



# Bureau of Justice Statistics Bulletin

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# Capital Punishment, 2002

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Thirteen States executed 71 prisoners during 2002. The number executed was 5 greater than in 2001. Those executed during 2002 had been under sentence of death an average of 10 years and 7 months, 15 months less than that for inmates executed in 2001.

At yearend 2002, 3,557 prisoners were under sentence of death. California held the largest number on death row (614), followed by Texas (450), Florida (366), and Pennsylvania (241). Twenty-four people were under a Federal death sentence.

During 2002, 27 States and the Federal prison system received 159 prisoners under sentence of death. Texas (37 admissions), California (14), Alabama (11), Florida (10), and Pennsylvania (9) accounted for more than half of those sentenced in 2002.

During 2002, 69 men and 2 women were executed: 53 whites and 18 blacks. The executed inmates included 6 Hispanics (all white). Seventy were carried out by lethal injection; one by electrocution.

From January 1, 1977, to December 31, 2002, 820 inmates were executed by 32 States and the Federal Bureau of Prisons. Two-thirds of the executions occurred in 5 States: Texas (289), Virginia (87), Missouri (59), Oklahoma (55), and Florida (54).

## Highlights

### Status of death penalty, December 31, 2002

Executions during 2002*	Number of prisoners under sentence of death	Jurisdictions without a death penalty
Texas 33	California 614	Alaska
Oklahoma 7	Texas 450	District of Columbia
Missouri 6	Florida 366	Hawaii
Georgia 4	Pennsylvania 241	Iowa
Virginia 4	North Carolina 206	Maine
Ohio 3	Ohio 205	Massachusetts
Florida 3	Alabama 191	Michigan
South Carolina 3	Illinois 159	Minnesota
Alabama 2	Arizona 120	North Dakota
Mississippi 2	Georgia 112	Rhode Island
North Carolina 2	Oklahoma 112	Vermont
Louisiana 1	Tennessee 95	West Virginia
California 1	Louisiana 86	Wisconsin
	25 other jurisdictions 600	
<b>Total 71</b>	<b>Total 3,557</b>	

- At yearend 2002, 37 States and the Federal prison system held 3,557 prisoners under sentence of death, 20 fewer than at yearend 2001.

- The 159 inmates received under sentence of death represent the smallest number of admissions since 1973.

	Persons under sentence of death	
	1992	2002
White	1,532	1,931
Black	1,044	1,554
American Indian	25	27
Asian	15	33
Unknown race	2	12

- The 364 Hispanic inmates under sentence of death accounted for 12% of inmates with a known ethnicity.

- At yearend the youngest death-row inmate was 18; the oldest was 87.

- Fifty-one women were under sentence of death in 2002, up from 36 in 1992.

- After declining for two years, the number of executions increased to 71 during 2002.

- Of the 6,912 people under sentence of death between 1977 and 2002, 12% were executed, 4% died by causes other than execution, and 33% received other dispositions.

- The number of States authorizing lethal injection increased from 22 in 1992 to 37 in 2002. In 2002, 99% of executions were by lethal injection, compared to two-thirds in 1992.

- Since 1977, 654 of the 820 executions (80%) were by lethal injection.

\*For 2003 data on executions, see page 11.

## Capital punishment laws

At yearend 2002 the death penalty was authorized by 38 States and the Federal Government (table 1 and appendix table 1). No State enacted new legislation authorizing capital punishment in 2002.

The United States Supreme Court struck a portion of the Arizona capital punishment statutes on June 24, 2002 (Ring v. Arizona, 122 S. Ct. 2428 (2002)). The Court found that allowing a judge, rather than a jury, to decide the presence of aggravating factors violates a defendant's Sixth Amendment right to a trial by a jury.

### Statutory changes

During 2002, 11 States revised statutory provisions relating to the death penalty. By State, the changes were as follows:

**Alabama** — Authorized lethal injection as a method of execution, effective 7/1/2002. An inmate may elect in writing to be executed by electrocution within 30 days of the date of sentence. The statute also mandates that a death sentence will not be reduced if the method of execution is found to be unconstitutional (Ala. Code §15-18-82).

**Arizona** — Revised the capital statute to allow a jury to sentence a defendant to death by a unanimous decision when finding of at least one aggravating circumstance (A.R.S. 13-703.01), effective 8/1/2002.

**Colorado** — Revised its code of criminal procedure to allow determination of a death sentence by unanimous jury decisions rather than by 3-judge panels (C.R.S. 18-1.3-1201), effective 7/12/2002.

**Delaware** — Amended its code of criminal procedure to allow juries to decide the existence of aggravating circumstances. If a jury is unable to unanimously find the presence of an aggravating factor, a judge cannot override that verdict and the defendant may not be sentenced to death (Del. Code 11 § 4209(c)(3), (d)(1)).

**Table 1. Capital offenses, by State, 2002**

<b>Alabama.</b> Intentional murder with 18 aggravating factors (Ala. Stat. Ann. 13A-5-40(a)(1)-(18)).	<b>Nebraska*</b> . First-degree murder with a finding of at least 1 statutorily-defined aggravating circumstance.
<b>Arizona*</b> . First-degree murder accompanied by at least 1 of 10 aggravating factors (A.R.S. 13-703(F)).	<b>Nevada.</b> First-degree murder with at least 1 of 14 aggravating circumstances (NRS 200.030, 200.033, 200.035).
<b>Arkansas*</b> . Capital murder (Ark. Code Ann. 5-10-101) with a finding of at least 1 of 10 aggravating circumstances; treason.	<b>New Hampshire.</b> Six categories of capital murder (RSA 630:1, RSA 630:5).
<b>California.</b> First-degree murder with special circumstances; train wrecking; treason; perjury causing execution.	<b>New Jersey.</b> Knowing/purposeful murder by one's own conduct; contract murder; solicitation by command or threat in furtherance of a narcotics conspiracy (NJSA 2C:11-3C).
<b>Colorado*</b> . First-degree murder with at least 1 of 15 aggravating factors; treason.	<b>New Mexico*</b> . First-degree murder with at least 1 of 7 statutorily-defined aggravating circumstances (Section 30-2-1 A, NMSA).
<b>Connecticut*</b> . Capital felony with 8 forms of aggravated homicide (C.G.S. 53a-54b).	<b>New York*</b> . First-degree murder with 1 of 12 aggravating factors (NY Penal Law §125.27).
<b>Delaware*</b> . First-degree murder with aggravating circumstances.	<b>North Carolina*</b> . First-degree murder (NCGS §14-17).
<b>Florida*</b> . First-degree murder; felony murder; capital drug trafficking; capital sexual battery.	<b>Ohio.</b> Aggravated murder with at least 1 of 9 aggravating circumstances (O.R.C. secs. 2903.01, 2929.02, and 2929.04).
<b>Georgia*</b> . Murder; kidnaping with bodily injury or ransom when the victim dies; aircraft hijacking; treason.	<b>Oklahoma.</b> First-degree murder in conjunction with a finding of at least 1 of 8 statutorily defined aggravating circumstances.
<b>Idaho.</b> First-degree murder with aggravating factors; aggravated kidnaping.	<b>Oregon.</b> Aggravated murder (ORS 163.095).
<b>Illinois.</b> First-degree murder with 1 of 15 aggravating circumstances.	<b>Pennsylvania.</b> First-degree murder with 18 aggravating circumstances.
<b>Indiana*</b> . Murder with 16 aggravating circumstances (IC 35-50-2-9).	<b>South Carolina*</b> . Murder with 1 of 10 aggravating circumstances (§ 16-3-20(C)(a)).
<b>Kansas*</b> . Capital murder with 8 aggravating circumstances (KSA 21-3439).	<b>South Dakota*</b> . First-degree murder with 1 of 10 aggravating circumstances; aggravated kidnaping.
<b>Kentucky*</b> . Murder with aggravating factors; kidnaping with aggravating factors (KRS 532.025).	<b>Tennessee*</b> . First-degree murder with 1 of 15 aggravating circumstances (Tenn. Code Ann. § 39-13-204).
<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>Texas.</b> Criminal homicide with 1 of 8 aggravating circumstances (TX Penal Code 19.03).
<b>Maryland*</b> . First-degree murder, either premeditated or during the commission of a felony, provided that certain death eligibility requirements are satisfied.	<b>Utah*</b> . Aggravated murder (76-5-202, Utah Code Annotated).
<b>Mississippi.</b> Capital murder (97-3-19(2) MCA); aircraft piracy (97-25-55(1) MCA).	<b>Virginia.</b> First-degree murder with 1 of 13 aggravating circumstances (VA Code § 18.2-31).
<b>Missouri*</b> . First-degree murder (565.020 RSMO 1994).	<b>Washington*</b> . Aggravated first-degree murder.
<b>Montana.</b> Capital murder with 1 of 9 aggravating circumstances (46-18-303 MCA); capital sexual assault (45-5-503 MCA).	<b>Wyoming.</b> First-degree murder.

