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Capital Punishment 1997

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Seventeen States executed 74 prisoners during 1997. The number executed was 29 greater than in 1996 and was the largest annual number since the 76 executed in 1955. The prisoners executed during 1997 had been under sentence of death an average of 11 years and 1 month, 8 months more than that for inmates executed in 1996.

At yearend 1997, 3,335 prisoners were under sentence of death. California held the largest number on death row (486), followed by Texas (438), Florida (370), and Pennsylvania (214). Fifteen prisoners were under a Federal sentence of death.

During 1997, 29 States and the Federal prison system received 256 prisoners under sentence of death. California (36 admissions), Texas (32), North Carolina (22) and Florida (18) accounted for 42% of those sentenced to death.

During 1997, 74 men were executed. Of those executed, 41 were non-Hispanic whites; 26 were non-Hispanic blacks; 4, white Hispanics; 1, black Hispanic; 1, American Indian; and 1, Asian. Sixty-eight of the executions were carried out by lethal injection, and 6 by electrocution.

From January 1, 1977, to December 31, 1997, 432 executions took place in 29 States. Nearly two-thirds of the executions occurred in 5 States: Texas (144), Virginia (46), Florida (39), Missouri (29), and Louisiana (24).

Highlights

Status of the death penalty, December 31, 1997

Executions during 1997*	Number of prisoners under sentence of death	Jurisdictions without a death penalty
Texas 37	California 486	Alaska
Virginia 9	Texas 438	District of Columbia
Missouri 6	Florida 370	Hawaii
Arkansas 4	Pennsylvania 214	Iowa
Alabama 3	Ohio 177	Maine
Arizona 2	North Carolina 176	Massachusetts
Illinois 2	Alabama 159	Michigan
South Carolina 2	Illinois 159	Minnesota
Colorado 1	Oklahoma 137	North Dakota
Florida 1	Arizona 120	Rhode Island
Indiana 1	Georgia 115	Vermont
Kentucky 1	Tennessee 98	West Virginia
Louisiana 1	Missouri 88	Wisconsin
Maryland 1	Nevada 87	
Nebraska 1	Louisiana 70	
Oklahoma 1	South Carolina 68	
Oregon 1	Mississippi 64	
	18 other jurisdictions 309	
Total 74	Total 3,335	

• At yearend 1997, 34 States and the Federal prison system held 3,335 prisoners under sentence of death, 3% more than at yearend 1996.

Persons under sentence of death, by race

	1987	1997
White	1,128	1,876
Black	813	1,406
American Indian	17	28
Asian	9	17
Other	0	8

• The 283 Hispanic inmates under sentence of death accounted for 9.2% of inmates with a known ethnicity.

• Forty-four women were under a sentence of death in 1997.

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

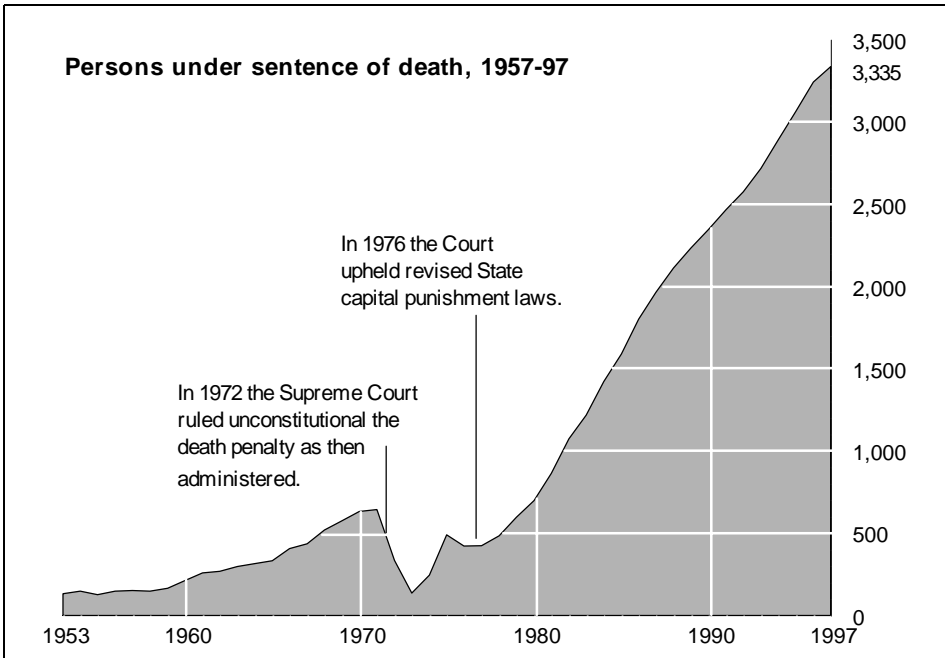
• At yearend the youngest inmate was 18; the oldest was 82.

• Of the 5,796 people under sentence of death between 1977 and 1997, 7.5% were executed, 2.7% died by causes other than execution, and 32.2% received other dispositions.

• The number of States authorizing lethal injection increased from 18 in 1987 to 32 in 1997. In 1997, 92% of all executions were by lethal injection, compared to 28% in 1987.

*For preliminary 1998 data on executions, see page 12.

Persons under sentence of death, 1957-97



During this 21-year period, a total of 5,416 persons entered State and Federal prisons under sentence of death, among whom 50% were white, 41% were black, 7% were Hispanic, and about 2% were of other races.

Also during 1977-97, 2,029 prisoners were removed from a death sentence as a result of dispositions other than execution (resentencing, retrial, commutation, or death while awaiting execution). Of persons removed by other means, 52% were white, 41% were black, 5% were Hispanic, 1% were American Indian, and 0.5% were Asian.

Capital punishment laws

At yearend 1997 the death penalty was authorized by the statutes of 38 States and by Federal statute (tables 1 and 2). During 1997 there were no successful challenges to the constitutionality of State death penalty laws, and no State enacted any new legislation authorizing capital punishment.

Statutory changes

During 1997, six States revised statutory provisions relating to the death penalty. Most of the changes involved additional aggravating or mitigating circumstances, procedural amendments, and revisions to capital offenses.

By State, the changes were as follows:

Montana — Revised its penal code. One revision eliminated hanging as a method of execution (MCA 46-18-103), effective 3/19/97. As a result, lethal injection is now the sole method of execution in Montana.

Another penal code revision added to Montana's capital offenses. Any offender convicted for a second time of rape with serious bodily injury, regardless of the jurisdiction of the first offense, may be punished by death or by life in prison without the possibility of release (MCA 45-5-503(3)(c)), effective 10/1/97.

