



# Bureau of Justice Statistics Bulletin

November 2005, NCJ 211349

# Capital Punishment, 2004

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Twelve States executed 59 prisoners during 2004. The number executed was 6 fewer than in 2003. Those executed during 2004 had been under sentence of death an average of 11 years, or 1 month longer than the period for inmates executed in 2003.

At yearend 2004, **3,314** prisoners were under sentence of death. California held the largest number on death row (637), followed by Texas (446), Florida (364), and Pennsylvania (222). Thirty-three people were under a Federal death sentence.

During 2004, 29 States and the Federal prison system received 125 prisoners under sentence of death. Texas (23 admissions), California (11), the Federal prison system (10), Florida (9), Alabama (7), and Louisiana (6) accounted for more than half of those sentenced in 2004 (53%).

In 2004, 59 men were executed, including 36 whites, 19 blacks, 3 Hispanics (all white), and 1 Asian. Fifty-eight were carried out by lethal injection; one by electrocution.

From January 1, 1977, to December 31, 2004, 944 inmates were executed by 32 States and the Federal Bureau of Prisons. Two-thirds of the executions occurred in 5 States: Texas (336), Virginia (94), Oklahoma (75), Missouri (61), and Florida (59).

## Highlights

### Status of death penalty, December 31, 2004

Executions during 2004*		Number of prisoners under sentence of death		Jurisdictions without a death penalty
Texas	23	California	637	Alaska
Ohio	7	Texas	446	District of Columbia
Oklahoma	6	Florida	364	Hawaii
Virginia	5	Pennsylvania	222	Iowa
North Carolina	4	Ohio	201	Maine
South Carolina	4	Alabama	193	Massachusetts
Alabama	2	North Carolina	181	Michigan
Florida	2	Georgia	109	Minnesota
Georgia	2	Arizona	105	North Dakota
Nevada	2	Tennessee	99	Rhode Island
Arkansas	1	Oklahoma	91	Vermont
Maryland	1	Louisiana	87	West Virginia
		Nevada	83	Wisconsin
		24 other jurisdictions	<b>496</b>	
Total	59	Total	<b>3,314</b>	

- At yearend 2004, 36 States and the Federal prison system held **3,314** prisoners under sentence of death, 63 fewer than at yearend 2003.

- Of those under sentence of death, 56% were white, 42% were black, and 2% were of other races.

#### Persons under sentence of death

	1994	2004
White	1,665	<b>1,850</b>
Black	1,216	1,390
American Indian	26	28
Asian	17	32
Unknown race	10	14

- The 367 Hispanic inmates under sentence of death accounted for 13% of inmates with a known ethnicity.

- Fifty-two women were under sentence of death in 2004, up from 43 in 1994.

\*For 2005 data on executions, see page 11.

- The 125 inmates received under sentence of death during 2004 represent the smallest number of admissions since 1973.

- The number of executions decreased to 59 during 2004, the lowest number since 1996 (45).

- Of the 7,187 people under sentence of death between 1977 and 2004, 13% were executed, 4% died by causes other than execution, and 37% received other dispositions.

- The number of States authorizing lethal injection increased from 27 in 1994 to 37 in 2004. In 2004, 98% of executions were by lethal injection, compared to 74% in 1994.

- Since 1977, 776 of the 944 executions (82%) were by lethal injection.

## Capital punishment laws

At yearend 2004 the death penalty was authorized by 38 States (table 1) and the Federal Government. No State enacted new legislation authorizing capital punishment in 2004.

The New Jersey Supreme Court ruled on February 3, 2004, that aggravating factors are elements of a capital murder under State statute and must, therefore, be submitted to the grand jury and returned in an indictment (State v. Fortin, 843 A.2d 974 (2004)).

The New York Court of Appeals overturned a portion of that State's criminal procedure on June 24, 2004. The decision in *People v. LaValle* (3 NY3d 88, 783 NYS2d 485 (Ct of Apps. 2004)) found that the requirement that jurors in the penalty phase of a capital trial be told that a deadlock will allow the defendant to be eligible for parole violated the heightened standard of reliability in sentencing required by the New York State Constitution.

The Kansas Supreme Court struck a portion of that State's capital statute on December 17, 2004 (State v. Michael Lee Marsh II, Case No. 81, 135). The statute states that when the existence of aggravating circumstances is not outweighed by any mitigating circumstances a death sentence should be imposed (K.S.A. 21-4624(e)). The court ruled that this was unconstitutional under the Eighth and Fourteenth Amendments.

**Table 1. Capital offenses, by State, 2004**

<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 15 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> Murder by one's own conduct, by solicitation, committed in furtherance of a narcotics conspiracy, or during commission of a crime of terrorism (NJSA 2C:11-3c).
<b>Colorado*.</b> First-degree murder with at least 1 of 17 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 13 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 10 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; perjury resulting in death.	<b>Oregon.</b> Aggravated murder (ORS 163.095).
<b>Illinois*.</b> First-degree murder with 1 of 21 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 11 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 2000).	<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.

\*As of December 31, 2004, 26 States excluded mentally retarded persons from capital sentencing: Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Mississippi, Missouri, Nebraska, Nevada, New Mexico, New York, North Carolina, South Dakota, Tennessee, Utah, Virginia, and Washington. Mental retardation is a mitigating factor in South Carolina.

### Statutory changes

During 2004, four States revised statutory provisions relating to the death penalty. By State, the changes were as follows:

**California** — Added to its penal code a new section which defines mentally retarded and procedures for determining whether a defendant is mentally retarded (Cal. Penal Code, Section 1376). The statute exempts imposition of a death sentence on any defendant found to be mentally retarded and became effective January 1, 2004.

**South Dakota** — Enacted a law creating a minimum age of 18 for which a death sentence may be imposed (SDCL 23A-27A-42), effective July 1, 2004.

**Utah** — Repealed the use of a firing squad as a method of execution for all persons sentenced to death on or after May 3, 2004 (Utah Code Ann. §77-18-5.5). The law allows for use of a firing squad for those sentenced prior to that date or in the event that lethal injection is found to be unconstitutional.