\*Nineteen States excluded mentally retarded persons from capital sentencing as of December 31, 2002: Arizona, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Indiana, Kansas, Kentucky, Maryland, Missouri, Nebraska, New Mexico, New York, North Carolina, South Dakota, Tennessee, and Washington. Mental retardation is a mitigating factor in South Carolina and Utah.

Delaware also prohibited imposition of a death sentence on any defendant found by the trial judge to be “seriously mentally retarded” and setting forth procedures for such a determination (Del. Code 11 § 4209(d)(3)). Both changes were effective 7/22/2002.

Indiana — Raised the minimum age of eligibility for a death sentence from 16 to 18 years of age at the time the murder was committed (IC 35-50-2-3).

Indiana also revised portions of its statutes to require submission of a separate verdict form for each aggravating circumstance alleged by the State. Revisions were also approved preventing a sentencing judge from overriding a jury’s unanimous verdict in the sentencing phase of a capital trial to sentence a defendant to death or life without parole (IC 35-50-2-9). These changes became effective 7/1/2002.

Nebraska — Changed its sentencing procedures to allow juries to unanimously decide the existence or nonexistence of aggravating circumstances (Neb. § 29-2519 to 29-2522), effective 11/23/2002.

New Jersey — Expanded the definition of felony murder to include acts of terrorism resulting in death (N.J.S.A 2C:11-3c), effective 6/18/2002.

Oklahoma — Added to the definition of first degree murder terrorist acts resulting in death. Terrorist acts include any “act of violence resulting in damage to property or personal injury perpetrated to coerce a civilian population or government into granting illegal political or economic demands” (Okla. Stat. Ann. 21 § 1268), effective 6/6/2002.

Tennessee — Added to its definition of felony murder “killing of another in the perpetration of ... acts of terrorism” (Tenn. Code Ann. § 39-13-202(a)(2)) and to its list of aggravating circumstances murder committed in the course of an act of terrorism (Tenn. Code Ann. § 39-13-204(i)(15)), effective 7/4/2002.

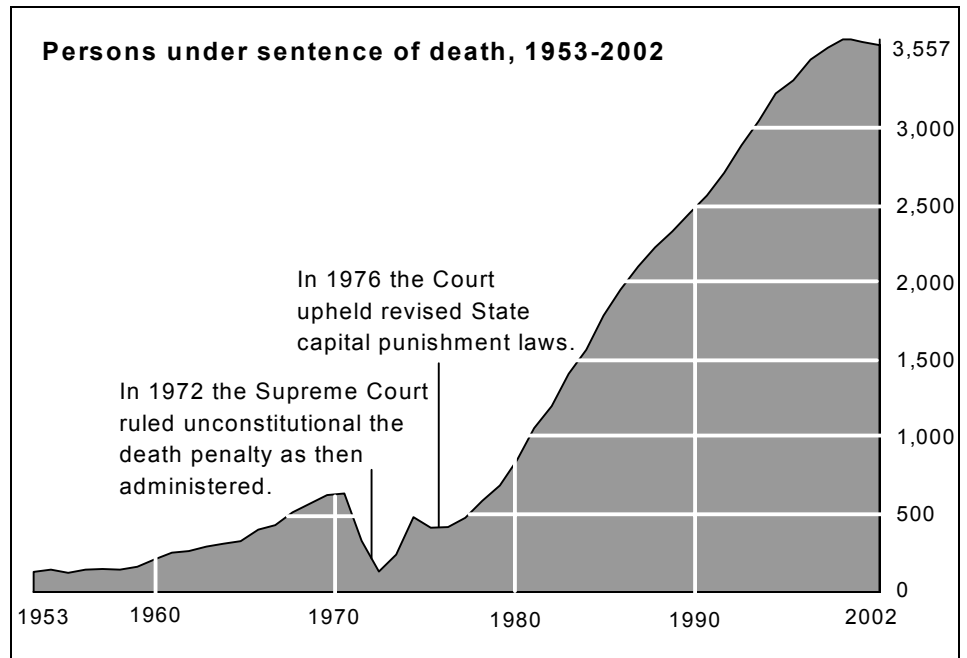


Figure 1

Utah — Amended its statute to include as a mitigating factor diminished mental capacity as a result of retardation (Utah Code Ann. § 76-3-207), effective 5/6/2002.

Virginia — Added as an aggravating factor deliberate killing of any person in the commission of an act of terrorism (Va. Code § 18.2-31(13)), effective 7/1/2002.

#### Automatic review

Of the 38 States with capital statutes at yearend, 37 provided for review of all death sentences regardless of the defendant’s wishes. In South Carolina the defendant had the right to waive sentence review if he or she was deemed competent by the court (*State v. Torrence*, 473 S.E. 3d 703 (S.C. 1996)). Federal death penalty procedures did not provide for automatic review after a sentence of death had been imposed.

The State’s highest appellate court usually conducted the review. If either the conviction or sentence were vacated, the case could be remanded to the trial court for additional proceedings or retrial. As a result of retrial or resentencing, a death sentence could be reimposed.

While most of the 37 States authorized an automatic review of both the conviction and sentence, Idaho, Indiana, Kentucky, 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.

In Virginia a defendant could waive an appeal of trial court error but could not waive review of the death sentence for arbitrariness and proportionality. In Mississippi the question of whether the defendant could waive the right to automatic review had not been addressed. In Wyoming neither statute nor case law precluded a waiver of appeal.

Arkansas rule requires review of specific issues relating to both capital convictions and sentences (Ark. R. App. P. — Crim 10). Recent case law held waivers of this review are not permitted (*Newman v. State*, No. CR02-811, 2002 Westlaw 31030906 (Ark. Sept. 12, 2002)).

**Table 2. Method of execution, by State, 2002**

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

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

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

<sup>c</sup>Authorizes lethal injection for those whose capital offense occurred on or after 7/4/83; for those whose offense occurred before that date, the condemned may select lethal injection or electrocution.

<sup>d</sup>Authorizes lethal injection for persons sentenced on or after 3/31/98; for those sentenced before that date, the condemned may select lethal injection or electrocution.