Montana legislators also amended the code of criminal procedure to specify that, upon determination of guilt in a capital case, a sentence must be rendered within 120 days or within 120 days after the Montana Supreme Court enters a final decision on appeal. The statute allows for not more than one extension of up to 60 days upon a showing of undue hardship to a party (MCA 46-18-301(2)), effective 4/24/97.

Nevada — Added to its penal code as an aggravating factor forced sexual penetration of the victim before, during, or immediately after the commission of the murder (NRS 200.033), effective 7/8/97.

Oregon — Added to the penal code and amended the code of criminal procedure. These changes became effective 10/4/97.

Oregon added to its definition of aggravated murder intentional homicide of a person under 14 years of age (ORS 163.095).

Oregon legislators also amended the code of criminal procedure to establish that court instructions to the jury upon conclusion of the presentation of evidence will include consideration of victim impact evidence, in addition to aggravating and mitigating circumstances, presented during the sentencing phase of capital proceedings (ORS 163.150).

Pennsylvania — Added a section to its penal code and revised its code of criminal procedure. These changes became effective 6/25/97.

Pennsylvania added to its penal code as an aggravating factor murder of a person who had a protective order filed against the defendant (42 Pa.C.S. 9711(d)(18)).

Pennsylvania lawmakers also revised the code of criminal procedure to rescind a requirement that the Pennsylvania Supreme Court consider the proportionality of the death sentence in the course of the automatic review of the conviction and sentence (42 Pa.C.S. 9711(h)(3)(iii)).

Tennessee — Revised an aggravating circumstance from the murder "in a similar fashion" of three or more persons within a 4-year time period "within the State of Tennessee" to any murder of three or more persons during that time period (Tenn. Code Ann. 39-13-204(i)(12)), effective 5/30/97, and added as an aggravating circumstance the murder of a person who had a significant handicap or disability when the defendant knew or reasonably should have known of the disability (Tenn. Code Ann. 39-13-204(i)(14)), effective 7/1/97.

Tennessee legislators also revised the code of criminal procedure to set aside case law which required a specific jury instruction on nonstatutory mitigating factors. Previously, the failure to give such an instruction was considered

reversible error (Tenn. Code Ann. 39-13-204(e)(1)), effective 4/29/97.

Virginia — Amended the definition of capital murder to include among law enforcement murder victims officers from other States or the United States; to add premeditated murder in the course of a continuing criminal enterprise; and to add killing a pregnant woman when the defendant had knowledge of the pregnancy and had intent to terminate the pregnancy to prevent a live birth (Va. Code 18.2-31(6), (10), and (11)), effective 7/1/97.

Automatic review

Of the 38 States with capital punishment statutes at yearend 1997, 36 provided for review of all death sentences regardless of the defendant's wishes. Arkansas had no specific provisions for automatic review. The Federal death penalty procedures did not provide for automatic review after a sentence of death had been imposed. In South Carolina the defendant had the right to waive sentence review if the defendant was deemed competent by the court (*State v. Torrence*, 473 S.E.2d. 703 (S.C. 1996)). In Mississippi the question of whether a defendant could waive the right to automatic review of the sentence had not been addressed, and in Wyoming neither statute nor case law clearly precluded a waiver of appeal.

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

The review is usually conducted by the State's highest appellate court regardless of the defendant's wishes. If either the conviction or the sentence was vacated, the case could be remanded to the trial court for additional proceedings or for retrial. As a result of retrial or resentencing, the death sentence could be reimposed.

Table 1. Capital offenses, by State, 1997

Alabama. Intentional murder with 18 aggravating factors (13A-5-40).	Nebraska. First-degree murder with a finding of at least 1 statutorily defined aggravated circumstance.
Arizona. First-degree murder accompanied by at least 1 of 10 aggravating factors.	Nevada. First-degree murder with 13 aggravating circumstances.
Arkansas. Capital murder (Ark. Code Ann. 5-10-101) with a finding of at least 1 of 9 aggravating circumstances; treason.	New Hampshire. Capital murder (RSA 630:1).
California. First-degree murder with special circumstances; train wrecking; treason; perjury causing execution.	New Jersey. Purposeful or knowing murder by one's own conduct; contract murder; solicitation by command or threat in furtherance of a narcotics conspiracy (NJSA 2C:11-3C).
Colorado. First-degree murder with at least 1 of 13 aggravating factors; treason. Capital sentencing excludes persons determined to be mentally retarded.	New Mexico. First-degree murder (Section 30-2-1 A, NMSA).
Connecticut. Capital felony with 9 categories of aggravated homicide (C.G.S. 53a-54b).	New York. First-degree murder with 1 of 10 aggravating factors. Capital sentencing excludes persons determined to be mentally retarded.
Delaware. First-degree murder with aggravating circumstances.	North Carolina. First-degree murder (N.C.G.S. 14-17).
Florida. First-degree murder; felony murder; capital drug trafficking.	Ohio. Aggravated murder with at least 1 of 8 aggravating circumstances. (O.R.C. secs. 2903.01, 2929.01, and 2929.04).
Georgia. Murder; kidnaping with bodily injury or ransom where the victim dies; aircraft hijacking; treason.	Oklahoma. First-degree murder in conjunction with a finding of at least 1 of 8 statutorily defined aggravating circumstances.
Idaho. First-degree murder; aggravated kidnaping.	Oregon. Aggravated murder (ORS 163.095).
Illinois. First-degree murder with 1 of 15 aggravating circumstances.	Pennsylvania. First-degree murder with 18 aggravating circumstances.
Indiana. Murder with 15 aggravating circumstances. Capital sentencing excludes persons determined to be mentally retarded.	South Carolina. Murder with 1 of 10 aggravating circumstances (§ 16-3-20(C)(a)). Mental retardation is a mitigating factor.
Kansas. Capital murder with 7 aggravating circumstances (KSA 21-3439). Capital sentencing excludes persons determined to be mentally retarded.	South Dakota. First-degree murder with 1 of 10 aggravating circumstances; aggravated kidnaping.
Kentucky. Murder with aggravating factors; kidnaping with aggravating factors.	Tennessee. First-degree murder.
Louisiana. First-degree murder; aggravated rape of victim under age 12; treason (La. R.S. 14:30, 14:42, and 14:113).	Texas. Criminal homicide with 1 of 8 aggravating circumstances (TX Penal Code 19.03).
Maryland. First-degree murder, either premeditated or during the commission of a felony, provided that certain death eligibility requirements are satisfied.	Utah. Aggravated murder; aggravated assault by a prisoner serving a life sentence if serious bodily injury is intentionally caused (76-5-202, Utah Code annotated).
Mississippi. Capital murder (97-3-19(2) MCA); capital rape (97-3-65(1) MCA); aircraft piracy (97-25-55(1) MCA).	Virginia. First-degree murder with 1 of 11 aggravating circumstances (VA Code § 18.2-31).
Missouri. First-degree murder (565.020 RSMO).	Washington. Aggravated first-degree murder.
Montana. Capital murder with 1 of 9 aggravating circumstances (46-18-303 MCA); capital sexual assault (45-5-503 MCA).	Wyoming. First-degree murder.