**Wyoming** — Revised the capital statute to increase the minimum age of eligibility for a death sentence from 16 to 18 years at the time the murder was committed (W.S. 6-2-101(b)), effective 7/1/2004.

### 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.

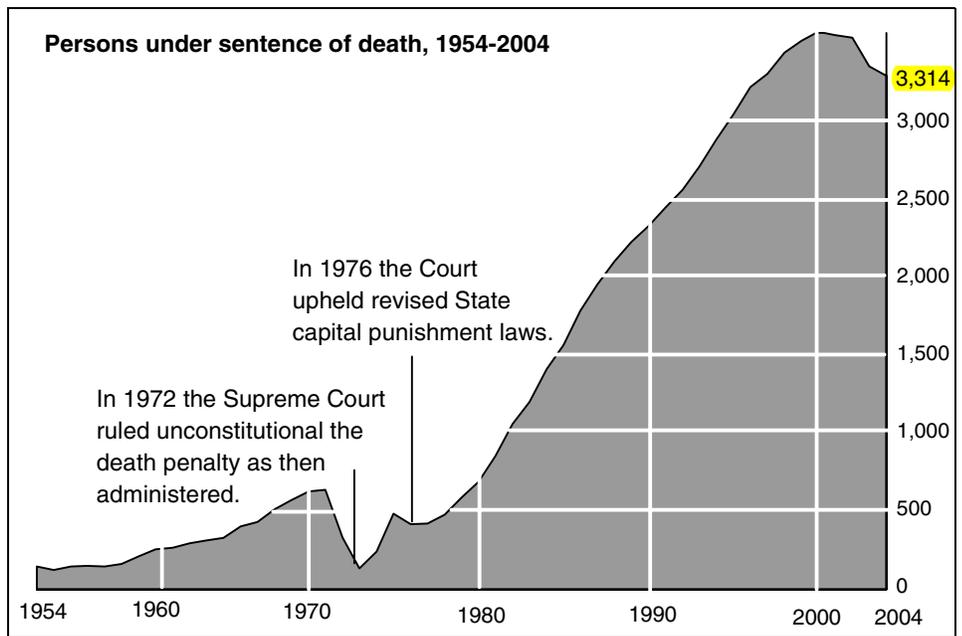


Figure 1

The State's highest appellate court usually conducted the review. If either the conviction or sentence was 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 automatic review of both the conviction and sentence, Idaho, Montana, Oklahoma, South Dakota, 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 implemented a rule requiring 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, 2004**

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	Hanging	Firing squad
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>f</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; the condemned sentenced before that date may select lethal injection or gas.

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

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

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

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

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

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

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

<sup>j</sup>Authorizes firing squad if lethal injection is held unconstitutional.

**Table 3. Minimum age authorized for capital punishment, 2004**

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
Nevada (16)		Indiana	South Carolina
Oklahoma (16)		Kansas	
Utah (14) <sup>f</sup>		Maryland	
Virginia (14) <sup>f</sup>		Missouri <sup>g</sup>	
		Nebraska	
		New Jersey	
		New Mexico	
		New York	
		Ohio	
		Oregon	
		Tennessee	
		South Dakota	
		Washington	
		Wyoming	

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>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.

<sup>g</sup>The minimum age defined by statute is 16, but the effective age is 18 based on interpretation of the 8th Amendment of the U.S. Constitution by the Missouri Supreme Court.

*Method of execution*

As of December 31, 2004, 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, 1 authorized electrocution or firing squad, and 1 authorized 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 (18 U.S.C. 3596).

*Minimum age*

In 2004 six 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. Eighteen States and the Federal system required a minimum age of 18. Fourteen States indicated an age of eligibility between 14 and 17.

**Table 4. Prisoners under sentence of death, by region, State, and race, 2003 and 2004**

Region and State	Prisoners under sentence of death, 12/31/03			Received under sentence of death			Removed from death row (excluding executions) <sup>a</sup>			Executed			Prisoners under sentence of death, 12/31/04		
	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>	<b>3,377</b>	<b>1,882</b>	1,417	125	75	50	129	68	58	59	39	19	<b>3,314</b>	<b>1,850</b>	1,390
Federal <sup>d</sup>	23	6	16	10	6	4	0	0	0	0	0	0	33	12	20
State	<b>3,354</b>	<b>1,876</b>	1,401	115	69	46	129	68	58	59	39	19	<b>3,281</b>	<b>1,838</b>	1,370
<b>Northeast</b>	255	94	150	7	2	5	20	10	10	0	0	0	242	86	145
Connecticut	7	4	3	1	1	0	1	1	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	14	8	6	1	0	1	4	4	0	0	0	0	11	4	7
New York	5	3	2	0	0	0	3	2	1	0	0	0	2	1	1
Pennsylvania	229	79	139	5	1	4	12	3	9	0	0	0	222	77	134
<b>Midwest</b>	311	169	139	13	9	4	19	12	7	7	5	2	298	161	134
Illinois	2	2	0	4	3	1	0	0	0	0	0	0	6	5	1
Indiana	31	23	8	0	0	0	4	2	2	0	0	0	27	21	6
Kansas	6	4	2	1	1	0	7	5	2	0	0	0	0	0	0
Missouri	52	27	25	2	2	0	2	2	0	0	0	0	52	27	25
Nebraska	7	6	1	1	1	0	0	0	0	0	0	0	8	7	1
Ohio	209	103	103	5	2	3	6	3	3	7	5	2	201	97	101
South Dakota	4	4	0	0	0	0	0	0	0	0	0	0	4	4	0
<b>South</b>	1,869	1,017	826	75	43	32	61	23	36	50	32	17	1,833	1,005	805
Alabama	193	101	91	7	4	3	5	2	2	2	2	0	193	101	92
Arkansas	40	17	23	2	2	0	2	2	0	1	0	1	39	17	22
Delaware	16	12	4	2	1	1	1	0	1	0	0	0	17	13	4
Florida	364	238	126	9	5	4	7	3	4	2	1	1	364	239	125
Georgia	110	56	53	3	2	1	2	0	2	2	2	0	109	56	52
Kentucky	34	27	7	1	1	0	1	1	0	0	0	0	34	27	7
Louisiana	87	27	59	6	4	2	6	1	5	0	0	0	87	30	56
Maryland	11	4	7	1	0	1	2	0	2	1	1	0	9	3	6
Mississippi	69	33	35	2	0	2	1	0	1	0	0	0	70	33	36
North Carolina	194	74	113	4	3	1	13	2	11	4	3	1	181	72	102
Oklahoma <sup>e</sup>	101	55	38	5	3	2	9	7	1	6	4	1	91	47	38
South Carolina	71	38	33	5	2	3	1	1	0	4	4	0	71	35	36
Tennessee <sup>e</sup>	98	57	39	3	2	1	2	1	1	0	0	0	99	58	39
Texas	454	263	186	23	14	9	8	2	6	23	11	12	446	264	177
Virginia	27	15	12	2	0	2	1	1	0	5	4	1	23	10	13
<b>West</b>	<b>919</b>	<b>596</b>	286	20	15	5	29	23	5	2	2	0	<b>908</b>	<b>586</b>	286
Arizona	124	103	14	4	4	0	23	18	4	0	0	0	105	89	10
California	630	374	230	11	8	3	4	3	1	0	0	0	637	379	232
Colorado	3	1	2	0	0	0	0	0	0	0	0	0	3	1	2
Idaho	22	22	0	1	1	0	1	1	0	0	0	0	22	22	0
Montana	5	4	0	0	0	0	1	1	0	0	0	0	4	3	0
Nevada <sup>f</sup>	84	51	32	1	0	1	0	0	0	2	2	0	83	49	33
New Mexico	2	2	0	0	0	0	0	0	0	0	0	0	2	2	0
Oregon	28	26	1	2	1	1	0	0	0	0	0	0	30	27	2
Utah	10	7	2	0	0	0	0	0	0	0	0	0	10	7	2
Washington	<b>10</b>	<b>5</b>	5	0	0	0	0	0	0	0	0	0	<b>10</b>	<b>5</b>	5
Wyoming	1	1	0	1	1	0	0	0	0	0	0	0	2	2	0