<sup>e</sup>Authorizes lethal gas if lethal injection is ever held to be unconstitutional.

<sup>f</sup>Authorizes electrocution if lethal injection is ever held to be unconstitutional, and firing squad if both lethal injection and electrocution are held unconstitutional.

<sup>g</sup>Authorizes lethal injection for those whose capital offense occurred after 6/13/86; for those before that date, the condemned may select lethal injection or hanging.

<sup>h</sup>Authorizes lethal injection for those whose capital offense occurred after 12/31/98; those before that date may select electrocution.

<sup>i</sup>Authorizes hanging only if lethal injection cannot be given.

**Table 3. Minimum age authorized for capital punishment, 2002**

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

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

<sup>a</sup>See Ark. Code Ann. 9-27-318(c)(2)(Supp. 2001).

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

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

<sup>d</sup>Montana law specifies that offenders tried under the capital sexual assault statute be 18 or older. Age may be a mitigating factor for other capital crimes.

<sup>e</sup>The minimum age defined by statute is 13, but the effective age is 16 based on interpretation of U.S. Supreme Court decisions by the Mississippi Supreme Court.

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

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

### Method of execution

As of December 31, 2002, lethal injection was the predominant method of execution (37 States) (table 2).

Nine States authorized electrocution; four States, lethal gas; three States, hanging; and three States, firing squad.

Seventeen States authorized more than 1 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 to be unconstitutional, 1 authorized lethal gas, and 1 authorized electrocution or firing squad.

The method of execution of Federal prisoners is lethal injection, pursuant to 28 CFR, 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.

### Minimum age

In 2002 seven jurisdictions did not specify a minimum age for which the death penalty could be imposed (table 3).

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 adult court for trial as an adult. Fifteen States and the Federal system required a minimum age of 18. Sixteen States indicated an age of eligibility between 14 and 17.

**Table 4. Prisoners under sentence of death, by region, State, and race, 2001 and 2002**

Region and State	Prisoners under sentence of death, 12/31/01			Received under sentence of death			Removed from death row (excluding executions) <sup>a</sup>			Executed			Prisoners under sentence of death, 12/31/02		
	Total <sup>b</sup>	White <sup>c</sup>	Black <sup>c</sup>	Total <sup>b</sup>	White	Black	Total <sup>b</sup>	White	Black	Total <sup>b</sup>	White	Black	Total <sup>b</sup>	White	Black
<b>U.S. total</b>	3,577	1,968	1,538	159	83	73	108	67	39	71	53	18	3,557	1,931	1,554
Federal <sup>d</sup>	19	3	16	5	3	2	0	0	0	0	0	0	24	6	18
State	3,558	1,965	1,522	154	80	71	108	67	39	71	53	18	3,533	1,925	1,536
<b>Northeast</b>	270	98	161	10	5	5	13	7	6	0	0	0	267	96	160
Connecticut	7	4	3	0	0	0	0	0	0	0	0	0	7	4	3
New Hampshire	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
New Jersey	16	9	7	1	1	0	3	2	1	0	0	0	14	8	6
New York	6	4	2	0	0	0	1	0	1	0	0	0	5	4	1
Pennsylvania	241	81	149	9	4	5	9	5	4	0	0	0	241	80	150
<b>Midwest</b>	485	238	244	21	6	15	14	10	4	9	7	2	483	227	253
Illinois	159	59	100	6	2	4	6	4	2	0	0	0	159	57	102
Indiana	34	23	11	4	3	1	2	1	1	0	0	0	36	25	11
Kansas	4	4	0	2	0	2	1	1	0	0	0	0	5	3	2
Missouri	72	41	31	2	0	2	2	2	0	6	5	1	66	34	32
Nebraska	7	6	1	0	0	0	0	0	0	0	0	0	7	6	1
Ohio	204	100	101	7	1	6	3	2	1	3	2	1	205	97	105
South Dakota	5	5	0	0	0	0	0	0	0	0	0	0	5	5	0
<b>South</b>	1,905	1,040	841	104	55	47	64	36	26	61	45	16	1,884	1,014	846
Alabama	186	100	85	11	5	6	4	3	1	2	2	0	191	100	90
Arkansas	40	16	24	0	0	0	0	0	0	0	0	0	40	16	24
Delaware	14	9	5	2	2	0	2	1	1	0	0	0	14	10	4
Florida	373	236	136	10	7	3	14	8	5	3	2	1	366	233	133
Georgia	116	62	53	3	0	3	3	1	2	4	4	0	112	57	54
Kentucky	36	28	8	1	1	0	1	1	0	0	0	0	36	28	8
Louisiana	85	29	55	7	0	7	5	2	3	1	1	0	86	26	59
Maryland	15	5	10	2	1	1	2	1	1	0	0	0	15	5	10
Mississippi	64	29	35	5	2	2	1	0	1	2	2	0	66	29	36
North Carolina	215	85	121	7	2	5	14	6	7	2	1	1	206	80	118
Oklahoma	114	69	40	7	3	3	2	2	0	7	6	1	112	64	42
South Carolina	73	37	36	5	4	1	3	2	1	3	2	1	72	37	35
Tennessee	95	58	36	4	2	2	4	4	0	0	0	0	95	56	38
Texas	453	260	188	37	25	12	7	3	4	33	22	11	450	260	185
Virginia	26	17	9	3	1	2	2	2	0	4	3	1	23	13	10
<b>West</b>	898	589	276	19	14	4	17	14	3	1	1	0	899	588	277
Arizona	124	106	13	1	1	0	5	4	1	0	0	0	120	103	12
California <sup>e</sup>	605	364	218	14	9	4	4	3	1	1	1	0	614	369	221
Colorado	6	3	2	0	0	0	1	1	0	0	0	0	5	2	2
Idaho	20	20	0	1	1	0	1	1	0	0	0	0	20	20	0
Montana	6	5	0	0	0	0	0	0	0	0	0	0	6	5	0
Nevada	86	50	35	1	1	0	4	3	1	0	0	0	83	48	34
New Mexico	3	3	0	1	1	0	2	2	0	0	0	0	2	2	0
Oregon	26	24	1	0	0	0	0	0	0	0	0	0	26	24	1
Utah	11	8	2	0	0	0	0	0	0	0	0	0	11	8	2
Washington	9	4	5	1	1	0	0	0	0	0	0	0	10	5	5
Wyoming	2	2	0	0	0	0	0	0	0	0	0	0	2	2	0

Note: Some figures shown for yearend 2001 are revised from those reported in *Capital Punishment, 2001*, NCJ 197020. The revised figures include 12 inmates who were either reported late to the National Prisoner Statistics program or were not in custody of State correctional authorities on 12/31/01 (3 each in Illinois and Mississippi; 2 in California; and 1 each in Ohio, Florida, Oklahoma, and Tennessee) and exclude 17 inmates who were relieved of a death sentence by 12/31/01 (3 in Louisiana; 2 each in Illinois, Indiana, Tennessee, and Arizona;

and 1 each in Missouri, Maryland, Mississippi, North Carolina, California, and Idaho). Data for 12/31/01 also include 1 inmate in California who was erroneously reported as being removed from under sentence of death.

<sup>a</sup>Includes 21 deaths from natural causes (3 each in Illinois and Texas; 2 each in Florida, Nevada, and North Carolina; and 1 each in Arizona, California, Colorado, Kentucky, Louisiana, Maryland, Ohio, Oklahoma, and Pennsylvania); 3 deaths from suicide (1 each in Alabama, Illinois, and Pennsylvania); and 1 inmate murdered by another inmate (in Indiana).

