer to adult court is 14 by statute, but the effective age for a capital sentence is 16 based on interpretation of a U.S. Supreme Court decision by the State attorney general's office.

**Table 5. Prisoners under sentence of death, by region, State, and race, 1995 and 1996**

Region and State <sup>b</sup>	Prisoners under sentence of death, 12/31/95			Received under sentence of death			Removed from death row (excluding executions) <sup>a</sup>			Executed			Prisoners under sentence of death, 12/31/96		
	Total <sup>c</sup>	White <sup>d</sup>	Black <sup>d</sup>	Total <sup>c</sup>	White	Black	Total <sup>c</sup>	White	Black	Total <sup>c</sup>	White	Black	Total <sup>c</sup>	White	Black
<b>U.S. total</b>	3,064	1,732	1,284	299	174	119	99	55	40	45	31	14	3,219	1,820	1,349
Federal <sup>e</sup>	8	3	5	4	1	3	1	1	0	0	0	0	11	3	8
State	3,056	1,729	1,279	295	173	116	98	54	40	45	31	14	3,208	1,817	1,341
<b>Northeast</b>	212	73	132	14	8	6	8	4	4	0	0	0	218	77	134
Connecticut	5	2	3	0	0	0	1	1	0	0	0	0	4	1	3
New Hampshire	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
New Jersey	10	4	6	3	1	2	2	0	2	0	0	0	11	5	6
New York	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Pennsylvania	197	67	123	11	7	4	5	3	2	0	0	0	203	71	125
<b>Midwest</b>	459	223	234	47	26	21	16	9	7	9	5	4	481	235	244
Illinois	154	56	98	16	7	9	8	2	6	1	0	1	161	61	100
Indiana	45	30	15	3	2	1	2	2	0	1	0	1	45	30	15
Kansas	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Missouri	92	51	41	9	5	4	2	2	0	6	4	2	93	50	43
Nebraska	10	7	2	2	2	0	0	0	0	1	1	0	11	8	2
Ohio	156	77	78	17	10	7	3	2	1	0	0	0	170	85	84
South Dakota	2	2	0	0	0	0	1	1	0	0	0	0	1	1	0
<b>South</b>	1,701	972	708	168	95	70	61	31	27	29	19	10	1,779	1,017	741
Alabama	143	82	59	19	12	7	10	5	4	1	0	1	151	89	61
Arkansas	38	23	15	5	1	4	2	1	1	1	1	0	40	22	18
Delaware	14	7	7	0	0	0	0	0	0	3	2	1	11	5	6
Florida <sup>f</sup>	364	227	137	25	17	8	14	9	5	2	0	2	373	235	138
Georgia	99	56	43	6	4	2	7	3	4	2	2	0	96	55	41
Kentucky	28	22	6	2	1	1	1	1	0	0	0	0	29	22	7
Louisiana	56	20	36	9	2	7	1	0	1	1	0	1	63	22	41
Maryland	13	2	11	7	2	5	1	0	1	0	0	0	19	4	15
Mississippi	51	21	30	9	5	4	3	0	3	0	0	0	57	26	31
North Carolina	138	67	69	25	11	13	2	1	1	0	0	0	161	77	81
Oklahoma	129	77	41	16	10	4	10	5	3	2	2	0	133	80	42
South Carolina	67	33	34	8	3	5	1	1	0	6	5	1	68	30	38
Tennessee	96	64	30	3	3	0	8	4	4	0	0	0	91	63	26
Texas <sup>g</sup>	408	242	162	33	23	10	0	0	0	3	2	1	438	263	171
Virginia	57	29	28	1	1	0	1	1	0	8	5	3	49	24	25
<b>West</b>	684	461	205	66	44	19	13	10	2	7	7	0	730	488	222
Arizona	118	98	14	5	5	0	0	0	0	2	2	0	121	101	14
California	420	251	160	39	25	12	3	2	1	2	2	0	454	272	171
Colorado	4	3	1	1	0	1	0	0	0	0	0	0	5	3	2
Idaho	19	19	0	1	1	0	2	2	0	0	0	0	18	18	0
Montana	6	5	0	2	1	0	1	0	0	0	0	0	7	6	0
Nevada	75	48	26	10	4	6	3	3	0	1	1	0	81	48	32
New Mexico	3	3	0	2	2	0	1	1	0	0	0	0	4	4	0
Oregon	20	18	1	3	3	0	2	1	1	1	1	0	20	19	0
Utah	10	8	2	1	1	0	1	1	0	1	1	0	9	7	2
Washington	9	8	1	2	2	0	0	0	0	0	0	0	11	10	1
Wyoming	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Note: Some figures shown for yearend 1995 are revised from those reported in *Capital Punishment 1995*, NCJ-162043. The revised figures include 15 inmates who were either reported late to the National Prisoner Statistics Program or were not in custody of State correctional authorities on 12/31/95 (3 each in Florida and Texas; 2 in Mississippi; and 1 each in Arizona, Georgia, Maryland, Ohio, Oklahoma, Pennsylvania, and Virginia) and exclude 9 inmates who were relieved of the death sentence on or before 12/31/95 (2 in Maryland and 1 each in California, Florida, Indiana, Louisiana, North

Carolina, Oklahoma, and Texas). The data for 12/31/95 also include 4 inmates who were listed erroneously as being removed from death row (2 in Texas and 1 each in California and Maryland).  
<sup>a</sup>Includes 6 deaths from natural causes (in California, Florida, Georgia, New Jersey, New Mexico, and Pennsylvania) and 6 suicides (in Alabama, California, Florida, Missouri, Ohio, and Oklahoma).  
<sup>b</sup>Alaska, the District of Columbia, Hawaii, Iowa, Maine, Massachusetts, Michigan, Minnesota, North Dakota, Rhode Island, Vermont, West Virginia, and Wisconsin did not authorize the death

penalty as of 12/31/95, and no changes occurred during 1996.