Note: Some figures shown for yearend 2003 are revised from those reported in *Capital Punishment, 2003*, NCJ 206627. 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 12/31/03 (3 each in Mississippi, California, and Idaho; 2 in Texas; and 1 each in Ohio, Alabama, Tennessee, and Arizona) and exclude 12 inmates who were relieved of a death sentence before 12/31/03 (4 in Indiana; 2 in California; and 1 each in Pennsylvania, Ohio, Georgia, Kentucky, North Carolina, and Texas).

<sup>a</sup>Includes 19 deaths from natural causes (4 each in Ohio and California; 3 in Florida, 2 in Texas, and 1 each in Alabama, Kentucky, Louisiana, North Carolina, Oklahoma, and Idaho); and 3 deaths from suicide (1 each in Virginia, Texas, and Montana).

<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>One inmate who was previously in the custody of Oklahoma has been transferred to Tennessee where he is under a separate sentence of death.

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

### Characteristics of prisoners under sentence of death at yearend 2004

Thirty-six States and the Federal prison system held a total of **3,314** prisoners under sentence of death on December 31, 2004, a decrease of 63 since the end of 2003 (table 4). This was the fourth consecutive year that the number of prisoners under a sentence of death declined, down from 3,601 on December 31, 2000.

Three States reported 44% of the Nation's death row population: California (637), Texas (446), and Florida (364). The Federal Bureau of Prisons held 33 inmates at yearend. Of the 39 jurisdictions authorizing the death penalty during 2004, New Hampshire and Kansas had no one under a capital sentence, and New York, South Dakota, Colorado, Montana, New Mexico, and Wyoming had 4 or fewer.

Among the 37 jurisdictions with prisoners under sentence of death at yearend 2004, 9 had more inmates than a year earlier, 15 had fewer inmates, and 13 had the same number. The largest increase occurred in the Federal Bureau of Prisons (10), followed by California (7), Illinois (4), and Oregon (2). The largest decreases were in Arizona (19), North Carolina (13), and Oklahoma (10).

During 2004 the number of white and black inmates under sentence of death declined (by 32 and 27, respectively). The number of persons of other races (including American Indians, Asians, and self-identified Hispanics) decreased from 78 to 74.

Men made up 98% (**3,262**) of all prisoners under sentence of death (table 5). Whites accounted for 56%; blacks accounted for 42%; and other races (2%) included 28 American Indians, 32 Asians, and 14 persons whose race was unknown. Among those for whom ethnicity was known, 13% were Hispanic.