<sup>b</sup>Totals include persons of races other than white and black.

<sup>c</sup>The reporting of race and Hispanic origin differs from that presented in tables 8 and 10. In this table white and black inmates include Hispanics.

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

<sup>e</sup>Race has been changed from American Indian to white for 1 inmate.

## Characteristics of prisoners under sentence of death at yearend 2002

Thirty-seven States and the Federal prison system held a total of 3,557 prisoners under sentence of death on December 31, 2002, a decrease of 20 since the end of 2001 (table 4). This decrease during 2002 marks the second consecutive year that the number of prisoners under a death sentence at yearend declined. Since December 31, 2000, the number under sentence of death decreased from 3,601 to 3,557.

Three States reported 40% of the Nation's death row population: California (614), Texas (450), and Florida (366). The Federal Bureau of Prisons held 24 inmates at yearend. Of the 39 jurisdictions authorizing the death penalty in 2002, New Hampshire had no one under a capital sentence, and New York, Kansas, South Dakota, Colorado, New Mexico, and Wyoming had 5 or fewer.

Among the 38 jurisdictions with prisoners under sentence of death at yearend 2002, 9 had more inmates than a year earlier, 14 had fewer inmates, and 15 had the same number. California had an increase of 9, followed by Alabama and the Federal system (5 each). The largest decreases were in North Carolina (9), Florida (7), and Missouri (6).

During 2002 the number of white inmates under sentence of death declined by 37; the number of blacks increased by 16; and the number of persons of other races (including American Indians, Asians, and self-identified Hispanics) rose from 71 to 72.

Men were 99% (3,506) of all prisoners under sentence of death (table 5). Whites comprised 54%; blacks comprised 44%; and other races (2%) included 27 American Indians, 33 Asians, and 12 persons of unknown race. Among those for whom ethnicity was known, 12% were Hispanic.

**Persons under sentence of death, by race, 1968-2002**

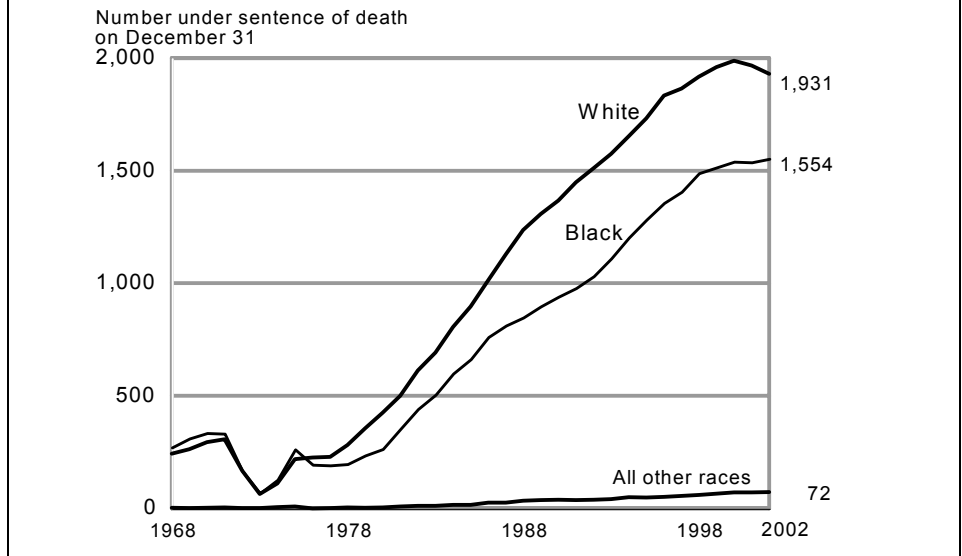


Figure 2

**Table 5. Demographic characteristics of prisoners under sentence of death, 2002**

Characteristic	Prisoners under sentence of death, 2002		
	Yearend	Admissions	Removals
<b>Total number under sentence of death</b>	3,557	159	179
<b>Gender</b>			
Male	98.6%	96.9%	97.2%
Female	1.4	3.1	2.8
<b>Race</b>			
White	54.3%	52.2%	67.0%
Black	43.7	45.9	31.8
All other races*	2.0	1.9	1.2
<b>Hispanic origin</b>			
Hispanic	11.5%	14.9%	9.5%
Non-Hispanic	88.5	85.1	90.5
<b>Education</b>			
8th grade or less	14.7%	21.4%	14.5%
9th-11th grade	37.1	34.9	36.2
High school graduate/GED	38.5	37.3	36.2
Any college	9.7	6.3	13.1
Median	11th	11th	11th
<b>Marital status</b>			
Married	22.1%	25.8%	23.9%
Divorced/separated	20.8	16.7	22.0
Widowed	2.8	6.8	3.1
Never married	54.3	50.7	50.9

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

	Yearend	Admissions	Removals
Hispanic origin	399	38	21
Education	511	33	27
Marital status	342	27	20

\*At yearend 2001, other races consisted of 27 American Indians, 32 Asians, and 12 self-identified Hispanics. During 2002, 2 Asians and 1 American Indian were admitted; and 1 Asian and 1 American Indian were removed.

During 2002 the number of women sentenced to be executed remained at 51 (table 6). Five women were received under sentence of death, three were removed from death row, and two were executed. Women were under sentence of death in 16 States. Nearly three-quarters of women on death row at yearend were in five States: California, Texas, North Carolina, Pennsylvania, and Illinois.

State	Women under sentence of death, 12/31/02		
	All races*	White	Black
Total	51	30	18
California	14	10	2
Texas	8	4	4
North Carolina	6	4	1
Pennsylvania	5	2	3
Illinois	4	1	3
Alabama	3	1	2
Tennessee	2	2	0
Florida	1	1	0
Georgia	1	1	0
Kentucky	1	1	0
Mississippi	1	1	0
Arizona	1	1	0
Idaho	1	1	0
Indiana	1	0	1
Louisiana	1	0	1
Nevada	1	0	1

\*Includes races other than white and black.

The number of Hispanics under sentence of death rose from 361 to 364 during 2002. Eighteen Hispanics were received under sentence of death, 9 were removed from death row, and 6 were executed. Nearly three-quarters of the Hispanics were held in 3 States: California (126), Texas (114), and Florida (29).

The gender, race, and Hispanic origin of those under sentence of death at yearend 2002 were as follows:

	Persons under sentence of death, by sex, race, and Hispanic origin, 12/31/02		
	White	Black	Other races
Male	1,901	1,536	69
Hispanic	331	15	13
Female	30	18	3
Hispanic	3	0	2

Among all inmates under sentence of death for whom date of arrest information was available, about 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 7). The average age at time of arrest was 28 years. On December 31, 2002, 34% of all