Table 2. Federal laws providing for the death penalty, 1997

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

Method of execution

As of December 31, 1997, lethal injection was the predominant method of execution (32 States) (table 3).

Eleven States authorized electrocution; 6 States, lethal gas; 3 States, hanging; and 3 States, a firing squad.

Sixteen States authorized more than 1 method — lethal injection and an alternative method — generally at the election of the condemned prisoner; however, 4 of these 16 stipulated which method must be used, depending on the date of sentencing;

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

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

Minimum age

In 1997 eight jurisdictions did not specify a minimum age for which the death penalty could be imposed (table 4).

In some States the minimum age was set forth in the statutory provisions that determine the age at which a juvenile may be transferred to criminal court for trial as an adult. Fourteen States and the Federal system required a minimum age of 18. Sixteen States indicated an age of eligibility between 14 and 17.

Table 3. Method of execution, by State, 1997

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

Note: 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.

^aAuthorizes 2 methods of execution.

^bArizona authorizes lethal injection for persons whose capital sentence was received after 11/15/92; for those sentenced before that date, the condemned may select lethal injection or lethal gas.

^cDelaware authorizes lethal injection for those whose capital offense occurred after 6/13/86; for those whose offense occurred before that date, the condemned may select lethal injection or hanging.

^dArkansas 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.

^eNew Hampshire authorizes hanging only if lethal injection cannot be given.

^fOklahoma authorizes electrocution if lethal injection is ever held to be unconstitutional, and firing squad if both lethal injection and electrocution are held unconstitutional.

^gMississippi authorized lethal injection for those convicted after 7/1/84 and lethal gas for those convicted prior to that date.

^hWyoming authorizes lethal gas if lethal injection is ever held to be unconstitutional.

Table 4. Minimum age authorized for capital punishment, 1997

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

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

^aSee Ark. Code Ann. 9-27-318(b)(2)(Repl. 1991).

^bAge required is 17 unless the murderer was incarcerated for murder when a subsequent murder occurred; then the age may be 14.

^cSee Conn. Gen. Stat. 53a-46a(g)(1).

^dThe minimum age defined by statute is 13, but the effective age is 16 based on interpretation of U.S. Supreme Court decisions by the State attorney general's office.

^eJuveniles may be transferred to adult court. Age can be a mitigating factor.

^fThe 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.

Table 5. Prisoners under sentence of death, by region, State, and race, 1996 and 1997

Region and State ^b	Prisoners under sentence of death, 12/31/96			Received under sentence of death			Removed from death row (excluding executions) ^a			Executed			Prisoners under sentence of death, 12/31/97		
	Total ^c	White ^d	Black ^d	Total ^e	White	Black	Total ^e	White	Black	Total ^c	White	Black	Total ^c	White	Black
U.S. total	3,242	1,833	1,358	256	146	106	89	58	31	74	45	27	3,335	1,876	1,40
Federal ^e	12	4	8	3	2	1	0	0	0	0	0	0	15	6	9
State	3,230	1,829	1,350	253	144	105	89	58	31	74	45	27	3,320	1,870	1,39
Northeast	223	81	135	13	6	7	4	2	2	0	0	0	232	85	140
Connecticut	4	1	3	0	0	0	0	0	0	0	0	0	4	1	3
New Hampshire	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
New Jersey	11	5	6	3	3	0	0	0	0	0	0	0	14	8	6
New York	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Pennsylvania	208	75	126	10	3	7	4	2	2	0	0	0	214	76	131
Midwest	482	236	244	27	18	9	18	13	5	10	5	5	481	236	243
Illinois	161	61	100	6	3	3	6	4	2	2	0	2	159	60	99
Indiana	46	31	15	1	1	0	2	2	0	1	0	1	44	30	14
Kansas	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Missouri	93	50	43	10	8	2	9	7	2	6	5	1	88	46	42
Nebraska	11	8	2	1	1	0	0	0	0	1	0	1	11	9	1
Ohio	170	85	84	8	4	4	1	0	1	0	0	0	177	89	87
South Dakota	1	1	0	1	1	0	0	0	0	0	0	0	2	2	0
South	1,793	1,024	747	157	80	75	52	34	18	60	36	22	1,838	1,034	782
Alabama	152	89	62	15	7	8	5	4	1	3	2	1	159	90	68
Arkansas	38	21	17	5	1	4	1	0	1	4	3	1	38	19	19
Delaware	11	5	6	4	3	1	0	0	0	0	0	0	15	8	7
Florida ^f	374	234	139	18	14	4	21	11	10	1	0	1	370	237	132
Georgia	102	58	44	13	3	9	0	0	0	0	0	0	115	61	53
Kentucky	29	22	7	2	2	0	0	0	0	1	1	0	30	23	7
Louisiana	62	22	40	12	2	10	3	1	2	1	1	0	70	22	48
Maryland	19	4	15	0	0	0	1	1	0	1	0	1	17	3	14
Mississippi	57	26	31	7	4	3	0	0	0	0	0	0	64	30	34
North Carolina	161	77	81	22	7	14	7	6	1	0	0	0	176	78	94
Oklahoma	134	81	42	11	7	4	7	6	1	1	0	0	137	82	45
South Carolina	68	30	38	5	3	2	3	2	1	2	1	1	68	30	38
Tennessee	93	63	28	7	5	2	2	2	0	0	0	0	98	66	30
Texas ^g	444	268	172	32	20	12	1	1	0	37	23	13	438	264	171
Virginia	49	24	25	4	2	2	1	0	1	9	5	4	43	21	22
West	732	488	224	56	40	14	15	9	6	4	4	0	769	515	232
Arizona	121	101	14	8	7	0	7	3	4	2	2	0	120	103	10
California	455	273	171	36	25	11	5	3	2	0	0	0	486	295	180
Colorado	5	3	2	0	0	0	0	0	0	1	1	0	4	2	2
Idaho	18	18	0	1	1	0	0	0	0	0	0	0	19	19	0
Montana	7	6	0	0	0	0	0	0	0	0	0	0	7	6	0
Nevada	83	48	34	4	3	1	0	0	0	0	0	0	87	51	35
New Mexico	4	4	0	0	0	0	0	0	0	0	0	0	4	4	0
Oregon	19	18	0	3	3	0	1	1	0	1	1	0	20	19	0
Utah	9	7	2	1	0	0	0	0	0	0	0	0	10	7	2
Washington	11	10	1	3	1	2	2	2	0	0	0	0	12	9	3
Wyoming	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Note: States not listed and the District of Columbia did not authorize the death penalty as of 12/31/96. Some figures shown for yearend 1996 are revised from those reported in *Capital Punishment 1996*, NCJ 167031. The revised figures include 22 inmates who were either reported late to the National Prisoner Statistics program or were not in custody of State correctional authorities on 12/31/96 (6 each in Pennsylvania and Texas; 2 each in Oklahoma, Tennessee, and Nevada; and 1 each in Indiana, Alabama, Florida, and California) and exclude 7 inmates who were relieved of the death sentence on or before 12/31/96 (2 in Arkansas; and 1 each