<sup>c</sup>Totals include persons of other races.

<sup>d</sup>The accounting of race and Hispanic origin differs from that presented in tables 9, 10, and 12. In this table white and black inmates include Hispanics.

<sup>e</sup>Excludes persons held under Armed Forces jurisdiction with a military death sentence for murder.

<sup>f</sup>Race has been revised from white to black for 1 inmate.

<sup>g</sup>Race has been changed from that originally reported for 2 inmates: 1 from Asian to white and 1 from white to black.

**Characteristics of prisoners under sentence of death at yearend 1996**

Thirty-four States and the Federal prison system held a total of 3,219 prisoners under sentence of death on December 31, 1996, a gain of 155 or 5.1% more than at the end of 1995 (table 5). The Federal prison system count rose from 8 at yearend 1995 to 11 at yearend 1996. Three States reported 39% of the Nation's death row population: California (454), Texas (438), and Florida (373). Of the 39 jurisdictions with statutes authorizing the death penalty during 1996, New Hampshire, New York, Kansas, and Wyoming had no one under a capital sentence, and Connecticut, South Dakota, and New Mexico had 4 or fewer.

Among the 35 jurisdictions with prisoners under sentence of death at year-end 1996, 25 had more inmates than a year earlier, 8 had fewer inmates, and 2 had the same number. California had an increase of 34, followed by Texas (30), North Carolina, and Ohio (14). Virginia had the largest decrease (8).

During 1996 the number of black inmates under sentence of death increased by 65; the number of whites increased by 88; and the number of persons of other races (American Indians, Alaska Natives, Asians, or Pacific Islanders) rose from 48 to 50.

The number of Hispanics sentenced to death rose from 239 to 259 during 1996 (table 6). Twenty-eight Hispanics were received under sentence of death, 6 were removed from death row, and 2 were executed. More than three-fourths of the Hispanics were incarcerated in 4 States: Texas (76), California (67), Florida (40), and Arizona (18).

**Table 6. Hispanics and women under sentence of death, by State, 1995 and 1996**

Region and State	Under sentence of death, 12/31/95		Received under sentence of death		Death sentence removed*	Under sentence of death, 12/31/96	
	Hispanics	Women	Hispanics	Women	Hispanics	Hispanics	Women
U.S. total	239	47	28	2	6	259	48
Alabama	0	4	0	0	0	0	4
Arizona	19	1	0	0	0	18	1
Arkansas	2	0	0	0	0	2	0
California	61	8	6	0	0	67	8
Colorado	1	0	0	0	0	1	0
Florida	36	6	5	0	1	40	6
Georgia	1	0	0	0	0	1	0
Idaho	1	1	0	0	1	0	1
Illinois	7	5	1	0	0	8	4
Indiana	2	0	0	0	0	2	0
Louisiana	1	0	0	0	0	1	0
Mississippi	1	2	0	0	0	1	2
Missouri	0	2	0	0	0	0	2
Nevada	10	1	0	0	2	8	1
New Mexico	2	0	0	0	1	1	0
North Carolina	1	2	2	1	0	3	3
Ohio	5	0	0	0	0	5	0
Oklahoma	4	4	3	0	1	6	4
Oregon	1	0	0	0	0	1	0
Pennsylvania	11	4	2	0	0	13	4
Tennessee	1	1	0	1	0	1	2
Texas	68	6	9	0	0	76	6
Utah	2	0	0	0	0	2	0
Virginia	2	0	0	0	0	2	0

\*One woman was removed from under sentence of death in Illinois, and no women were executed during 1996. Two Hispanic men (one each in Texas and Arizona) were executed in 1996.

During 1996 the number of women sentenced to be executed increased from 47 to 48. Two women were received under sentence of death, one was removed from death row, and none were executed. Women were under sentence of death in 14 States. Two-thirds of all women on death row at yearend were in California, Florida, Texas, Pennsylvania, Illinois, Alabama, and Oklahoma.

State	Women under sentence of death, 12/31/96		
	Total	White	Black
Total	48	32	16
California	8	6	2
Florida	6	4	2
Texas	6	4	2
Pennsylvania	4	1	3
Illinois	4	1	3
Alabama	4	3	1
Oklahoma	4	3	1
North Carolina	3	3	0
Missouri	2	2	0
Tennessee	2	2	0
Mississippi	2	1	1
Arizona	1	1	0
Idaho	1	1	0
Nevada	1	0	1

Men were 98% (3,171) of all prisoners under sentence of death (table 7). Whites predominated (57%); blacks comprised 42%; and other races (1.6%) included 24 Native Americans, 18 Asians, and 8 persons of unknown race. Among those for whom ethnicity was known, 9% were Hispanic.