**Table 6. Hispanics and women under sentence of death, by State, 2001 and 2002**

Region and State	Under sentence of death, 12/31/01 <sup>a</sup>		Received under sentence of death		Death sentence removed <sup>b</sup>		Under sentence of death, 12/31/02	
	Hispanics	Women	Hispanics	Women	Hispanics	Women	Hispanics	Women
U.S. total	361	51	18	5	15	5	364	51
Federal system	2	0	0	0	0	0	2	0
Alabama	1	3	0	1	0	1	1	3
Arizona	18	2	0	0	0	1	18	1
Arkansas	1	0	0	0	0	0	1	0
California	124	12	2	2	0	0	126	14
Colorado	2	0	0	0	1	0	1	0
Connecticut	1	0	0	0	0	0	1	0
Delaware	0	0	2	0	0	0	2	0
Florida	33	3	1	0	5	2	29	1
Georgia	2	1	0	0	0	0	2	1
Idaho	0	1	0	0	0	0	0	1
Illinois	10	4	1	0	0	0	11	4
Indiana	1	1	0	0	0	0	1	1
Kentucky	1	1	0	0	0	0	1	1
Louisiana	1	1	0	0	0	0	1	1
Mississippi	0	1	0	0	0	0	0	1
Nebraska	1	0	0	0	0	0	1	0
Nevada	11	1	0	0	1	0	10	1
New Jersey	0	1	0	0	0	1	0	0
New Mexico	1	0	1	0	1	0	1	0
New York	1	0	0	0	0	0	1	0
North Carolina	4	6	0	0	0	0	4	6
Ohio	5	0	0	0	0	0	5	0
Oklahoma	5	0	0	0	0	0	5	0
Oregon	2	0	0	0	0	0	2	0
Pennsylvania	20	4	0	1	0	0	20	5
Tennessee	2	2	0	0	1	0	1	2
Texas	109	7	11	1	6	0	114	8
Utah	3	0	0	0	0	0	3	0

<sup>a</sup>The count of Hispanics under sentence of death at yearend 2001 has been revised.

<sup>b</sup>Includes 6 Hispanic men (5 in Texas and 1 in Florida) and 2 women (1 each in Alabama and Florida) who were executed in 2002.

**Table 7. Age at time of arrest for capital offense and age of prisoners under sentence of death at yearend 2002**

Age	Prisoners under sentence of death			
	At time of arrest		On December 31, 2002	
	Number*	Percent	Number	Percent
Total number under sentence of death on 12/31/02	3,299	100%	3,557	100%
17 or younger	74	2.2	0	
18-19	355	10.8	4	0.1
20-24	894	27.1	153	4.3
25-29	745	22.6	452	12.7
30-34	540	16.4	606	17.0
35-39	355	10.8	619	17.4
40-44	178	5.4	696	19.6
45-49	99	3.0	450	12.7
50-54	40	1.2	304	8.5
55-59	14	0.4	174	4.9
60-64	2	--	59	1.7
65 or older	3	0.1	40	1.1
Mean age	28 yrs.		39 yrs.	
Median age	27 yrs.		39 yrs.	

Note: The youngest person under sentence of death was a white male in Texas, born in April 1984 and sentenced to death in August 2002. The oldest person under sentence of death was a white male in Arizona, born in September 1915 and sentenced to death in June 1983.

--Less than 0.05%.

\*Excludes 258 inmates for whom the date of arrest for capital offense was not available.

inmates were age 30 to 39, and 67% were age 25 to 44. The youngest offender under sentence of death was 18; the oldest was 87.

**Criminal history of inmates under sentence of death in 2002**

Among inmates under a death sentence on December 31, 2002, for whom criminal history information was available, 64% had prior felony convictions, including 8% with at least one previous homicide conviction (table 8).

Among those for whom legal status at the time of the capital offense was available, 40% had an active criminal justice status. Less than half of these were on parole, and a quarter were on probation. The remaining quarter 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

(69%) than whites (62%) or Hispanics (58%) had a prior felony conviction. About the same percentage of whites, blacks, and Hispanics had a prior homicide conviction (8%). A slightly higher percentage of Hispanics (23%) or blacks (18%) than whites (15%) 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 4,005 individuals received under sentence of death during that time, about 1 in 7 entered with 2 or more death sentences.

Number of death sentences received	Inmates
Total	100%
1	85
2	10
3 or more	4
Number admitted under sentence of death, 1988-2002	4,005

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

Between January 1 and December 31, 2002, 27 State prison systems reported receiving 154 inmates under sentence of death; the Federal Bureau of Prisons received 5 inmates. More than half of the inmates were received in 5 States: Texas (37), California (14), Alabama (11), Florida (10), and Pennsylvania (9).

Year	Inmates received under sentence of death
1994	327
1995	327
1996	323
1997	281
1998	304
1999	282
2000	232
2001	163
2002	159

All 159 prisoners who were received under sentence of death had been convicted of murder; 5 were female. By race, 83 were white, 73 were black, 2 were Asian, and 1 was an American Indian. Of the 159 new admissions, 18 were Hispanic.

The 159 admissions to death row in 2002 marked a further decline from the 163 admissions recorded in 2001, and represented the smallest number received in a year since 44 persons were admitted in 1973. Between 1994 and 2000, in contrast, an average 297 inmates per year were admitted.

Twenty-six States reported 83 persons whose death sentences were removed or overturned. Appeals courts vacated 40 sentences while upholding the convictions and vacated 32 sentences while overturning the convictions. Florida and North Carolina each had 12 capital sentences vacated, more than any other State. In Florida, six had their sentences overturned, and six had their convictions overturned. In North Carolina, one death sentence was commuted, six death sentences were vacated, and five convictions were overturned.

**Table 8. Criminal history profile of prisoners under sentence of death, by race and Hispanic origin, 2002**

	Number of prisoners under sentence of death				Percent of prisoners under sentence of death <sup>a</sup>			
	All <sup>b</sup>	White <sup>c</sup>	Black <sup>c</sup>	Hispanic	All <sup>b</sup>	White <sup>c</sup>	Black <sup>c</sup>	Hispanic
<b>U.S. total</b>	3,557	1,597	1,539	364	100%	100%	100%	100%
<b>Prior felony convictions</b>								
Yes	2,119	914	976	199	64.3%	61.5%	69.0%	58.5%
No	1,177	572	439	141	35.7	38.5	31.0	41.5
Not reported	261							
<b>Prior homicide convictions</b>								
Yes	280	129	122	24	8.0%	8.2%	8.1%	6.7%
No	3,203	1,438	1,379	335	92.0	91.8	91.9	93.3
Not reported	74							
<b>Legal status at time of capital offense</b>								
Charges pending	241	121	104	16	7.5%	8.3%	7.5%	4.8%
Probation	336	134	157	39	10.5	9.2	11.4	11.8
Parole	556	217	255	76	17.3	14.9	18.5	23.0
Prison escapee	38	21	11	5	1.2	1.4	0.8	1.5
Incarcerated	103	52	41	8	3.2	3.6	3.0	2.4
Other status	17	7	8	1	0.5	0.5	0.6	0.3
None	1,924	900	803	185	59.8	62.0	58.2	56.1
Not reported	342							

<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 American Indians, Asians, and persons of unknown race.  
<sup>c</sup>White and black categories exclude Hispanics.



Pennsylvania reported five commutations of death sentences; Texas reported two; and Georgia, Nevada, and Ohio each reported one.

As of December 31, 2002, 43 of 83 persons who were formerly under sentence of death were serving a life sentence. One inmate had been resentenced to 65 years; one to 60 years; and two others to 30 years. Seventeen inmates were awaiting a new trial, 11 were awaiting resentencing, and 2 had all capital charges dropped. No action had yet been taken in the case of one inmate removed from under sentence of death. The current status of five inmates was not available.

In addition, 25 persons died while under sentence of death in 2002. Twenty-one of these deaths were from natural causes — 3 each in Illinois and Texas; 2 each in Florida, Nevada, and North Carolina; and 1 each in Arizona, California, Colorado, Kentucky, Louisiana, Maryland, Ohio, Oklahoma, and Pennsylvania. Three of these deaths were suicides — one each in Alabama, Illinois, and Pennsylvania. One of these deaths, in Indiana, was the result of a murder by another inmate.