Persons under sentence of death, by race, 1968-2004

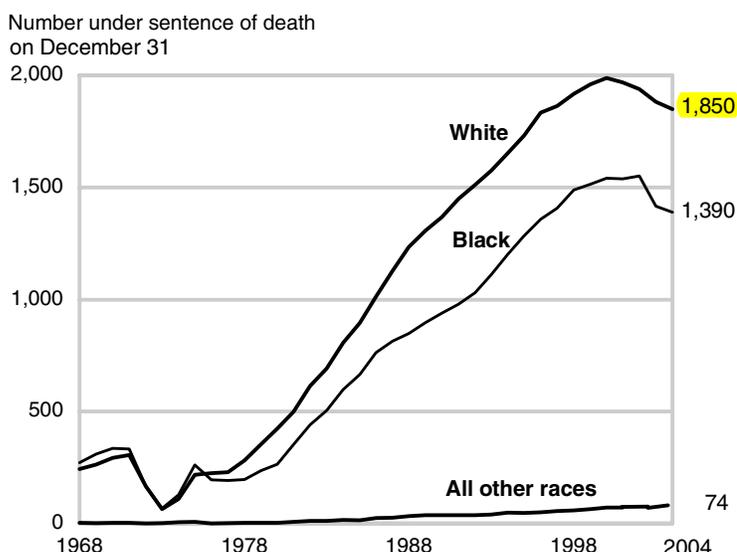


Figure 2

Table 5. Demographic characteristics of prisoners under sentence of death, 2004

Characteristic	Prisoners under sentence of death, 2004		
	Yearend	Admissions	Removals
<b>Total number under sentence of death</b>	<b>3,314</b>	125	188
<b>Gender</b>			
Male	98.4%	96.0%	100%
Female	1.6	4.0	0
<b>Race</b>			
White	55.8%	60.0%	56.9%
Black	41.9	40.0	41.0
All other races*	2.2	0	2.1
<b>Hispanic origin</b>			
Hispanic	<b>12.7%</b>	15.2%	8.5%
Non-Hispanic	<b>87.3</b>	84.8	91.5
<b>Education</b>			
8th grade or less	15.1%	14.0%	16.6%
9th-11th grade	37.2	44.1	37.3
High school graduate/GED	38.5	33.3	37.3
Any college	9.2	8.6	8.9
Median	11th	11th	11th
<b>Marital status</b>			
Married	22.1%	15.0%	23.9%
Divorced/separated	20.6	22.0	22.8
Widowed	2.9	6.0	3.9
Never married	54.4	57.0	49.4

Note: Calculations are based on those cases for which data were reported. Detail may not add to total due to rounding. Missing data by category were as follows:

	Yearend	Admissions	Removals
Hispanic origin	413	20	24
Education	<b>480</b>	32	19
Marital status	<b>334</b>	25	8

\*At yearend 2003, other races consisted of 29 American Indians, 35 Asians, and 14 self-identified Hispanics. During 2004, 2 Asians and 1 American Indian were removed; and 1 Asian was executed.

During 2004 the number of women sentenced to be executed increased from 47 to 52 (table 6). Five women were received under sentence of death; none was removed from death row. Women were under sentence of death in 19 States. More than 6 in 10 women on death row at yearend were being held in four States: California, Texas, Pennsylvania, and North Carolina.

State	Women under sentence of death, 12/31/04		
	All races*	White	Black
Total	52	33	16
California	15	11	2
Texas	9	4	5
Pennsylvania	5	2	3
North Carolina	4	2	1
Alabama	3	1	2
Tennessee	2	2	0
Arizona	2	2	0
Ohio	1	1	0
Delaware	1	1	0
Florida	1	1	0
Georgia	1	1	0
Kentucky	1	1	0
Mississippi	1	1	0
Oklahoma	1	1	0
Virginia	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 365 to 367 during 2004. Sixteen Hispanics were received under sentence of death, 11 were removed from death row, and 3 were executed. More than three-quarters of the Hispanics were held in 3 States: California (131), Texas (124), and Florida (31).

The gender, race, and Hispanic origin of those under sentence of death at yearend 2004 were as follows:

	Persons under sentence of death, 12/31/04		
	White	Black	Other races
Male	1,817	1,374	71
Hispanic	333	13	16
Female	33	16	3
Hispanic	3	0	2

Among all inmates under sentence of death for whom date of arrest 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.

**Table 6. Hispanics and women under sentence of death, by State, 2003 and 2004**

Jurisdiction	Under sentence of death, 12/31/03 <sup>a</sup>		Received under sentence of death		Death sentence removed <sup>b</sup>	Under sentence of death, 12/31/04	
	Hispanics	Women	Hispanics	Women	Hispanics	Hispanics	Women
U.S. total	365	47	16	5	14	367	52
Federal system	2	0	0	0	0	2	0
Alabama	1	3	0	0	0	1	3
Arizona	20	1	2	1	4	18	2
Arkansas	1	0	0	0	1	0	0
California	129	14	2	1	0	131	15
Colorado	1	0	0	0	0	1	0
Connecticut	1	0	0	0	0	1	0
Delaware	2	0	0	1	0	2	1
Florida	30	1	2	0	1	31	1
Georgia	2	1	1	0	0	3	1
Idaho	0	1	0	0	0	0	1
Illinois	0	0	2	0	0	2	0
Indiana	1	1	0	0	0	1	1
Kentucky	1	1	0	0	0	1	1
Louisiana	1	1	0	0	0	1	1
Mississippi	0	1	0	0	0	0	1
Nebraska	1	0	1	0	0	2	0
Nevada	7	1	0	0	0	7	1
New Mexico	1	0	0	0	0	1	0
New York	1	0	0	0	1	0	0
North Carolina	4	4	0	0	1	3	4
Ohio	5	1	0	0	0	5	1
Oklahoma	5	0	0	1	2	3	1
Oregon	2	0	0	0	0	2	0
Pennsylvania	23	5	0	0	1	22	5
Tennessee	1	2	0	0	0	1	2
Texas	121	8	6	1	3	124	9
Utah	2	0	0	0	0	2	0
Virginia	0	1	0	0	0	0	1

<sup>a</sup>The count of Hispanics under sentence of death at yearend 2003 has been revised.

<sup>b</sup>Includes 3 Hispanic men in Texas who were executed in 2004. No women were removed from under sentence of death in 2004.

**Table 7. Age at time of arrest for capital offense and age of prisoners under sentence of death at yearend 2004**

Age	Prisoners under sentence of death			
	At time of arrest		On December 31, 2004	
	Number*	Percent	Number	Percent
Total number under sentence of death on 12/31/04	3,057	100%	3,314	100%
17 or younger	63	2.1	0	--
18-19	338	11.1	1	--
20-24	824	27.0	95	2.9
25-29	675	22.1	364	11.0
30-34	506	16.6	532	16.1
35-39	323	10.6	588	17.7
40-44	178	5.8	603	18.2
45-49	89	2.9	494	14.9
50-54	40	1.3	292	8.8
55-59	15	0.5	219	6.6
60-64	4	0.1	82	2.5
65 or older	2	0.1	44	1.3
Mean age	28 yrs.		41 yrs.	
Median age	27 yrs.		40 yrs.	

Note: The youngest person under sentence of death was a white male in Texas, born in February 1986 and sentenced to death in August 2004. 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 257 inmates for whom the date of arrest for capital offense was not available.