The sex, race, and Hispanic origin of those under sentence of death at year-end 1996 were as follows:

State	Persons under sentence of death, by sex, race, and Hispanic origin, 12/31/96		
	White	Black	Other
Male	1,788	1,333	50
Hispanic	236	13	7
Female	32	16	0
Hispanic	2	1	0

Among inmates under sentence of death on December 31, 1996, for whom information on education was available, three-fourths had either completed high school (38%) or finished 9th, 10th, or 11th grade (38%). The percentage who had not gone beyond eighth grade (14%) was over 40% larger than that of inmates who had attended some college (10%). The median level of education was the 11th grade.

Of inmates under a capital sentence and with reported marital status, half had never married; a fourth were married at the time of sentencing; and nearly a fourth were divorced, separated, or widowed.

**Table 7. Demographic characteristics of prisoners under sentence of death, 1996**

Characteristic	Prisoners under sentence of death, 1996		
	Yearend	Admissions	Removals
<b>Total number under sentence of death</b>	3,219	299	144
<b>Sex</b>			
Male	98.5%	99.3%	99.3%
Female	1.5	.7	.7
<b>Race</b>			
White	56.5%	58.2%	59.7%
Black	41.9	39.8	37.5
Other*	1.6	2.0	2.8
<b>Hispanic origin</b>			
Hispanic	8.8%	10.4%	6.2%
Non-Hispanic	91.2	89.6	93.8
<b>Education</b>			
8th grade or less	14.4%	14.6%	19.4%
9th-11th	37.5	42.5	34.9
High school graduate/GED	37.8	35.8	38.0
Any college	10.2	7.1	7.8
Median	11th grade	11th grade	11th grade
<b>Marital status</b>			
Married	24.9%	18.1%	23.3%
Divorced/separated	21.3	22.6	33.1
Widowed	2.7	3.2	.8
Never married	51.1	56.0	42.9

Note: Calculations are based on those cases for which data were reported. Missing data by category were as follows:

	Yearend	Admissions	Removals
Hispanic origin	276	31	14
Education	484	73	15
Marital status	288	51	11

\*At yearend 1995 "other" consisted of 22 Native Americans, 18 Asians, and 8 self-identified Hispanics. During 1996, 5 Native Americans and 1 Asian were admitted; 3 Native Americans and 1 Asian were removed.

**Persons under sentence of death, by race, 1968-96**

Number under sentence of death on December 31

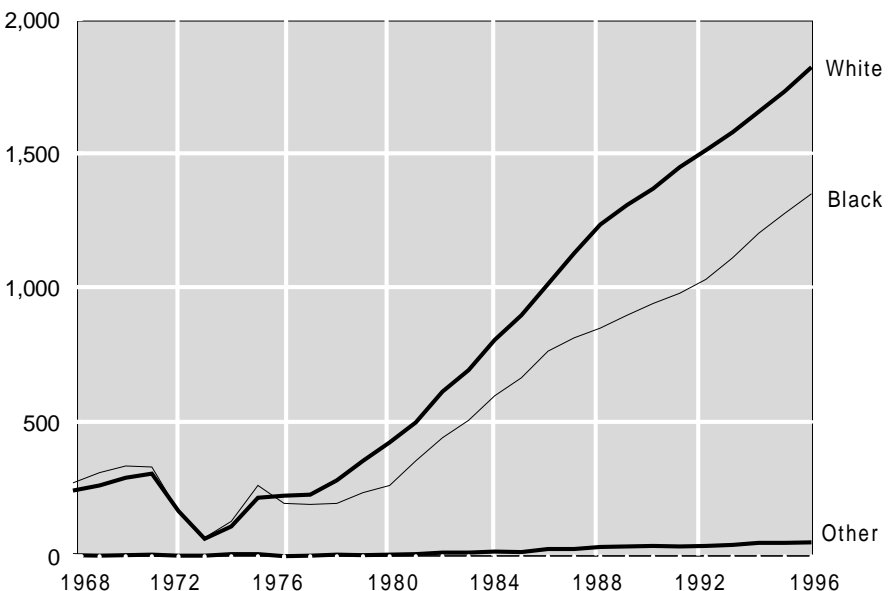


Figure 2



Among all inmates under sentence of death for whom date of arrest information was available, more than half were age 20 to 29 at the time of arrest for their capital offense; 13% were age 19 or younger; and less than 1% were age 55 or older (table 8). The average age at time of arrest was 28 years. On December 31, 1996, 40% of all inmates were age 30 to 39 and 70% were age 25 to 44. The youngest offender under sentence of death was age 17; the oldest was 81.

### Entries and removals of persons under sentence of death

Between January 1 and December 31, 1996, 31 State prison systems reported receiving 295 prisoners under sentence of death; the Federal Bureau of Prisons received 4 inmates. Forty-one percent of the inmates were received in 4 States: California (39), Texas (33), Florida and North Carolina (25 each).

All 299 prisoners who had been received under sentence of death had been convicted of murder. By sex and race, 172 were white men, 119 were black men, 5 were Native American men, 1 was an Asian man, and 2 were white women. Of the 299 new admissions, 28 were Hispanic men.

Twenty-seven States and the Federal Bureau of Prisons reported a total of 87 persons whose sentence of death was overturned or removed. Appeals courts vacated 38 sentences while upholding the convictions and vacated 38 sentences while overturning the convictions. Florida (12 exits) had the largest number of vacated capital sentences. Indiana reported two commutations of a death sentence; Arizona, Georgia, Idaho, Illinois, Ohio, Pennsylvania, South Carolina, and Virginia each reported one. Utah removed 1 inmate when an appellate court struck the capital sentence.