From 1977, the year after the Supreme Court upheld the constitutionality of revised State capital punishment laws, to 2002, a total of 6,532 persons entered prison under sentence of death. During these 26 years, 820 persons were executed, and 2,535 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 2002, 3,189 (49%) were white, 2,679 (41%) were black, 558 (8%) were Hispanic, and 106 (2%) were other races. The distribution by race and Hispanic origin of the 3,355 inmates who were removed from death row between 1977 and 2002 was as follows: 1,777 whites (53%), 1,320 blacks (39%), 209 Hispanics (6%), and 49 persons of other races (1%). Of the 820 who were executed, 469 (57%) were white, 281 (34%) were black, 58 (7%) were Hispanic, and 12 (2%) were of other races.

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

## Executions

According to data collected by the Federal Government, from 1930 to 2002, 4,679 persons were executed under civil authority (table 9).<sup>2</sup>

<sup>2</sup>Military authorities carried out an additional 160 executions between 1930 and 1961.

**Table 9. Number of persons executed, by jurisdiction, 1930-2002**

State	Number executed	
	Since 1930	Since 1977
U.S. total	4,679	820
Texas	586	289
Georgia	397	31
New York	329	0
California	302	10
North Carolina	286	23
Florida	224	54
South Carolina	190	28
Virginia	179	87
Ohio	177	5
Louisiana	160	27
Alabama	160	25
Mississippi	160	6
Pennsylvania	155	3
Arkansas	142	24
Missouri	121	59
Oklahoma	115	55
Kentucky	105	2
Illinois	102	12
Tennessee	94	1
New Jersey	74	0
Maryland	71	3
Arizona	60	22
Washington	51	4
Indiana	50	9
Colorado	48	1
District of Columbia	40	0
West Virginia	40	0
Nevada	38	9
Federal system	35	2
Massachusetts	27	0
Delaware	25	13
Oregon	21	2
Connecticut	21	0
Utah	19	6
Iowa	18	0
Kansas	15	0
New Mexico	9	1
Montana	8	2
Wyoming	8	1
Nebraska	7	3
Idaho	4	1
Vermont	4	0
New Hampshire	1	0
South Dakota	1	0

**Admissions to and removals from a sentence of death, 1977-2002**

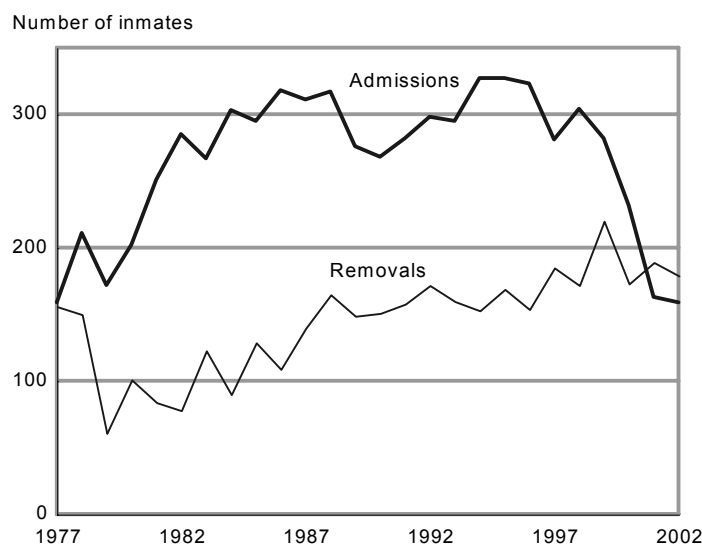


Figure 3

After the Supreme Court reinstated the death penalty in 1976, 32 States and the Federal Government executed 820 prisoners:

1977	1	1991	14
1979	2	1992	31
1981	1	1993	38
1982	2	1994	31
1983	5	1995	56
1984	21	1996	45
1985	18	1997	74
1986	18	1998	68
1987	25	1999	98
1988	11	2000	85
1989	16	2001	66
1990	23	2002	71

During this 26-year period, 5 States executed 544 prisoners: Texas (289), Virginia (87), Missouri (59), Oklahoma (55), and Florida (54). These States accounted for two-thirds of all executions. Between 1977 and 2002, 460 white non-Hispanic men, 280 black non-Hispanic men, 58 Hispanic men, 7 American Indian men, 5 Asian men, 9 white non-Hispanic women, and 1 black non-Hispanic woman were executed.

During 2002 Texas carried out 33 executions, Oklahoma executed 7 persons; Missouri, 6; Georgia and Virginia, 4 each; Ohio, Florida, and South Carolina, 3 each; Alabama, Mississippi, and North Carolina, 2 each; California and Louisiana, 1 each. Sixty-nine of the persons executed in 2002 were male and 2 were female. Forty-seven were white; 18 were black; and 6 were Hispanic.

From 1977 to 2002, 6,912 prisoners were under death sentences for varying lengths of time (table 10). The 820 executions accounted for 12% of those at risk. A total of 2,535 prisoners (37% of those at risk) were removed by means other than execution. About the same percentage of whites (14%), blacks (10%), and Hispanics (10%) were executed. Somewhat larger percentages of whites (39%) and blacks (36%) than Hispanics (26%) were removed from under a death sentence by means other than execution.

**Persons executed, 1930-2002**

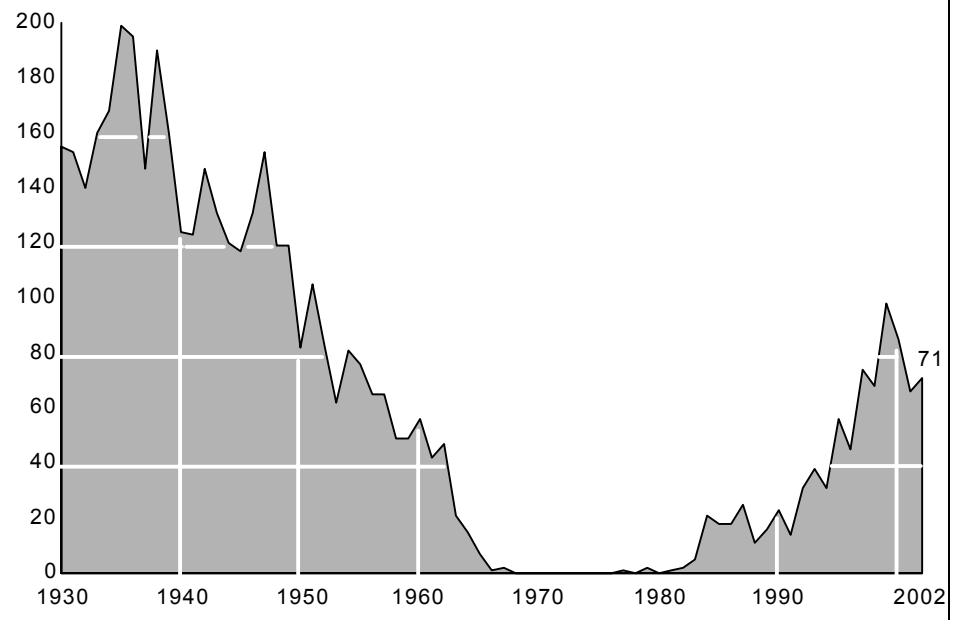


Figure 4

**Table 10. Executions and other dispositions of inmates sentenced to death, by race and Hispanic origin, 1977-2002**

Race/Hispanic origin	Total under sentence of death, 1977-2002 <sup>b</sup>	Prisoners executed		Prisoners who received other dispositions <sup>a</sup>	
		Number	Percent of total	Number	Percent of total
Total	6,912	820	11.9%	2,535	36.7%
White <sup>c</sup>	3,374	469	13.9%	1,308	38.8%
Black <sup>c</sup>	2,859	281	9.8	1,039	36.3
Hispanic	573	58	10.1	151	26.4
All other races <sup>d</sup>	106	12	11.3	37	34.9

<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 by other than execution.