On December 31, 2004, 34% of all inmates were age 30 to 39, and 63% were age 25 to 44. The youngest offender under sentence of death was 18; the oldest was 89.

**Criminal history of inmates under sentence of death in 2004**

Among inmates under a death sentence on December 31, 2004, 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 third 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 (62%) or Hispanics (59%) 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 (22%) or blacks (17%) than whites (14%) 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 4,283 individuals received under sentence of death during that time, 1 in 7 entered with 2 or more death sentences.

Number of death sentences received	Inmates
Total	100%
1	86
2	10
3 or more	4
Number admitted under sentence of death, 1988-2004	
	4,283

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

Between January 1 and December 31, 2004, 29 State prison systems and the Federal Bureau of Prisons reported receiving 125 inmates under sentence of death. More than half of the inmates were received in 6 jurisdictions: Texas (23), California (11), the Federal system (10), Florida (9), Alabama (7) and Louisiana (6).

Year	Inmates received under sentence of death
1994	327
1995	327
1996	322
1997	282
1998	306
1999	282
2000	235
2001	166
2002	169
2003	152
2004	125

All 125 prisoners who were received under sentence of death had been convicted of murder; 5 were female. By race, 75 were white and 50 were black. Of the 125 new admissions, 16 were Hispanic.

The 125 admissions to death row in 2004 marked a decline of 27 from the 152 admissions recorded in 2003, and represented the smallest number received in a year since 44 persons were admitted in 1973. The 10 persons who entered the Federal prison system in 2004 was twice the previous largest number of annual admissions to the Federal system since 1973 (5 in 1993 and in 2002).

Twenty-two States reported 107 persons whose death sentences were removed or overturned. Appeals courts vacated 72 sentences while upholding the convictions and vacated 25 sentences while overturning the convictions. Arizona (23 exits) had the largest number of vacated sentences. Four States reported 4 commutations of a death sentence, including Indiana, Georgia, Oklahoma, and Texas (one each). Six inmates had their death sentence declared unconstitutional by the Kansas Supreme Court.

**Table 8. Criminal history profile of prisoners under sentence of death, by race and Hispanic origin, 2004**

	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>	<b>3,314</b>	<b>1,514</b>	1,377	367	100%	100%	100%	100%
<b>Prior felony convictions</b>								
Yes	1,964	860	876	199	64.4%	61.6%	69.6%	58.7%
No	1,084	536	383	140	35.6	38.4	30.4	41.3
Not reported	266							
<b>Prior homicide convictions</b>								
Yes	268	123	115	25	8.2%	8.3%	8.5%	6.9%
No	2,984	1,365	1,232	337	91.8	91.7	91.5	93.1
Not reported	62							
<b>Legal status at time of capital offense</b>								
Charges pending	234	116	99	18	7.9%	8.5%	8.0%	5.4%
Probation	315	124	149	36	10.6	9.1	12.1	10.8
Parole	479	190	208	73	16.1	13.9	16.9	21.9
On escape	44	25	12	6	1.5	1.8	1.0	1.8
Incarcerated	101	54	38	7	3.4	4.0	3.1	2.1
Other status	15	6	7	1	0.5	0.4	0.6	0.3
None	1,792	848	717	193	60.1	62.2	58.3	57.8
Not reported	334							

<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 and Asians.

<sup>c</sup>Excludes persons of Hispanic origin.

As of December 31, 2004, 57 of 107 persons who were formerly under sentence of death were serving a reduced sentence, 20 were awaiting a new trial, 23 were awaiting resentencing, 1 had all capital charges dropped, and 6 had no action taken after being removed from under sentence of death.

In addition, 22 persons died while under sentence of death in 2004. Nineteen of these deaths were from natural causes — 4 each in Ohio and California; 3 in Florida; 2 in Texas ; and 1 each in Alabama, Kentucky, Louisiana, North Carolina, Oklahoma, and Idaho. Three deaths were suicides — one each in Texas, Virginia, and Montana.

From 1977, the year after the Supreme Court upheld the constitutionality of revised State capital punishment laws, to 2004, a total of 6,807 persons entered prison under sentence of death. During these 28 years, 944 persons were executed, and 2,929 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 2004, 3,331 (49%) were white, 2,773 (41%) were black, 593 (9%) were Hispanic, and 110 (2%) were other races. The distribution by race and Hispanic origin of the 3,873 inmates who were removed from death row between 1977 and 2004 was as follows: 2,002 whites (52%), 1,576 blacks (41%), 241 Hispanics (6%), and 54 persons of other races (1%). Of the 944 who were executed, 546 (58%) were white, 320 (34%) were black, 64 (7%) were Hispanic, and 14 (1%) 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 2004, 4,803 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, 1930-2004**

State	Number executed	
	Since 1930	Since 1977
U.S. total	4,803	944
Texas	633	336
Georgia	402	36
New York	329	0
California	302	10
North Carolina	297	34
Florida	229	59
South Carolina	194	32
Ohio	187	15
Virginia	186	94
Alabama	165	30
Louisiana	160	27
Mississippi	160	6
Pennsylvania	155	3
Arkansas	144	26
Oklahoma	135	75
Missouri	123	61
Kentucky	105	2
Illinois	102	12
Tennessee	94	1
New Jersey	74	0
Maryland	72	4
Arizona	60	22
Indiana	52	11
Washington	51	4
Colorado	48	1
Nevada	40	11
District of Columbia	40	0
West Virginia	40	0
Federal system	36	3
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, 1977-2004**