in Pennsylvania, Louisiana, Mississippi, Oklahoma, and Oregon). The data for 12/31/96 also include 8 inmates who were listed erroneously as being removed from death row (6 in Georgia, and 1 each in Mississippi and the Federal Bureau of Prisons).
^aIncludes 8 deaths from natural causes (2 in California; and 1 each in Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Oregon); 4 suicides (in Alabama, Texas, Arizona, and California); and 1 inmate who was killed during an attempted escape (in Arizona).
^bAlaska, the District of Columbia, Hawaii, Iowa, Maine, Massachusetts, Michigan, Minnesota, North Dakota, Rhode Island, Vermont, West

Virginia, and Wisconsin did not authorize the death penalty as of 12/31/96, and no changes occurred during 1997.
^cTotals include persons of other races.
^dThe reporting of race and Hispanic origin differs from that presented in tables 9 and 11. In this table white and black inmates include Hispanics.
^eExcludes persons held under Armed Forces jurisdiction with a military death sentence for murder.
^fRace has been changed from white to American Indian for 1 inmate.
^gRace has been changed from black to white for 1 inmate.

Characteristics of prisoners under sentence of death at yearend 1997

Thirty-four States and the Federal prison system held a total of 3,335 prisoners under sentence of death on December 31, 1997, a gain of 93, or 2.9% more than at the end of 1996 (table 5).

The Federal prison system count rose from 12 at yearend 1996 to 15 at yearend 1997. Three States reported 39% of the Nation's death row population: California (486), Texas (438), and Florida (370). Of the 39 jurisdictions with statutes authorizing the death penalty during 1997, New Hampshire, New York, Kansas, and Wyoming had no one under a capital sentence, and Connecticut, South Dakota, Colorado, and New Mexico had 4 or fewer.

Among the 35 jurisdictions with prisoners under sentence of death at yearend 1997, 20 had more inmates than a year earlier, 9 had fewer inmates, and 6 had the same number. California had an increase of 31, followed by North Carolina (15) and Georgia (13). Virginia and Texas had the largest decrease (6 each).

During 1997 the number of black inmates under sentence of death increased by 48; the number of whites increased by 43; and the number of persons of other races (American Indians, Alaska Natives, Asians, or Pacific Islanders) rose from 51 to 53.

The number of Hispanics sentenced to death rose from 264 to 283 during 1997 (table 6). Twenty-six Hispanics were received under sentence of death, 2 were removed from death row, and 5 were executed. More than three-fourths of the Hispanics were incarcerated in 4 States: Texas (88), California (79), Florida (41), and Arizona (18).

Table 6. Hispanics and women under sentence of death, by State, 1996 and 1997

Region and State	Under sentence of death, 12/31/96 ^a		Received under sentence of death		Death sentence removed ^b		Under sentence of death, 12/31/97	
	Hispanics	Women	Hispanics	Women	Hispanics	Women	Hispanics	Women
U.S. total	264	47	26	2	2	5	283	44
Alabama	0	4	0	0	0	1	0	3
Arizona	18	1	0	0	0	0	18	1
Arkansas	2	0	0	0	0	0	1	0
California	68	8	11	0	0	0	79	8
Colorado	1	0	0	0	0	0	1	0
Florida	40	6	2	0	0	0	41	6
Georgia	1	0	0	0	0	0	1	0
Idaho	0	1	0	0	0	0	0	1
Illinois	8	4	1	0	2	2	7	2
Indiana	2	0	0	0	0	0	2	0
Louisiana	1	0	0	0	0	0	1	0
Mississippi	1	1	0	0	0	0	1	1
Missouri	0	2	0	0	0	1	0	1
Nevada	8	1	0	0	0	0	8	1
New Jersey	0	0	0	1	0	0	0	1
New Mexico	1	0	0	0	0	0	1	0
North Carolina	3	3	0	0	0	0	3	3
Ohio	5	0	0	0	0	0	5	0
Oklahoma	6	4	1	0	0	1	7	3
Oregon	1	0	1	0	0	0	2	0
Pennsylvania	13	4	0	0	0	0	13	4
Tennessee	1	2	0	0	0	0	1	2
Texas	80	6	10	1	0	0	88	7
Utah	2	0	0	0	0	0	2	0
Virginia	2	0	0	0	0	0	1	0

^aThe count of women under sentence of death at yearend 1996 has been revised; 1 inmate in Mississippi was erroneously reported as a female in previous reporting years.

^bFive Hispanic men were executed in 1997 (2 in Texas; and 1 each in Arkansas, Florida, and Virginia). No women were executed during 1997.

During 1997 the number of women sentenced to be executed decreased from 47 to 44. Two women were received under sentence of death, five were removed from death row, and none were executed. Women were under sentence of death in 15 States. Half of all women on death row at yearend were in California, Texas, Florida, and Pennsylvania.

State	Women under sentence of death, 12/31/97		
	Total	White	Black
Total	44	30	14
California	8	6	2
Texas	7	5	2
Florida	6	4	2
Pennsylvania	4	1	3
North Carolina	3	3	0
Alabama	3	2	1
Oklahoma	3	2	1
Tennessee	2	2	0
Illinois	2	0	2
Arizona	1	1	0
Idaho	1	1	0
Mississippi	1	1	0
Missouri	1	1	0
New Jersey	1	1	0
Nevada	1	0	1

Men were 99% (3,291) of all prisoners under sentence of death (table 7). Whites predominated (56%); blacks comprised 42%; and other races (1.6%) included 28 American Indians, 17 Asians, and 8 persons of unknown race. Among those for whom ethnicity was known, 9% were Hispanic.

The sex, race, and Hispanic origin of those under sentence of death at yearend 1997 were as follows:

	Persons under sentence of death, by sex, race, and Hispanic origin, 12/31/97		
	White	Black	Other
Male	1,846	1,392	53
Hispanic	262	12	7
Female	30	14	0
Hispanic	1	1	0

Among inmates under sentence of death on December 31, 1997, for whom information on education was available, three-fourths had either completed high school (38%) or finished 9th, 10th, or 11th grade (38%). The percentage who had not gone beyond eighth grade (14%) was larger than that of inmates who had attended some college (10%). The median level of education was the 11th grade.