**Table 8. Age at time of arrest for capital offense and age of prisoners under sentence of death at yearend 1996**

Age	Prisoners under sentence of death			
	At time of arrest		On December 31, 1996	
	Number*	Percent	Number	Percent
Total under sentence of death on 12/31/96	2,849	100 %	3,219	100 %
17 or younger	64	2.2	1	--
18-19	295	10.4	15	.5
20-24	788	27.7	281	8.7
25-29	661	23.2	480	14.9
30-34	455	16.0	596	18.5
35-39	296	10.4	701	21.8
40-44	148	5.2	481	14.9
45-49	82	2.9	341	10.6
50-54	36	1.3	184	5.7
55-59	16	.6	80	2.5
60 or older	8	.3	59	1.8
Mean age	28 yrs		37 yrs	
Median age	26 yrs		36 yrs	

Note: The youngest person under sentence of death was a black male in Nevada, born in May 1979 and sentenced to death in June 1996. The oldest person under sentence of death was a white male in Arizona, born in September 1915

and sentenced to death in June 1983. \*Excludes 370 inmates for whom the date of arrest for the capital offense was not available. --Less than 0.5%.

As of December 31, 1996, 41 of the 87 persons who were formerly under sentence of death were serving a reduced sentence, 21 were awaiting a new trial, 17 were awaiting resentencing, 4 had all capital charges dropped, and 3 had no action taken after being removed from under sentence of death. No information was available on the current status of 1 inmate.

In addition, 12 persons died while under sentence of death in 1996. Six of these deaths were from natural causes — one each in California, Florida, Georgia, New Jersey, New Mexico, and Pennsylvania. Six suicides occurred — one each in Alabama, California, Florida, Missouri, Ohio, and Oklahoma.

From 1977, the year after the Supreme Court upheld the constitutionality of revised State capital punishment laws, to 1996, a total of 5,154 persons entered prison under sentence of death. During these 20 years, 358 persons were executed, and 1,957

were removed from under a death sentence by appellate court decisions and reviews, commutations, or death.<sup>1</sup>

Among individuals who received a death sentence between 1977 and 1996, 2,608 (51%) were white, 2,098 (41%) were black, 371 (7%) were Hispanic, and 77 (1%) were of other races. The distribution by race and Hispanic origin of the 1,957 inmates who were removed from death row between 1977 and 1996 was as follows: 1,011 whites (52%), 809 blacks (41%), 106 Hispanics (5%), and 31 persons of other races (2%). Of the 358 who were executed, 200 (56%) were white, 134 (37%) were black, 21 (6%) were Hispanic, and 3 (1%) were other races.

<sup>1</sup>An individual may have received and been removed from under a sentence of death more than once. Data are based on the most recent sentence.

## Criminal history of inmates under sentence of death in 1996

Among inmates under a death sentence on December 31, 1996, for whom criminal history information was available, 66% had past felony convictions, including 9% with at least one previous homicide conviction (table 9).

Among those for whom legal status at the time of the capital offense was reported, 42% had an active criminal justice status. Nearly half of these were on parole, and about a fourth were on probation. The others had charges pending, were incarcerated, had escaped from incarceration, or had some other criminal justice status.

Criminal history patterns differed by race and Hispanic origin. More blacks (70%) than whites (64%) or Hispanics (57%) had a prior felony conviction. About the same percentage of blacks

(9%), whites (8%), or Hispanics (7%) had a prior homicide conviction. A slightly higher percentage of Hispanics (24%) or blacks (23%) than whites (17%) were on parole when arrested for their capital offense.

Since 1988 data have been collected on the number of death sentences imposed on entering inmates. Among the 2,604 individuals received under sentence of death during that time, about 1 in every 7 entered with 2 or more death sentences.

Number of death sentences received	Inmates
Total	100%
1	85
2	10
3 or more	5
Number admitted under sentence of death, 1988-96	2,604

## Executions

According to data collected by the Federal Government, from 1930 to 1996, 4,217 persons were executed under civil authority (table 10).<sup>2</sup>

<sup>2</sup>Military authorities carried out an additional 160 executions, 1930-96.

**Table 10. Number of persons executed, by jurisdiction, 1930-96**

State	Number executed	
	Since 1930	Since 1977
U.S. total	4,217	358
Texas	404	107
Georgia	388	22
New York	329	
California	296	4
North Carolina	271	8
Florida	208	38
South Carolina	173	11
Ohio	172	
Mississippi	158	4
Louisiana	156	23
Pennsylvania	154	2
Alabama	148	13
Arkansas	130	12
Virginia	129	37
Kentucky	103	
Illinois	98	8
Tennessee	93	
Missouri	85	23
New Jersey	74	
Maryland	69	1
Oklahoma	68	8
Washington	49	2
Colorado	47	
Indiana	45	4
Arizona	44	6
District of Columbia	40	
West Virginia	40	
Nevada	35	6
Federal system	33	
Massachusetts	27	
Connecticut	21	
Delaware	20	8
Oregon	20	1
Utah	18	5
Iowa	18	
Kansas	15	
Wyoming	8	1
New Mexico	8	
Montana	7	1
Nebraska	6	2
Idaho	4	1
Vermont	4	
New Hampshire	1	
South Dakota	1	