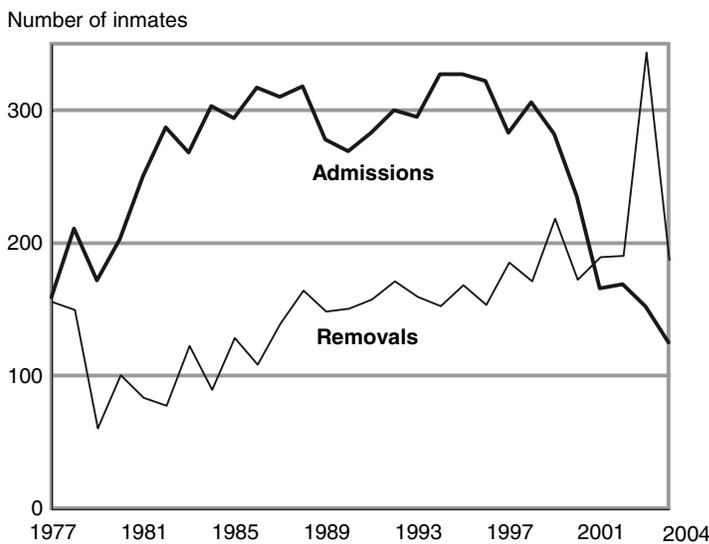


Figure 3

After the Supreme Court reinstated the death penalty in 1976, 32 States and the Federal Government executed 944 prisoners:

1977	1	1992	31
1979	2	1993	38
1981	1	1994	31
1982	2	1995	56
1983	5	1996	45
1984	21	1997	74
1985	18	1998	68
1986	18	1999	98
1987	25	2000	85
1988	11	2001	66
1989	16	2002	71
1990	23	2003	65
1991	14	2004	59

During this 28-year period, 5 States executed 625 prisoners: Texas (336), Virginia (94), Oklahoma (75), Missouri (61), and Florida (59). These States accounted for two-thirds of all executions. Between 1977 and 2004, 537 white non-Hispanic men, 319 black non-Hispanic men, 64 Hispanic men, 8 American Indian men, 6 Asian men, 9 white non-Hispanic women, and 1 black non-Hispanic woman were executed.

During 2004 Texas carried out 23 executions; Ohio executed 7 persons; Oklahoma, 6 persons; Virginia, 5; North Carolina and South Carolina, 4 each; Alabama, Florida, Georgia, and Nevada, 2 each; and Arkansas and Maryland, 1 each. All 59 of the inmates executed in 2004 were male. Thirty-six were white; 19 were black; 3 were Hispanic; and 1 was Asian.

From 1977 to 2004, 7,187 prisoners were under death sentences for varying lengths of time (table 10). The 944 executions accounted for 13% of those at risk. A total of 2,929 prisoners (41% of those at risk) were removed by means other than execution. A higher percentage of whites (16%) were executed as compared with both blacks (11%) and Hispanics (11%). Somewhat larger percentages of blacks (43%) and whites (41%) than Hispanics (29%) were removed from under a death sentence by means other than execution.

Persons executed, 1930-2004

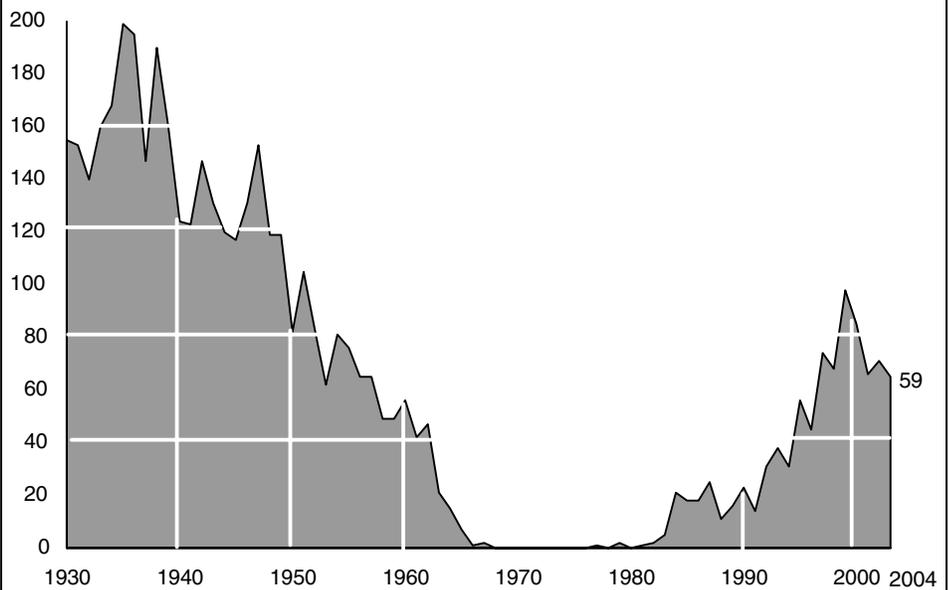


Figure 4

Table 10. Executions and other dispositions of inmates sentenced to death, by race and Hispanic origin, 1977-2004

Race/Hispanic origin	Total under sentence of death, 1977-2004 <sup>b</sup>	Prisoners executed		Prisoners who received other dispositions <sup>a</sup>	
		Number	Percent of total	Number	Percent of total
Total	7,187	944	13.1%	2,929	40.8%
White <sup>c</sup>	3,516	546	15.5%	1,456	41.4%
Black <sup>c</sup>	2,953	320	10.8	1,256	42.5
Hispanic	608	64	10.5	177	29.1
All other races <sup>d</sup>	110	14	12.7	40	36.4

<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 7 persons sentenced to death prior to 1977 who were still under sentence of death on 12/31/04; 373 persons sentenced to death prior to 1977 whose death sentence was removed between 1977 and 12/31/04; and 6,807 persons sentenced to death between 1977 and 12/31/04.

<sup>c</sup>Excludes persons of Hispanic origin.

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

Among prisoners executed from 1977 to 2004, the average time 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 10 years and 1 month, and black prisoners, 10 years and 9 months. The 59 prisoners executed in 2004 were under sentence of death an average of 11 years.

For the 944 prisoners executed between 1977 and 2004, the most common method of execution was lethal injection (776). Other methods used included electrocution (152), lethal gas (11), hanging (3), and firing squad (2).

Method of execution	Executions, 1977-2004				
	White	Black	Hispanic	American Indian	Asian
Total	546	320	64	8	6
Lethal injection	453	248	62	7	6
Electrocution	80	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 2004, the average time spent in prison was 10 years and 2 months, up 7 months from that in 2003. The median time between the imposition of a death sentence and yearend 2004 was 9 years and 2 months.