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

Table 7. Demographic characteristics of prisoners under sentence of death, 1997

Characteristic	Prisoners under sentence of death, 1997		
	Yearend	Admissions	Removals
Total number under sentence of death	3,335	256	163
Sex			
Male	98.7%	99.2%	96.9%
Female	1.3	0.8	3.1
Race			
White	56.3%	57.0%	63.2%
Black	42.2	41.4	35.6
Other*	1.6	1.6	1.2
Hispanic origin			
Hispanic	9.2%	12.0%	4.5%
Non-Hispanic	90.8	88.0	95.5
Education			
8th grade or less	14.2%	13.3%	16.2%
9th-11th grade	37.6	34.1	34.6
High school graduate/GED	38.0	45.0	40.4
Any college	10.1	7.6	8.8
Median	11th grade	12th grade	11th grade
Marital status			
Married	24.5%	23.9%	32.5%
Divorced/separated	21.3	20.0	19.5
Widowed	2.6	4.3	5.8
Never married	51.5	51.7	42.2

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

	Yearend	Admissions	Removals
Hispanic origin	258	39	6
Education	504	45	27
Marital status	304	26	9

*At yearend 1996, "other" consisted of 25 American Indians, 18 Asians, and 8 self-identified Hispanics. During 1997, 4 American Indians were admitted; 1 American Indian and 1 Asian were removed.

Persons under sentence of death, by race, 1968-97

Number under sentence of death on December 31

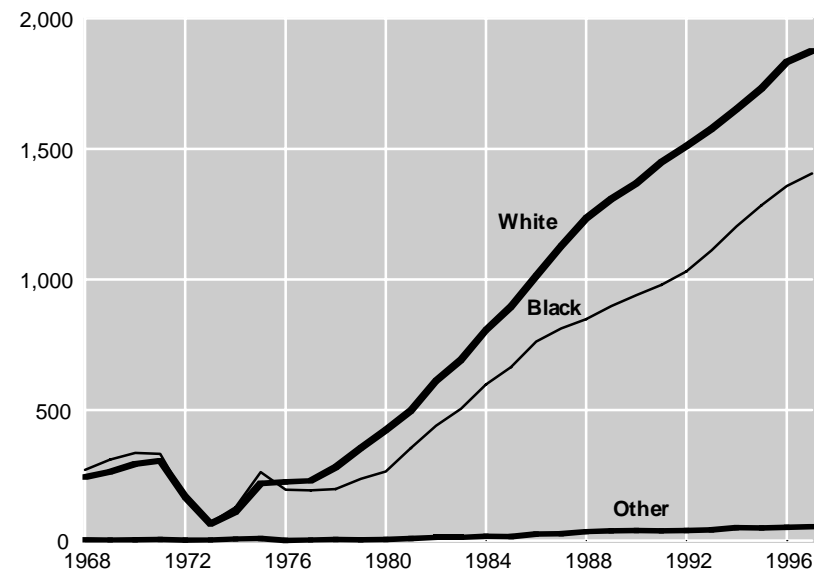


Figure 2

Among all inmates under sentence of death for whom date of arrest information was available, more than half were age 20 to 29 at the time of arrest for their capital offense; 13% were age 19 or younger; and less than 1% were age 55 or older (table 8). The average age at time of arrest was 28 years. On December 31, 1997, 39% of all inmates were age 30 to 39, and 70% were age 25 to 44. The youngest offender under sentence of death was age 18; the oldest was 82.

Entries and removals of persons under sentence of death

Between January 1 and December 31, 1997, 29 State prison systems reported receiving 253 prisoners under sentence of death; the Federal Bureau of Prisons received 3 inmates. Forty-two percent of the inmates were received in 4 States: California (36), Texas (32), North Carolina (22), and Florida (18).

All 256 prisoners who had been received under sentence of death had been convicted of murder. By sex and race, 144 were white men, 106 were black men, 4 were American Indian men, and 2 were white women. Of the 256 new admissions, 26 were Hispanic men.

Eighteen States reported a total of 76 persons whose sentence of death was overturned or removed. Appeals courts vacated 38 sentences while upholding the convictions and vacated 35 sentences while overturning the convictions. Florida (21 exits) had the largest number of vacated capital sentences. South Carolina reported two commutations of a death sentence, and Virginia reported one.

Table 8. Age at time of arrest for capital offense and age of prisoners under sentence of death at yearend, 1997

Age	Prisoners under sentence of death			
	At time of arrest		On December 31, 1997	
	Number*	Percent	Number	Percent
Total number under sentence of death on 12/31/97	2,975	100 %	3,335	100 %
17 or younger	69	2.3	0	
18-19	311	10.5	14	0.4
20-24	824	27.7	275	8.2
25-29	685	23.0	497	14.9
30-34	471	15.8	578	17.3
35-39	315	10.6	727	21.8
40-44	155	5.2	521	15.6
45-49	85	2.9	354	10.6
50-54	35	1.2	216	6.5
55-59	16	0.5	88	2.6
60 or older	9	0.3	65	1.9
Mean age	28 yrs		37 yrs	
Median age	26 yrs		37 yrs	

Note: The youngest person under sentence of death was a black male in Alabama, born in November 1979 and sentenced to death in October 1997. The oldest person under sentence of death was a white male in Arizona, born in September 1915 and sentenced to death in June 1983.

*Excludes 360 inmates for whom the date of arrest for capital offense was not available.

As of December 31, 1997, 43 of the 76 persons who were formerly under sentence of death were serving a reduced sentence, 23 were awaiting a new trial, 9 were awaiting resentencing, and 1 was found not guilty after being retried.

In addition, 13 persons died while under sentence of death in 1997. Eight of these deaths were from natural causes — two in California and one each in Missouri, North Carolina, Oklahoma, Oregon, South Carolina, and Tennessee. Four suicides occurred — one each in Alabama, Arizona, California, and Texas. One inmate in Arizona was killed during an attempted escape.

From 1977, the year after the Supreme Court upheld the constitutionality of revised State capital punishment laws, to 1997, a total of 5,416 persons entered prison under sentence of death. During these 21 years, 432 persons were executed, and 2,029 were removed from under a death sentence by appellate court decisions and reviews, commutations, or death.¹

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

Among individuals who received a death sentence between 1977 and 1997, 2,726 (50%) were white, 2,208 (41%) were black, 401 (7%) were Hispanic, and 81 (1%) were of other races. The distribution by race and Hispanic origin of the 2,029 inmates who were removed from death row between 1977 and 1997 was as follows: 1,057 whites (52%), 835 blacks (41%), 107 Hispanics (5%), and 30 persons of other races (2%). Of the 432 who were executed, 241 (56%) were white, 160 (37%) were black, 26 (6%) were Hispanic, and 5 (1%) were of other races.