**Table 9. Criminal history profile of prisoners under sentence of death, by race and Hispanic origin, 1996**

	Prisoners under sentence of death							
	Number				Percent <sup>a</sup>			
	All <sup>b</sup>	White	Black	Hispanic	All <sup>b</sup>	White	Black	Hispanic
U.S. total	3,219	1,582	1,335	259	100 %	100 %	100 %	100 %
<b>Prior felony convictions</b>								
Yes	1,953	929	867	136	65.7%	63.5%	70.4%	57.4%
No	1,018	533	365	101	34.3	36.5	29.6	42.6
Not reported	248							
<b>Prior homicide convictions</b>								
Yes	270	123	124	18	8.6%	7.9%	9.5%	7.2%
No	2,877	1,430	1,179	231	91.4	92.1	90.5	92.8
Not reported	72							
<b>Legal status at time of capital offense</b>								
Charges pending	208	118	74	15	7.3%	8.3%	6.3%	6.7%
Probation	288	141	122	22	10.0	9.9	10.3	9.8
Parole	572	239	272	55	20.0	16.8	23.0	24.4
Prison escapee	41	25	12	3	1.4	1.8	1.0	1.3
Prison inmate	70	33	32	3	2.4	2.3	2.7	1.3
Other status	32	16	14	1	1.1	1.1	1.2	.4
None	1,655	847	657	126	57.7	59.7	55.5	56.0
Not reported	353							

<sup>a</sup>Percentages are based on those offenders for whom data were reported.

Detail may not add to total because of rounding.

<sup>b</sup>Includes whites, blacks, Hispanics, and persons of other races.

After the Supreme Court reinstated the death penalty in 1976, 27 States executed 358 prisoners:

1977	1	1988	11
1979	2	1989	16
1981	1	1990	23
1982	2	1991	14
1983	5	1992	31
1984	21	1993	38
1985	18	1994	31
1986	18	1995	56
1987	25	1996	45

During this 20-year period, 6 States executed 250 prisoners: Texas (107), Florida (38), Virginia (37), Louisiana and Missouri (23 each), and Georgia (22). These States accounted for more than two-thirds of all executions. Between 1977 and 1996, 199 white non-Hispanic men, 134 black non-Hispanic men, 21 Hispanic men, 2 Native American men, 1 Asian man, and 1 white non-Hispanic woman were executed.

During 1996 Virginia carried out eight executions; Missouri and South Carolina each executed six persons; Delaware and Texas, three each; Arizona, California, Florida, Georgia, and Oklahoma, two each; and Alabama, Arkansas, Illinois, Indiana, Louisiana, Nebraska, Nevada, Oregon, and Utah, one each. All persons executed in 1996 were male. Twenty-nine were white, 14 were black, and 2 were Hispanic.

From 1977 to 1996, 5,534 prisoners were under death sentences for varying lengths of time (table 11). The 358 executions accounted for 6% of those at risk. A total of 1,957 prisoners (35% of those at risk) received other dispositions. About the same percentage of whites (7%), blacks (6%), and Hispanics (5%) were executed. Somewhat larger percentages of whites (36%) and blacks (36%) than Hispanics (28%) were removed from under a death sentence by means other than execution.

**Persons executed, 1930-96**

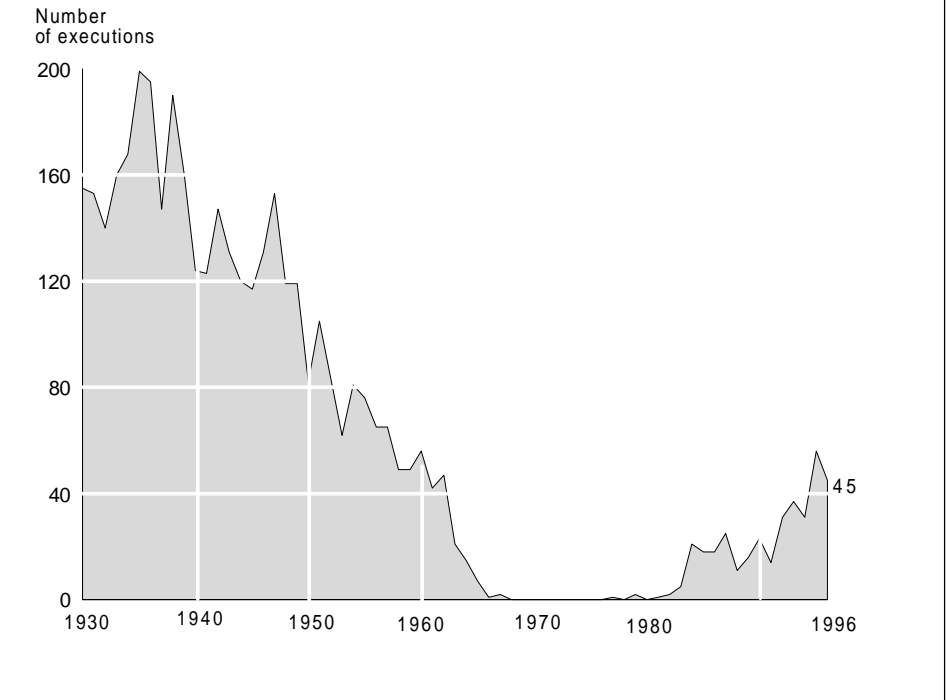


Figure 3

**Table 11. Prisoners under sentence of death who were executed or received other dispositions, by race and Hispanic origin, 1977-96**

Race/Hispanic origin	Total under sentence of death, 1977-96 <sup>b</sup>	Prisoners executed		Prisoners who received other dispositions <sup>a</sup>	
		Number	Percent of total	Number	Percent of total
Total	5,534	358	6.5%	1,957	35.4%
White <sup>c</sup>	2,793	200	7.2%	1,011	36.2%
Black <sup>c</sup>	2,278	134	5.9%	809	35.5%
Hispanic	386	21	5.4%	106	27.5%
Other <sup>c</sup>	77	3	3.9%	31	40.3%

<sup>a</sup>Includes persons removed from a sentence of death because of statutes struck down on appeal, sentences or convictions vacated, commutations, or death other than by execution.