Inmates under sentence of death	Elapsed time since sentencing	
	Mean	Median
Total	122 mo	110 mo
Male	122	111
Female	95	78
White	126	115
Black	123	113
Hispanic	105	89

Overall, the average time for women was 7 years and 11 months, 27 months less than that for men (10 years and 2 months). On average, whites, blacks, and Hispanics had spent from 105 to 126 months under a sentence of death.

**Table 11. Time under sentence of death and execution, by race, 1977-2004**

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	944	607	322	124 mo	121 mo	129 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
2003	65	44	20	131	135	120
2004	59	39	19	132	132	132

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, 2005 — December 31, 2005**

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.

During 2005, 16 States had executed 60 inmates, 1 more than the number executed in 2004.

Four States accounted for more than half of the executions carried out during this period: Texas performed 19; and Indiana, Missouri, and North Carolina executed 5 each.

Connecticut executed one inmate, the first in that State since 1960.

Lethal injection accounted for all 60 executions.

Forty-one of those executed were white and 19 were black. One woman was executed (Texas).

Jurisdiction	Number of executions	Method used
Texas	19	Lethal injection
Indiana	5	Lethal injection
Missouri	5	Lethal injection
North Carolina	5	Lethal injection
Ohio	4	Lethal injection
Alabama	4	Lethal injection
Oklahoma	4	Lethal injection
Georgia	3	Lethal injection
South Carolina	3	Lethal injection
California	2	Lethal injection
Connecticut	1	Lethal injection
Arkansas	1	Lethal injection
Delaware	1	Lethal injection
Florida	1	Lethal injection
Maryland	1	Lethal injection
Mississippi	1	Lethal injection
Total	60	

Final counts for 2005 will appear in *Capital Punishment 2005*, released in late 2006. This annual report will consist of data collected from State and Federal correctional agencies. The report will cover all persons under sentence of death on December 31, 2005, as well as those removed from under sentence of death.

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**U.S. Department of Justice**Office of Justice Programs  
Bureau of Justice Statistics*Washington, DC 20531*

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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/cp04.htm](http://www.ojp.usdoj.gov/bjs/abstract/cp04.htm)>.

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); and (3)

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: < <a href="http://www.ojp.usdoj.gov/bjs/">http://www.ojp.usdoj.gov/bjs/</a> >.
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<b>Office of Justice Programs</b> Partnerships for Safer Communities <a href="http://www.ojp.usdoj.gov">http://www.ojp.usdoj.gov</a>
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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.

The Bureau of Justice Statistics is the statistical agency of the U.S. Department of Justice. Lawrence A. Greenfeld is director.
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BJS Bulletins present the first release of findings from permanent data collection programs.
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This Bulletin was written by Thomas P. Bonczar and Tracy L. Snell under the supervision of Allen J. Beck. Tina Dorsey and Carolyn C. Williams edited the report. Jayne Robinson prepared the report for final printing. At the U.S. Census Bureau, Patricia A. Clark and Nicole Gist collected the data under the supervision of Steven M. Bittner and Marilyn M. Monahan.
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November 2005, NCJ 211349
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**Appendix table 1. Federal laws providing for the death penalty, 2004**

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, 1973-2004**

Year of sentence	Number sentenced to death	Number of prisoners removed from under sentence of death						Under sentence of death 12/31/2004	
		Execution	Other death	Appeals or higher courts overturned— Death penalty statute		Sentence commuted	Other or unknown reasons		
1973	42	2	0	14	9	8	9	0	0
1974	149	11	4	65	15	30	22	1	1
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	33	7	0	9
1978	185	36	6	21	36	65	8	0	13
1979	151	28	13	2	28	59	6	1	14
1980	173	45	13	3	29	50	12	0	21
1981	223	54	14	0	42	78	12	1	22
1982	267	59	18	0	39	74	12	1	64
1983	253	63	18	1	27	64	14	2	64
1984	284	61	16	2	44	67	12	8	74
1985	264	45	10	1	41	81	12	4	70
1986	299	64	20	0	47	61	13	5	89
1987	288	51	21	5	40	66	6	7	92
1988	291	48	13	1	34	64	13	0	118
1989	258	39	11	0	31	53	12	1	111
1990	251	42	10	0	35	44	15	1	104
1991	267	32	10	0	34	38	10	0	143
1992	288	35	13	0	27	45	19	0	149
1993	287	42	15	0	19	31	15	0	165
1994	314	44	11	0	25	36	11	0	187
1995	317	41	14	0	15	32	12	0	203
1996	317	21	10	0	20	42	11	0	213
1997	277	11	5	0	21	31	5	0	204
1998	300	14	8	2	20	25	8	0	223
1999	276	5	7	3	16	22	10	0	213
2000	232	6	5	1	10	22	8	0	180
2001	163	4	2	0	5	13	2	0	137
2002	168	1	1	2	2	5	5	0	152
2003	152	1	1	1	0	0	0	0	149
2004	125	0	0	1	0	0	0	0	124
Total, 1973-2004	7,529	944	301	472	778	1,349	337	34	3,314

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, 2004, by State and year of sentencing**