Criminal history of inmates under sentence of death in 1997

Among inmates under a death sentence on December 31, 1997, for whom criminal history information was available, 65% had past felony convictions, including 9% with at least one previous homicide conviction (table 9).

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

Criminal history patterns differed by race and Hispanic origin. More blacks (70%) than whites (63%) or Hispanics (60%) had a prior felony conviction.

About the same percentage of blacks (9%), whites (8%), and Hispanics (8%) had a prior homicide conviction. A slightly higher percentage of Hispanics (26%) or blacks (22%) than whites (16%) were on parole when arrested for their capital offense.

Since 1988, data have been collected on the number of death sentences imposed on entering inmates.

Among the 2,868 individuals received under sentence of death during that time, about 1 in every 7 entered with 2 or more death sentences.

Number of death sentences received	Inmates
Total	100%
1	86
2	10
3 or more	4
Number admitted under sentence of death, 1988-97	2,868

Executions

According to data collected by the Federal Government, from 1930 to 1997, 4,291 persons were executed under civil authority (table 10).²

²Military authorities carried out an additional 160 executions, 1930-97.

Table 10. Number of persons executed, by jurisdiction, 1930-97

State	Number executed	
	Since 1930	Since 1977
U.S. total	4,291	432
Texas	441	144
Georgia	388	22
New York	329	
California	296	4
North Carolina	271	8
Florida	209	39
South Carolina	175	13
Ohio	172	
Mississippi	158	4
Louisiana	157	24
Pennsylvania	154	2
Alabama	151	16
Virginia	138	46
Arkansas	134	16
Kentucky	104	1
Illinois	100	10
Tennessee	93	
Missouri	91	29
New Jersey	74	
Maryland	70	2
Oklahoma	69	9
Washington	49	2
Colorado	48	1
Arizona	46	8
Indiana	46	5
District of Columbia	40	
West Virginia	40	
Nevada	35	6
Federal system	33	
Massachusetts	27	
Connecticut	21	
Oregon	21	2
Delaware	20	8
Iowa	18	
Utah	18	5
Kansas	15	
New Mexico	8	
Wyoming	8	1
Montana	7	1
Nebraska	7	3
Idaho	4	1
Vermont	4	
New Hampshire	1	
South Dakota	1	

Table 9. Criminal history profile of prisoners under sentence of death, by race and Hispanic origin, 1997

	Prisoners under sentence of death							
	Number				Percent ^a			
	All ^b	White	Black	Hispanic	All ^b	White	Black	Hispanic
U.S. total	3,335	1,613	1,393	283	100%	100%	100%	100%
Prior felony convictions								
Yes	2,011	939	895	153	65.3%	63.0%	69.5%	59.5%
No	1,068	552	393	104	34.7	37.0	30.5	40.5
Not reported	256							
Prior homicide convictions								
Yes	281	127	125	22	8.6%	8.0%	9.2%	8.1%
No	2,980	1,457	1,234	251	91.4	92.0	90.8	91.9
Not reported	74							
Legal status at time of capital offense								
Charges pending	225	121	86	16	7.6%	8.4%	7.0%	6.5%
Probation	301	141	132	25	10.1	9.7	10.7	10.2
Parole	578	237	270	63	19.5	16.4	21.8	25.7
Prison escapee	38	25	10	2	1.3	1.7	0.8	0.8
Incarcerated	76	35	35	4	2.6	2.4	2.8	1.6
Other status	30	16	12	1	1.0	1.1	1.0	0.4
None	1,721	872	691	134	58.0	60.3	55.9	54.7
Not reported	366							

^aPercentages are based on those offenders for whom data were reported.

Detail may not add to total because of rounding.

^bIncludes persons of other races.

After the Supreme Court reinstated the death penalty in 1976, 29 States executed 432 prisoners:

1977	1	1989	16
1979	2	1990	23
1981	1	1991	14
1982	2	1992	31
1983	5	1993	38
1984	21	1994	31
1985	18	1995	56
1986	18	1996	45
1987	25	1997	74
1988	11		

During this 21-year period, 6 States executed 304 prisoners: Texas (144), Virginia (46), Florida (39), Missouri (29), Louisiana (24), and Georgia (22). These States accounted for more than two-thirds of all executions. Between 1977 and 1997, 240 white non-Hispanic men, 160 black non-Hispanic men, 26 Hispanic men, 3 American Indian men, 2 Asian men, and 1 white non-Hispanic woman were executed.

During 1997 Texas carried out 37 executions; Virginia executed 9 persons; Missouri, 6; Arkansas, 4; Arizona, Illinois, and South Carolina, 2 each; and Colorado, Florida, Indiana, Kentucky, Louisiana, Maryland, Nebraska, Oklahoma, and Oregon, 1 each. Colorado had its first execution since 1967, and Kentucky had its first execution since 1962. All persons executed in 1997 were male. Forty-one were white; 26 were black; 5 were Hispanic; 1 was American Indian; and 1 was Asian.

From 1977 to 1997, 5,796 prisoners were under death sentences for varying lengths of time (table 11). The 432 executions accounted for nearly 8% of those at risk. A total of 2,029 prisoners (35% of those at risk) received other dispositions. About the same percentage of whites (8%), blacks (7%), and Hispanics (6%) were executed. Somewhat larger percentages of whites (36%) and blacks (35%) than Hispanics (26%) were removed from under a death sentence by means other than execution.

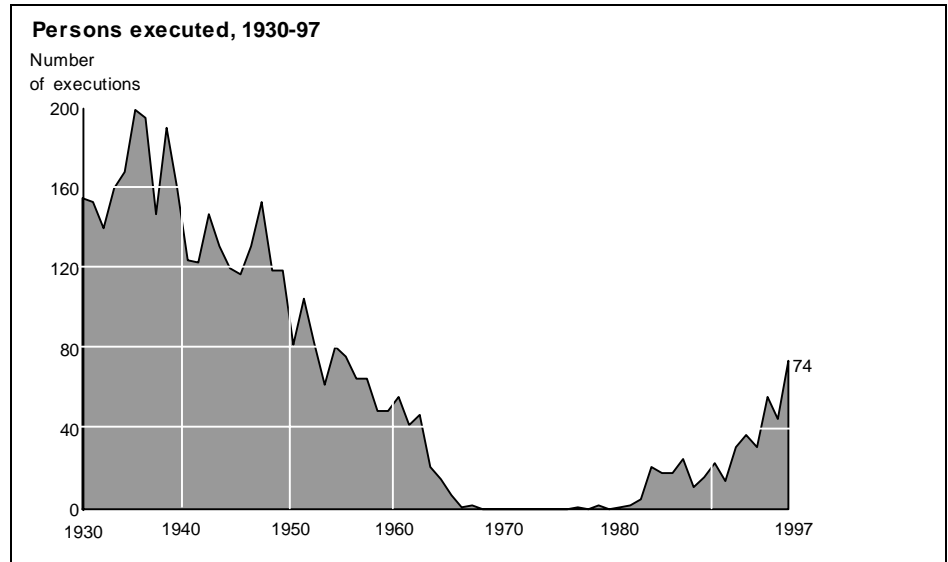


Figure 3

Table 11. Prisoners under sentence of death who were executed or received other dispositions, by race and Hispanic origin, 1977-97