<sup>b</sup>Includes persons sentenced to death prior to 1977 who were still under sentence of death

on 12/31/96 (12), persons sentenced to death prior to 1977 whose death sentence was removed between 1977 and 12/31/96 (368), and persons sentenced to death between 1977 and 12/31/96 (5,154).

<sup>c</sup>Non-Hispanic.

Among prisoners executed between 1977 and 1996, the average time spent between the imposition of the most recent sentence received and execution was nearly 9 years (table 12). White prisoners had spent an average of 8 years and 4 months, and black prisoners, 9 years and 9 months. The 45 prisoners executed in 1996 were under sentence of death an average of 10 years and 5 months.

For the 358 prisoners executed between 1977 and 1996, the most common method of execution was lethal injection (216). Other methods were electrocution (128), lethal gas (9), hanging (3), and firing squad (2).

Method of execution	Executions, 1977-96				
	White	Black	Hispanic	American Indian	Asian
Total	200	134	21	2	1
Lethal injection	123	70	20	2	1
Electrocution	66	61	1	0	0
Lethal gas	6	3	0	0	0
Hanging	3	0	0	0	0
Firing squad	2	0	0	0	0

Among prisoners under sentence of death at yearend 1996, the average time spent in prison was 6 years and 9 months.

	Elapsed time since sentencing	
	Mean	Median
Total	81 mos	70 mos
Male	82	71
Female	67	56
White	84	74
Black	79	65
Hispanic	78	70

The median time between the imposition of a death sentence and yearend 1996 was 70 months. Overall, the average time for women was 5.6 years — three-fourths as long as for men (6.8 years). On average, whites, blacks, and Hispanics had spent from 78 to 84 months under a sentence of death.

**Table 12. Time under sentence of death sentence and execution, by race, 1977-96**

Year of execution	Number executed			Average elapsed time from sentence to execution for:		
	All*	White	Black	All*	White	Black
Total	358	220	135	106 mos	100 mos	117 mos
1977-83	11	9	2	51 mos	49 mos	58 mos
1984	21	13	8	74	76	71
1985	18	11	7	71	65	80
1986	18	11	7	87	78	102
1987	25	13	12	86	78	96
1888	11	6	5	80	72	89
1989	16	8	8	95	78	112
1990	23	16	7	95	97	91
1991	14	7	7	116	124	107
1992	31	19	11	114	104	135
1993	38	23	14	113	112	121
1994	31	20	11	122	117	132
1995	56	33	22	134	128	144
1996	45	31	14	125	112	153

Note: Average time was calculated from the most recent sentencing date. Some numbers have been revised from those previously reported. \*Includes Native Americans and Asians.

**Advance count of executions: January 1, 1997 - December 31, 1997**

To provide the latest data on capital punishment, BJS initiated an ongoing collection effort in 1997, which gathers information as each execution occurs. The data include the date of execution, the jurisdiction, method used, and name, race, and gender of person executed.

State	Number of executions	Method used
Texas	37	Lethal Injection
Virginia	9	Lethal Injection
Missouri	6	Lethal Injection
Arkansas	4	Lethal Injection
Alabama	3	Electrocution
Arizona	2	Lethal Injection
Illinois	2	Lethal Injection
South Carolina	2	Lethal Injection
Colorado	1	Lethal Injection
Florida	1	Electrocution
Indiana	1	Lethal Injection
Kentucky	1	Electrocution
Louisiana	1	Lethal Injection
Maryland	1	Lethal Injection
Nebraska	1	Electrocution
Oklahoma	1	Lethal Injection
Oregon	1	Lethal Injection
Total	74	

As of December 31, 1997, 17 States had executed 74 prisoners. This is the most executions in a single year since the 76 inmates executed in 1955.

Texas carried out 37, half of all executions in 1997. This is more executions in a single State than in any year since the Federal Government began tracking executions on an annual basis.

Lethal injection accounted for 68 of the executions; 6 were carried out by electrocution.

Forty-six of those executed were white, 26 black, and 2 other races. All were men.

Final counts for all of 1997 will appear in *Capital Punishment 1997*, a BJS Bulletin, released in late 1998. This annual report will comprise data collected from State and Federal departments of correction. It will also include demographic characteristics, criminal history, time under sentence of death, method of removal including executions, and trends since 1973. The report will cover all persons under sentence of death on December 31, 1997, as well as those received from court and removed from under sentence of death.

## Methodology

Capital punishment information is collected annually as part of the National Prisoner Statistics program (NPS-8). This data series is collected in two parts: data on persons under sentence of death are obtained from the department of correction in each jurisdiction currently authorizing capital punishment and are updated annually; information on the status of death penalty statutes is obtained from the Office of the Attorney General in each of the 50 states, the District of Columbia, and the Federal government. Data collection forms and more detailed tables are available in *Correctional Populations in the United States*, published annually.