<sup>b</sup>Includes 8 persons sentenced to death prior to 1977 who were still under sentence of death on 12/31/02; 372 persons sentenced to death prior to 1977 whose death sentence was removed between 1977 and 12/31/02; and 6,532 persons sentenced to death between 1977 and 12/31/02.

<sup>c</sup>Excludes Hispanics.

<sup>d</sup>Includes American Indians and Asians.

Among prisoners executed from 1977 to 2002, the average time spent between the imposition of the most recent sentence received and execution was more than 10 years (table 11). White prisoners had spent an average of 9 years and 11 months, and black prisoners, 10 years and 10 months. The 71 prisoners executed in 2002 were under sentence of death an average of 10 years and 7 months.

For the 820 prisoners executed between 1977 and 2002, the most common method of execution was lethal injection (654). Other methods were electrocution (150), lethal gas (11), hanging (3), and firing squad (2).

Method of execution	Executions, 1977-2002				
	White	Black	Hispanic	American Indian	Asian
Total	469	281	58	7	5
Lethal injection	378	209	56	6	5
Electrocution	78	69	2	1	0
Lethal gas	8	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 2002, the average time spent in prison was 9 years and 1 month, up 6 months from that in 2001.

Inmates under sentence of death	Elapsed time since sentencing	
	Mean	Median
Total	109 mo	97 mo
Male	110	97
Female	83	81
White	113	102
Black	109	97
Hispanic	95	80

The median time between the imposition of a death sentence and yearend 2002 was 97 months. Overall, the average time for women was 6 years and 11 months, 27 months less than that for men (9 years and 2 months). On average, whites, blacks, and Hispanics had spent from 95 to 113 months under a sentence of death.

**Table 11. Time under sentence of death and execution, by race, 1977-2002**

Year of execution	Number executed			Average elapsed time from sentence to execution for:		
	All races <sup>a</sup>	White <sup>b</sup>	Black <sup>b</sup>	All races <sup>a</sup>	White <sup>b</sup>	Black <sup>b</sup>
Total	820	524	283	123 mo	119 mo	130 mo
1977-83	11	9	2	51 mo	49 mo	58 mo
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
1988	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
1997	74	45	27	133	126	147
1998	68	48	18	130	128	132
1999	98	61	33	143	143	141
2000	85	49	35	137	134	142
2001	66	48	17	142	134	166
2002	71	53	18	127	130	120

Note: Average time was calculated from the most recent sentencing date.  
<sup>a</sup>Includes American Indians and Asians.  
<sup>b</sup>Includes Hispanics.

**Advance count of executions: January 1, 2003 — December 31, 2003**

To provide the latest data on capital punishment, BJS gathers information following each execution. The data include the date of execution, the jurisdiction, method used, and the name, race, and gender of each person executed.

Jurisdiction	Number of executions	Method used
Texas	24	Lethal injection
Oklahoma	14	Lethal injection
North Carolina	7	Lethal injection
Ohio	3	Lethal injection
Alabama	3	Lethal injection
Florida	3	Lethal injection
Georgia	3	Lethal injection
Indiana	2	Lethal injection
Missouri	2	Lethal injection
Virginia	2	Lethal injection*
Federal	1	Lethal injection
Arkansas	1	Lethal injection
Total	65	

During 2003, 11 States and the Federal Government executed 65 inmates. This is six fewer than the number executed in 2002.

Two States accounted for more than half of the executions carried out during this period: Texas carried out 24, and Oklahoma carried out 14.

Lethal injection accounted for 64 of the executions; electrocution, for 1.

Forty-four of those executed were white, 20 were black, and 1 was American Indian. No women were executed.

\*Virginia executed 1 prisoner by electrocution.

Final counts for 2003 will appear in *Capital Punishment 2003*, released in late 2004. This annual report will comprise data collected from State and Federal correctional agencies. The report will cover all persons under sentence of death on December 31, 2003, as well as those removed from under sentence of death.



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## 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 corrections in each jurisdiction currently authorizing capital punishment; and 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 on the BJS website <[www.ojp.usdoj.gov/bjs/abstract/cp02.htm](http://www.ojp.usdoj.gov/bjs/abstract/cp02.htm)> and in the *Correctional Populations in the United States — Statistical Tables*, also on the website. 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 population under sentence of death not at sentencing but at the time they are admitted to a State or Federal correctional facility. (2) If inmates entered prison under a death sentence or were reported as being relieved of a death sentence in one year 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 4 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.

This report in portable document format and in ASCII and its related statistical data and tables— including five appendix tables — are available at the BJS World Wide Web Internet site: <http://www.ojp.usdoj.gov/bjs/>

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

The Bureau of Justice Statistics is the statistical agency of the U.S. Department of Justice. Lawrence A. Greenfeld is director.

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

This Bulletin was written by Thomas P. Bonczar and Tracy L. Snell under the supervision of Allen J. Beck.

Tina Dorsey edited the report. Jayne Robinson prepared the report for final printing.

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November 2003, NCJ 201848

**Appendix table 1. Federal laws providing for the death penalty, 2002**

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.

**Appendix table 2. Prisoners sentenced to death and outcome of the sentence, by year of sentencing, 1973-2002**

Year of sentence	Number sentenced to death	Number of prisoners removed from under sentence of death						Other or unknown reasons	Under sentence of death 12/31/2002
		Execution	Other death	Appeals or higher courts overturned— Death penalty statute			Sentence commuted		
				Conviction	Sentence				
1973	42	2	0	14	9	8	9	0	0
1974	149	10	4	65	15	30	22	1	2
1975	298	6	4	171	24	67	21	2	3
1976	233	14	5	136	17	43	15	0	3
1977	137	19	3	40	26	32	7	0	10
1978	185	36	6	21	36	65	8	0	13
1979	151	28	13	2	28	59	5	1	15
1980	173	45	13	3	30	50	7	0	25
1981	224	54	13	0	42	74	6	1	34
1982	265	58	17	0	38	71	8	1	72
1983	252	60	17	1	27	62	8	2	75
1984	285	58	14	2	44	65	7	8	87
1985	266	39	7	1	42	72	5	3	97
1986	300	59	20	0	45	54	7	5	110
1987	289	44	19	5	39	61	2	6	113
1988	290	45	12	1	32	58	4	0	138
1989	259	35	10	0	31	50	6	0	127
1990	252	33	9	0	35	40	2	0	133
1991	267	29	10	0	32	34	5	0	157
1992	287	29	10	0	24	39	7	0	178
1993	289	30	13	0	17	25	6	0	198
1994	315	28	10	0	23	30	3	0	221
1995	318	26	12	0	15	26	1	0	238
1996	320	15	8	0	20	33	2	0	242
1997	276	5	4	0	20	18	1	0	228
1998	300	8	6	1	14	15	1	0	255
1999	279	2	5	0	13	7	1	0	251
2000	231	3	2	0	3	6	0	0	217
2001	163	0	1	0	3	2	0	0	157
2002	159	0	1	0	0	0	0	0	158
Total, 1973-2002	7,254	820	268	463	744	1,196	176	30	3,557