Race/Hispanic origin ^b	Total under sentence of death, 1977-97 ^c	Prisoners executed		Prisoners who received other dispositions ^a	
		Number	Percent of total	Number	Percent of total
Total	5,796	432	7.5%	2,029	35.0%
White	2,911	241	8.3%	1,057	36.3%
Black	2,388	160	6.7%	835	35.0%
Hispanic	416	26	6.3%	107	25.7%
Other	81	5	6.2%	30	37.0%

^aIncludes persons removed from a sentence of death because of statutes struck down on appeal, sentences or convictions vacated, commutations, or death other than by execution.

^bWhite, black, and other categories exclude Hispanics.

^cIncludes persons sentenced to death prior to 1977 who were still under sentence of death on 12/31/97

(12), persons sentenced to death prior to 1977 whose death sentence was removed between 1977 and 12/31/97 (368), and persons sentenced to death between 1977 and 12/31/97 (5,416).

Among prisoners executed from 1977 to 1997, the average time spent between the imposition of the most recent sentence received and execution was more than 9 years (table 12). White prisoners had spent an average of 8 years and 9 months, and black prisoners, 10 years and 2 months. The 74 prisoners executed in 1997 were under sentence of death an average of 11 years and 1 month.

For the 432 prisoners executed between 1977 and 1997, the most common method of execution was lethal injection (284). Other methods were electrocution (134), lethal gas (9), hanging (3), and firing squad (2).

Method of execution	Executions, 1977-97				
	White	Black	Hispanic	American Indian	Asian
Total	241	160	26	3	2
Lethal injection	161	94	24	3	2
Electrocution	69	63	2	0	0
Lethal gas	6	3	0	0	0
Hanging	3	0	0	0	0
Firing squad	2	0	0	0	0

Among prisoners under sentence of death at yearend 1997, the average time spent in prison was 7 years and 1 month, down 8 months from that of 1996.

Inmates under sentence of death	Elapsed time since sentencing	
	Mean	Median
Total	85 mos	73 mos
Male	86	73
Female	78	68
White	88	79
Black	83	69
Hispanic	82	71

The median time between the imposition of a death sentence and yearend 1997 was 73 months. Overall, the average time for women was 6.5 years, slightly less than that for men (7.2 years). On average, whites, blacks, and Hispanics had spent from 82 to 88 months under a sentence of death.

Table 12. Time under sentence of death and execution, by race, 1977-97

Year of execution	Number executed			Average elapsed time from sentence to execution for:		
	All races*	White	Black	All races*	White	Black
Total	432	265	162	111 mos	105 mos.	122 mos.
1977-83	11	9	2	51 mos.	49 mos.	58 mos.
1984	21	13	8	74	76	71
1985	18	11	7	71	65	80
1986	18	11	7	87	78	102
1987	25	13	12	86	78	96
1888	11	6	5	80	72	89
1989	16	8	8	95	78	112
1990	23	16	7	95	97	91
1991	14	7	7	116	124	107
1992	31	19	11	114	104	135
1993	38	23	14	113	112	121
1994	31	20	11	122	117	132
1995	56	33	22	134	128	144
1996	45	31	14	125	112	153
1997	74	45	27	133	126	147

Note: Average time was calculated from the most recent sentencing date.
*Includes American Indians and Asians.

Advance count of executions: January 1, 1998 - December 31, 1998

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

During 1998, 18 States had executed 68 prisoners. This is an 8% decrease from the 74 executed in 1997.

Texas carried out 20, about 30% of all executions in 1998. Virginia executed 13 inmates, the most in that State since the Federal Government began tracking executions on an annual basis.

Lethal injection accounted for 60 of the executions; 7 were carried out by electrocution; and 1, by lethal gas.

Forty-eight of those executed were white, 18 black, 1 American Indian, and 1 Asian. Two women were executed (1 each in Texas and Florida). This was the first year since 1984 that any women have been executed.

State	Number of executions	Method used
Texas	20	Lethal injection
Virginia	13	Lethal injection ^a
South Carolina	7	Lethal injection
Arizona	4	Lethal injection
Florida	4	Electrocution
Oklahoma	4	Lethal injection
Missouri	3	Lethal injection
North Carolina	3	Lethal injection ^b
Alabama	1	Electrocution
Arkansas	1	Lethal injection
California	1	Lethal injection
Georgia	1	Electrocution
Illinois	1	Lethal injection
Indiana	1	Lethal injection
Maryland	1	Lethal injection
Montana	1	Lethal injection
Nevada	1	Lethal injection
Washington	1	Lethal injection
Total	68	

^aVirginia executed 1 person by electrocution.

^bNorth Carolina executed 1 person by lethal gas.

Final counts for all of 1998 will appear in *Capital Punishment 1998*, a BJS Bulletin, released in late 1999. This annual report will comprise data collected from State and Federal departments of correction. It will also include demographic characteristics, criminal history, time under sentence of death, method of removal including executions, and trends since 1973. The report will cover all persons under sentence of death on December 31, 1998, as well as those received from court and removed from under sentence of death.

Methodology

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

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

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

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

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

Appendix table 1. Prisoners sentenced to death and the outcome sentence, by year of sentencing, 1973-97

Year of sentence	Number sentenced to death	Number of prisoners removed from under sentence of death						Other or unknown reasons	Under sentence of death, 12/31/97
		Execution	Other death	Appeal or higher courts overturned		Sentence commuted			
				Death penalty statute	Conviction	Sentence			
1973	42	2	0	14	9	8	9	0	0
1974	149	9	4	65	15	30	22	1	3
1975	298	6	4	171	24	67	21	2	3
1976	234	12	5	137	17	42	15	0	6
1977	138	17	3	40	26	33	7	0	12
1978	186	32	4	21	34	60	8	0	27
1979	152	21	9	2	28	58	5	1	28
1980	175	33	11	3	27	48	7	0	46
1981	230	42	12	0	39	74	4	1	58
1982	269	45	13	0	35	64	7	0	105
1983	253	43	12	1	22	57	6	2	110
1984	284	33	10	2	36	57	6	8	132
1985	270	22	3	1	42	64	4	3	131
1986	304	30	15	0	41	49	6	5	158
1987	287	19	11	4	34	54	2	6	157
1988	292	21	10	0	32	49	3	0	177
1989	261	10	8	0	27	48	3	0	165
1990	251	7	5	0	29	29	1	0	180
1991	269	6	6	0	27	25	3	0	202
1992	289	7	2	0	17	30	3	0	230
1993	291	7	6	0	13	13	3	0	249
1994	317	3	4	0	16	10	1	0	283
1995	325	3	6	0	6	5	0	0	305
1996	317	2	0	0	2	0	0	0	313
1997	256	0	1	0	0	0	0	0	255
Total, 1973-97	6,139	432	164	461	598	974	146	29	3,335