State	Year of sentence for prisoners sentenced to and remaining on death row, 12/31/2004														Average number of	
	1974-82	1983-84	1985-86	1987-88	1989-90	1991-92	1993-94	1995-96	1997-98	1999-00	2001	2002	2003	2004	Under sentence of death, 12/31/04	years sentence death as of 12/31/04
California	45	37	33	50	62	63	55	75	70	74	26	14	22	11	637	11.5
Florida	34	21	20	30	27	49	44	28	28	39	13	11	11	9	364	12.2
Texas	15	6	11	17	16	34	43	50	61	78	24	37	31	23	446	8.2
Tennessee	9	6	12	9	6	8	4	7	11	8	4	6	6	3	99	11.9
Alabama	8	5	5	13	17	11	23	24	34	23	6	11	6	7	193	9.7
Georgia	7	2	5	8	9	12	11	13	21	13	1	3	1	3	109	11.0
Nevada	6	8	5	8	9	4	6	16	7	7	1	1	4	1	83	12.3
Arizona	6	5	4	14	11	13	17	9	8	2	3		9	4	105	11.8
Pennsylvania	5	10	18	23	20	19	35	22	21	22	4	12	6	5	222	11.2
Mississippi	5		1	1	4	6	9	9	11	9	3	6	4	2	70	8.9
North Carolina	3	1	1		3	11	38	42	31	26	9	6	6	4	181	8.3
Indiana	2	2	2	4	1	3	1	5	2	2		2	1		27	12.3
Idaho	2	1	2	2	3	2	1	2	1	1	2	1	1	1	22	11.8
Kentucky	1	4	4	2		4	4	1	5	5	2	1		1	34	11.5
Missouri	1	1	2	3	1	7	3	11	9	4	4	1	3	2	52	9.1
Arkansas	1				1	3	8	6	8	7	2	1		2	39	8.4
Ohio		16	24	16	15	21	16	29	25	12	6	8	8	5	201	11.3
Oklahoma		3	3	3	1	1	7	15	23	12	3	6	9	5	91	7.3
South Carolina		3	1		4	6	8	13	8	7	6	5	5	5	71	7.9
Maryland		3				1	1	1	1	2				1	9	*
Louisiana		1	3	5	1	3	4	17	21	16	2	7	1	6	87	7.7
Utah		1	2	1	1	1	1	2		1					10	13.9
Nebraska		1	1					2		2	1			1	8	*
Montana		1		1		1		1							4	*
New Jersey					2		3	4	1					1	11	9.4
Connecticut					1	2		1		2				1	7	*
Oregon						4	3	5	6	5	2	1	2	2	30	6.9
Delaware						2	3		2	1	3	2	2	2	17	5.8
Washington						1	2	1	2	2	3	1			10	7.1
Federal system							2	2	5	5	2	5	2	10	33	3.8
South Dakota							1		1		2				4	*
Colorado								2					1		3	*
New Mexico								1				1			2	*
Virginia									3	7	3	3	5	2	23	3.5
Wyoming									1					1	2	*
New York										1			1		2	*
Illinois													2	4	6	*
Total	150	138	159	210	215	292	352	416	427	393	137	152	149	124	3,314	10.2

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, 1973-2004**

State	Total sentenced to death, 1973-2004	Number of removals, 1973-2004					Under sentence of death, 12/31/04
		Executed	Died	Sentence or conviction overturned	Sentence commuted	Other removals	
U.S. total	7,529	944	301	2,599	337	34	3,314
Federal	43	3	0	6	1	0	33
Alabama	356	30	18	113	2	0	193
Arizona	253	22	12	107	6	1	105
Arkansas	103	26	2	34	2	0	39
California	828	10	43	123	15	0	637
Colorado	20	1	2	13	1	0	3
Connecticut	9	0	0	2	0	0	7
Delaware	52	13	0	22	0	0	17
Florida	890	59	38	409	18	2	364
Georgia	304	36	10	140	8	1	109
Idaho	42	1	2	14	3	0	22
Illinois	297	12	14	97	156	12	6
Indiana	98	11	2	52	4	2	27
Kansas	8	0	0	8	0	0	0
Kentucky	76	2	4	35	1	0	34
Louisiana	224	27	5	97	7	1	87
Maryland	53	4	2	34	4	0	9
Massachusetts	4	0	0	2	2	0	0
Mississippi	180	6	3	98	0	3	70
Missouri	172	61	9	48	2	0	52
Montana	15	2	2	6	1	0	4
Nebraska	28	3	3	12	2	0	8
Nevada	140	11	11	31	4	0	83
New Jersey	52	0	3	30	0	8	11
New Mexico	28	1	1	19	5	0	2
New York	10	0	0	8	0	0	2
North Carolina	511	34	14	274	8	0	181
Ohio	382	15	16	139	11	0	201
Oklahoma	326	75	11	147	2	0	91
Oregon	55	2	1	22	0	0	30
Pennsylvania	365	3	15	119	6	0	222
Rhode Island	2	0	0	2	0	0	0
South Carolina	187	32	4	77	3	0	71
South Dakota	5	0	1	0	0	0	4
Tennessee	212	1	13	94	3	2	99
Texas	979	336	31	115	50	1	446
Utah	26	6	1	8	1	0	10
Virginia	144	94	6	11	9	1	23
Washington	38	4	1	23	0	0	10
Wyoming	12	1	1	8	0	0	2
Percent	100%	12.5%	4.0%	34.5%	4.5%	0.5%	44.0%

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, 1977-2004**

State	Number executed	Lethal injection	Electrocution	Lethal gas	Hanging	Firing squad
Total	944	776	152	11	3	2
Federal system	3	3	0	0	0	0
Alabama	30	6	24	0	0	0
Arizona	22	20	0	2	0	0
Arkansas	26	25	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	59	15	44	0	0	0
Georgia	36	13	23	0	0	0
Idaho	1	1	0	0	0	0
Illinois	12	12	0	0	0	0
Indiana	11	8	3	0	0	0
Kentucky	2	1	1	0	0	0
Louisiana	27	7	20	0	0	0
Maryland	4	4	0	0	0	0
Mississippi	6	2	0	4	0	0
Missouri	61	61	0	0	0	0
Montana	2	2	0	0	0	0
Nebraska	3	0	3	0	0	0
Nevada	11	10	0	1	0	0
New Mexico	1	1	0	0	0	0
North Carolina	34	32	0	2	0	0
Ohio	15	15	0	0	0	0
Oklahoma	75	75	0	0	0	0
Oregon	2	2	0	0	0	0
Pennsylvania	3	3	0	0	0	0
South Carolina	32	26	6	0	0	0
Tennessee	1	1	0	0	0	0
Texas	336	336	0	0	0	0
Utah	6	4	0	0	0	2
Virginia	94	67	27	0	0	0
Washington	4	2	0	0	2	0
Wyoming	1	1	0	0	0	0