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

**Appendix table 3. Prisoners under sentence of death on December 31, 2002, by State and year of sentencing**

State	Year of sentence for prisoners sentenced to and remaining on death row, 12/31/2002												Under sentence of death, 12/31/02	Average number of years under sentence of death as of 12/31/02
	1974-82	1983-84	1985-86	1987-88	1989-90	1991-92	1993-94	1995-96	1997-98	1999-00	2001	2002	12/31/02	12/31/02
California	48	37	37	51	63	63	55	76	70	74	26	14	614	10.2
Florida	35	23	23	33	30	51	45	28	30	43	15	10	366	10.9
Texas	15	7	13	24	20	42	57	60	68	81	26	37	450	7.4
Illinois	15	11	14	12	19	15	18	19	11	17	2	6	159	11.0
Tennessee	10	6	13	11	6	8	4	8	11	10	4	4	95	11.3
Georgia	9	3	7	8	11	11	12	13	21	13	1	3	112	10.0
Alabama	9	5	8	15	18	11	23	24	35	25	7	11	191	8.5
Pennsylvania	6	13	22	27	21	23	37	25	26	27	5	9	241	9.9
Nevada	6	8	5	8	9	4	7	18	7	9	1	1	83	10.7
Arizona	6	5	7	14	12	15	17	9	16	11	7	1	120	10.0
Mississippi	4	1	1	1	4	6	10	10	13	9	3	5	66	7.4
North Carolina	3	1	4		4	15	46	46	35	32	13	7	206	6.8
Kentucky	3	5	4	2		4	4	1	5	5	2	1	36	10.7
Indiana	2	2	3	7	1	3	3	5	3	3		4	36	10.2
Idaho	2	1	1	2	3	2	2	2	1	1	2	1	20	10.5
Louisiana	2	1	3	5	1	3	5	17	21	19	2	7	86	6.5
Missouri	1	2	3	3	1	7	9	13	12	9	4	2	66	7.7
Arkansas	1				2	3	9	8	8	7	2		40	7.2
Ohio		20	28	17	17	22	18	32	25	13	6	7	205	10.3
Oklahoma		3	6	8	9	5	11	22	24	14	3	7	112	7.7
South Carolina		3	1		4	7	11	16	10	7	8	5	72	7.0
Maryland		3		1	1	2		4	1	2		1	15	9.6
Utah		1	2	1	1	1	1	2	1	1			11	11.3
Nebraska		1	1					2		2	1		7	*
Montana		1		1		2		2					6	*
New Jersey			1		2		3	5	1		1	1	14	7.8
Colorado								2		3			5	*
Connecticut					1	2		1		3			7	*
Oregon						5	3	5	6	5	2		26	6.2
Delaware						2	3		2	1	4	2	14	5.1
Washington						1	2	1	2		3	1	10	5.1
Federal system							3	3	6	5	2	5	24	4.1
Virginia									8	9	3	3	23	3.0
South Dakota							1		1	1	2		5	*
New Mexico								1				1	2	*
Kansas									1	2		2	5	*
Wyoming									2				2	*
New York										5			5	*
<b>Total</b>	<b>177</b>	<b>162</b>	<b>207</b>	<b>251</b>	<b>260</b>	<b>335</b>	<b>419</b>	<b>480</b>	<b>483</b>	<b>468</b>	<b>157</b>	<b>158</b>	<b>3,557</b>	<b>9.1</b>

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 4. Number sentenced to death and number of removals, by jurisdiction and reason for removal, 1973-2002**

State	Total sentenced to death, 1973-2002	Number of removals, 1973-2002					Under sentence of death, 12/31/02
		Executed	Died	Sentence or conviction overturned	Sentence commuted	Other removals	
U.S. total	7,254	820	268	2,403	176	30	3,557
Federal	32	2	0	5	1	0	24
Alabama	342	25	17	107	2	0	191
Arizona	239	22	11	79	6	1	120
Arkansas	99	24	2	31	2	0	40
California	795	10	37	119	15	0	614
Colorado	19	1	2	10	1	0	5
Connecticut	8	0	0	1	0	0	7
Delaware	48	13	0	21	0	0	14
Florida	872	54	35	397	18	2	366
Georgia	299	31	9	139	7	1	112
Idaho	40	1	1	15	3	0	20
Illinois	294	12	14	98	3	8	159
Indiana	97	9	2	46	2	2	36
Kansas	6	0	0	1	0	0	5
Kentucky	75	2	3	33	1	0	36
Louisiana	214	27	4	90	6	1	86
Maryland	52	3	2	28	4	0	15
Massachusetts	4	0	0	2	2	0	0
Mississippi	173	6	3	95	0	3	66
Missouri	167	59	9	31	2	0	66
Montana	15	2	0	6	1	0	6
Nebraska	27	3	3	12	2	0	7
Nevada	135	9	11	28	4	0	83
New Jersey	51	0	3	26	0	8	14
New Mexico	28	1	1	19	5	0	2
New York	9	0	0	4	0	0	5
North Carolina	504	23	13	254	8	0	206
Ohio	367	5	11	136	10	0	205
Oklahoma	313	55	10	135	1	0	112
Oregon	51	2	1	22	0	0	26
Pennsylvania	352	3	15	88	5	0	241
Rhode Island	2	0	0	2	0	0	0
South Carolina	179	28	4	72	3	0	72
South Dakota	5	0	0	0	0	0	5
Tennessee	204	1	10	93	3	2	95
Texas	925	289	28	108	49	1	450
Utah	26	6	0	8	1	0	11
Virginia	137	87	5	12	9	1	23
Washington	38	4	1	23	0	0	10
Wyoming	11	1	1	7	0	0	2
Percent	100%	11.3%	3.7%	33.1%	2.4%	0.4%	49.0%

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



**Appendix table 5. Executions, by State and method, 1977-2002**

State	Number executed	Lethal injection	Electrocution	Lethal gas	Hanging	Firing squad
Total	820	654	150	11	3	2
Federal system	2	2	0	0	0	0
Alabama	25	1	24	0	0	0
Arizona	22	20	0	2	0	0
Arkansas	24	23	1	0	0	0
California	10	8	0	2	0	0
Colorado	1	1	0	0	0	0
Delaware	13	12	0	0	1	0
Florida	54	10	44	0	0	0
Georgia	31	8	23	0	0	0
Idaho	1	1	0	0	0	0
Illinois	12	12	0	0	0	0
Indiana	9	6	3	0	0	0
Kentucky	2	1	1	0	0	0
Louisiana	27	7	20	0	0	0
Maryland	3	3	0	0	0	0
Mississippi	6	2	0	4	0	0
Missouri	59	59	0	0	0	0
Montana	2	2	0	0	0	0
Nebraska	3	0	3	0	0	0
Nevada	9	8	0	1	0	0
New Mexico	1	1	0	0	0	0
North Carolina	23	21	0	2	0	0
Ohio	5	5	0	0	0	0
Oklahoma	55	55	0	0	0	0
Oregon	2	2	0	0	0	0
Pennsylvania	3	3	0	0	0	0
South Carolina	28	23	5	0	0	0
Tennessee	1	1	0	0	0	0
Texas	289	289	0	0	0	0
Utah	6	4	0	0	0	2
Virginia	87	61	26	0	0	0
Washington	4	2	0	0	2	0
Wyoming	1	1	0	0	0	0