NPS-8 covers all persons under sentence of death at any time during the year who were held in a State or Federal nonmilitary correctional facility. Included are capital offenders transferred from prison to mental hospitals and those who may have escaped from custody. Excluded are persons whose death sentences have been overturned by the court, regardless of their current incarceration status.

The statistics reported in this Bulletin may differ from data collected by other organizations for a variety of reasons: (1) NPS-8 adds inmates to the number under sentence of death not at sentencing but at the time they are admitted to a State or Federal correctional

facility. (2) If in one year inmates entered prison under a death sentence or were reported as being relieved of a death sentence but the court had acted in the previous year, the counts are adjusted to reflect the dates of court decisions. (See the note on table 5 for the affected jurisdictions.) (3) NPS counts are always for the last day of the calendar year and will differ from counts for more recent periods.

All data in this report have been reviewed for accuracy by the data providers in each jurisdiction prior to publication.

**Appendix table 1. Prisoners sentenced to death, and the outcome of their sentence, by year of sentencing, 1973-96**

Year of sentence	Number sentenced to death	Number of prisoners removed from under sentence of death					Sentence commuted	Other or unknown reasons	Under sentence of death, 12/31/96
		Execution	Other death	Appeal or higher courts overturned		Sentence			
				Death penalty statute	Conviction	Sentence			
1973	42	2	0	14	9	8	9	0	0
1974	149	9	4	65	15	30	22	1	3
1975	298	6	4	171	24	67	21	2	3
1976	234	11	5	137	17	43	15	0	6
1977	138	17	2	40	26	33	7	0	13
1978	186	31	4	21	34	60	8	0	28
1979	153	20	9	2	28	57	6	1	30
1980	175	29	11	3	27	48	7	0	50
1981	229	40	12	0	39	72	4	1	61
1982	269	43	13	0	32	63	7	0	111
1983	253	37	12	1	22	53	4	2	122
1984	284	28	10	2	35	55	6	8	140
1985	270	15	3	1	38	63	4	3	143
1986	304	15	14	0	41	49	6	5	174
1987	289	13	10	4	34	54	2	6	166
1988	294	13	8	0	31	48	3	0	191
1989	262	5	7	0	26	49	3	0	172
1990	252	5	4	0	30	29	0	0	184
1991	270	2	5	0	24	20	5	0	214
1992	290	5	1	0	17	26	3	0	238
1993	294	6	5	0	9	13	3	0	258
1994	318	2	4	0	8	5	1	0	298
1995	325	3	4	0	1	1	0	0	316
1996	299	1	0	0	0	0	0	0	298
Total, 1973-96	5,877	358	151	461	567	946	146	29	3,219

Note: For those persons sentenced to death more than once, the numbers are based on the most recent death sentence.

**Appendix table 2. Prisoners under sentence of death on December 31, 1996, by State and year of sentencing**

State	Year of sentence for prisoners sentenced to and remaining on death row, 12/31/96													Under sentence of death, 12/31/96	Average number of years under sentence of death as of 12/31/96
	1974-79	1980-81	1982-83	1984-85	1986-87	1988-89	1990	1991	1992	1993	1994	1995	1996		
Florida	25	12	22	34	34	42	18	35	29	26	39	32	25	373	7.3
Texas	16	16	20	34	58	57	23	26	37	31	45	43	32	438	6.9
California	9	18	48	39	47	66	32	23	41	33	23	36	39	454	7.3
Georgia	8	3	6	6	15	11	9	6	6	6	7	7	6	96	8.0
Tennessee	6	7	9	12	16	9	7	8	4	2	4	4	3	91	9.4
Arizona	5	8	12	11	7	14	10	10	9	13	11	6	5	121	7.8
Nebraska	3	2		1	1	1					1		2	11	11.0
Arkansas	2	1	1		4	4	3		4	6	6	4	5	40	5.5
Nevada	2	4	9	8	4	12	7	4	1	2	8	10	10	81	7.0
South Carolina	2	3	5	5	5	5	2	7	2	7	7	10	8	68	6.4
Alabama	1	4	16	12	16	19	7	4	8	6	23	16	19	151	6.4
Illinois	1	14	15	13	17	18	16	6	11	12	9	13	16	161	7.4
Kentucky	1	2	8	2	4	1		2	2	2	3		2	29	9.3
North Carolina	1	3	5	5	1		6	10	16	31	25	33	25	161	3.7
Oklahoma	1	1	7	16	23	17	6	10	3	7	10	16	16	133	6.6
Indiana		4	6	8	6	3	3	2	3	2	2	3	3	45	8.6
Pennsylvania		4	16	19	25	33	6	16	16	15	21	21	11	203	6.7
Mississippi		3	4	1	3	3	6	5	2	11	5	5	9	57	5.4
Idaho		1	2	4	1	4	1	1	1	1	1		1	18	8.8
Maryland		1		3	1	3		1	1	1		1	7	19	5.6
Ohio			11	30	21	18	9	12	13	9	13	17	17	170	6.6
Missouri			4	10	12	12	4	11	6	6	9	10	9	93	6.1
Louisiana			3	8	8	1	1	3	6	6	6	12	9	63	5.2
Delaware			1			1			4	5				11	5.1
Montana			1		1	1			2				2	7	*
Utah			1	2		3		1		1			1	9	*
Washington			1		1		1	1	1	1	2	1	2	11	4.6
Virginia					6	4	5	5	6	6	10	6	1	49	4.7
Colorado					2			1				1	1	5	*
New Jersey					1		2			1	2	2	3	11	3.3
Oregon						1		1	4	3	6	2	3	20	3.0
Connecticut								2		1		1		4	*
Federal system								1		4		2	4	11	2.0
South Dakota										1				1	*
New Mexico												2	2	4	*
Total	83	111	233	283	340	363	184	214	238	258	298	316	298	3,219	6.8

Note: For those persons sentenced to death more than once, the numbers are based on the most recent death sentence.

\*Averages not calculated for fewer than 10 inmates.

**Appendix table 3. Number sentenced to death and number of removals, by jurisdiction and reason for removal, 1973-96**

Jurisdiction	Total sentenced to death, 1973-96	Number of removals, 1973-96					Under sentence of death, 12/31/96
		Executed	Died	Sentence or conviction overturned	Sentence commuted	Other removals	
U.S. total	5,877	358	151	1,974	146	29	3,219
Federal system	13	0	0	2	0	0	11
Alabama	262	13	8	89	1	0	151
Arizona	202	6	6	63	5	1	121
Arkansas	82	12	1	28	1	0	40
California	611	4	24	113	15	1	454
Colorado	16	0	1	9	1	0	5
Connecticut	6	0	0	2	0	0	4
Delaware	32	8	0	13	0	0	11
Florida	759	38	22	306	18	2	373
Georgia	258	22	8	125	6	1	96
Idaho	34	1	1	12	2	0	18
Illinois	249	8	7	65	1	7	161
Indiana	85	4	1	31	2	2	45
Kentucky	60	0	2	28	1	0	29
Louisiana	162	23	3	66	6	1	63
Maryland	45	1	1	22	2	0	19
Massachusetts	4	0	0	2	2	0	0
Mississippi	145	4	1	80	0	3	57
Missouri	135	23	5	13	1	0	93
Montana	15	1	0	6	1	0	7
Nebraska	23	2	2	6	2	0	11
Nevada	113	6	4	19	3	0	81
New Jersey	43	0	2	22	0	8	11
New Mexico	26	0	1	16	5	0	4
New York	3	0	0	3	0	0	0
North Carolina	413	8	5	235	4	0	161
Ohio	316	0	6	130	10	0	170
Oklahoma	267	8	6	119	1	0	133
Oregon	39	1	0	18	0	0	20
Pennsylvania	274	2	8	58	3	0	203
Rhode Island	2	0	0	2	0	0	0
South Carolina	146	11	3	63	1	0	68
South Dakota	2	0	0	1	0	0	1
Tennessee	170	0	4	73	0	2	91
Texas	701	107	14	98	44	0	438
Utah	24	5	0	9	1	0	9
Virginia	103	37	3	6	7	1	49
Washington	28	2	1	14	0	0	11
Wyoming	9	1	1	7	0	0	0
Percent	100%	6.1%	2.6%	33.6%	2.5%	.5%	54.8%

Note: For those persons sentenced to death more than once, the numbers are based on the most recent death sentence.

**Appendix table 4. Executions, by State and method, 1977-96**

State	Number executed	Lethal injection	Electro-cution	Lethal gas	Firing squad	Hanging
Total	358	216	128	9	2	3
Texas	107	107	0	0	0	0
Florida	38	0	38	0	0	0
Virginia	37	13	24	0	0	0
Louisiana	23	3	20	0	0	0
Missouri	23	23	0	0	0	0
Georgia	22	0	22	0	0	0
Alabama	13	0	13	0	0	0
Arkansas	12	11	1	0	0	0
South Carolina	11	6	5	0	0	0
Delaware	8	7	0	0	0	1
Illinois	8	8	0	0	0	0
North Carolina	8	7	0	1	0	0
Oklahoma	8	8	0	0	0	0
Arizona	6	5	0	1	0	0
Nevada	6	5	0	1	0	0
Utah	5	3	0	0	2	0
California	4	2	0	2	0	0
Indiana	4	1	3	0	0	0
Mississippi	4	0	0	4	0	0
Nebraska	2	0	2	0	0	0
Pennsylvania	2	2	0	0	0	0
Washington	2	0	0	0	0	2
Idaho	1	1	0	0	0	0
Maryland	1	1	0	0	0	0
Montana	1	1	0	0	0	0
Oregon	1	1	0	0	0	0
Wyoming	1	1	0	0	0	0

Note: This table shows the distributions of execution methods used since 1977. Lethal injection was used in 60% of the executions carried out. Eleven States — Delaware, Indiana, Louisiana, Nevada, North Carolina, South Carolina, Utah, and Virginia — have employed 2 methods.

The Bureau of Justice Statistics is the statistical agency of the U.S. Department of Justice. Jan M. Chaiken, Ph.D., is director.

BJS Bulletins present the first release of findings from permanent data collection programs.

This Bulletin was written by Tracy L. Snell under the supervision of Allen J. Beck. James J. Stephan and Coliece R. Rice provided statistical review. Tom Hester and Tina Dorsey edited the report. Marilyn Marbrook administered production.

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Data may be obtained from the National Archive of Criminal Justice Data at the University of Michigan, 1-800-999-0960. The data sets are archived as Capital Punishment, 1973-96.

The data and the report, as well as others from the Bureau of Justice Statistics, are also available through the Internet:

<http://www.ojp.usdoj.gov/bjs/>