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

Appendix table 2. Prisoners under sentence of death on December 31, 1997, by State and year of sentencing

State	Year of sentence for prisoners sentenced to and remaining on death row, 12/31/97												Under sentence of death, 12/31/97	Average number of years under sentence of death as of 12/31/97
	1974-79	1980-81	1982-83	1984-85	1986-87	1988-89	1990-91	1992-93	1994	1995	1996	1997		
Florida	25	12	20	33	33	41	52	50	29	31	26	18	370	8.1
Texas	15	16	16	26	43	52	46	68	45	43	36	32	438	7.0
California	9	18	47	38	47	64	55	73	23	36	40	36	486	7.7
Georgia	9	4	6	6	16	11	16	13	8	7	6	13	115	8.2
Tennessee	6	7	9	12	15	9	14	6	4	4	5	7	98	10.2
Arizona	4	7	11	11	7	14	19	20	9	5	5	8	120	8.2
Nebraska	2	2		1	1	1			1		2	1	11	10.3
Nevada	2	4	9	8	4	12	11	3	8	10	12	4	87	7.5
South Carolina	2	3	3	4	5	5	8	9	7	10	8	4	68	6.7
Alabama	1	3	14	11	16	17	11	14	22	15	20	15	159	6.6
Arkansas	1		1		2	2	3	9	6	4	5	5	38	4.8
Illinois	1	12	15	13	17	16	21	22	8	13	15	6	159	8.1
Kentucky	1	1	8	2	4	1	2	4	3		2	2	30	9.5
North Carolina	1	3	5	4	1		15	47	25	28	25	22	176	4.1
Pennsylvania		4	15	18	25	33	22	29	22	22	14	10	214	7.2
Mississippi		3	5		3	3	11	13	5	5	9	7	64	5.8
Indiana		2	5	8	6	3	5	5	2	3	4	1	44	8.8
Idaho		1	2	4	1	4	2	2	1		1	1	19	9.3
Oklahoma		1	6	15	23	16	16	9	9	13	18	11	137	6.9
Maryland		1		3		3	1	1		1	7		17	6.4
Ohio			10	30	21	18	21	22	13	17	17	8	177	7.3
Louisiana			3	7	7	1	3	11	6	11	9	12	70	5.1
Missouri			2	7	12	9	11	11	8	10	8	10	88	6.1
Utah			1	2		3	1	1			1	1	10	7.9
Delaware			1			1		9				4	15	4.7
Montana			1		1	1		2			2		7	*
Virginia					3	2	7	10	10	6	1	4	43	4.6
Colorado					1		1			1	1		4	*
New Jersey					1		2	1	2	2	3	3	14	3.5
Connecticut							2	1	1	1			4	*
Washington							2	2	2	1	2	3	12	3.2
Oregon							1	6	5	2	3	3	20	3.2
Federal system							1	5		2	4	3	15	2.6
South Dakota								1				1	2	*
New Mexico										2	2		4	*
Total	79	104	215	263	315	342	382	479	283	305	313	255	3,335	7.1

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

*Averages not calculated for fewer than 10 inmates.

Appendix table 3. Number sentenced to death and number of removals, by jurisdiction and reason for removal, 1973-97

State	Total sentenced to death, 1973-97	Number of removals, 1973-97				Under sentence of death, 12/31/97	
		Executed	Died	Sentence or conviction overturned	Sentence commuted		Other removals
U.S. total	6,139	432	164	2,033	146	29	3,335
Federal	16	0	0	1	0	0	15
Alabama	276	16	9	91	1	0	159
Arizona	210	8	8	68	5	1	120
Arkansas	85	16	1	29	1	0	38
California	648	4	27	115	15	1	486
Colorado	16	1	1	9	1	0	4
Connecticut	6	0	0	2	0	0	4
Delaware	36	8	0	13	0	0	15
Florida	777	39	22	326	18	2	370
Georgia	270	22	8	118	6	1	115
Idaho	35	1	1	12	2	0	19
Illinois	255	10	7	71	1	7	159
Indiana	87	5	1	33	2	2	44
Kentucky	61	1	2	27	1	0	30
Louisiana	174	24	3	70	6	1	70
Maryland	45	2	1	23	2	0	17
Massachusetts	4	0	0	2	2	0	0
Mississippi	152	4	1	80	0	3	64
Missouri	145	29	6	21	1	0	88
Montana	15	1	0	6	1	0	7
Nebraska	24	3	2	6	2	0	11
Nevada	119	6	4	19	3	0	87
New Jersey	46	0	2	22	0	8	14
New Mexico	26	0	1	16	5	0	4
New York	3	0	0	3	0	0	0
North Carolina	431	8	6	237	4	0	176
Ohio	324	0	6	131	10	0	177
Oklahoma	278	9	7	124	1	0	137
Oregon	41	2	1	18	0	0	20
Pennsylvania	290	2	8	66	0	0	214
Rhode Island	2	0	0	2	0	0	0
South Carolina	151	13	4	63	3	0	68
South Dakota	2	0	0	0	0	0	2
Tennessee	179	0	5	74	0	2	98
Texas	738	144	15	97	44	0	438
Utah	25	5	0	9	1	0	10
Virginia	107	46	3	6	8	1	43
Washington	31	2	1	16	0	0	12
Wyoming	9	1	1	7	0	0	0
Percent	100%	7.0%	2.7%	33.1%	2.4%	0.5%	54.3%

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

Appendix table 4. Executions, by State and method, 1977-97

State	Number executed	Lethal injection	Electro-cution	Lethal gas	Firing squad	Hanging
Total	432	284	134	9	2	3
Alabama	16	0	16	0	0	0
Arizona	8	7	0	1	0	0
Arkansas	16	15	1	0	0	0
California	4	2	0	2	0	0
Colorado	1	1	0	0	0	0
Delaware	8	7	0	0	0	1
Florida	39	0	39	0	0	0
Georgia	22	0	22	0	0	0
Idaho	1	1	0	0	0	0
Illinois	10	10	0	0	0	0
Indiana	5	2	3	0	0	0
Kentucky	1	0	1	0	0	0
Louisiana	24	4	20	0	0	0
Maryland	2	2	0	0	0	0
Mississippi	4	0	0	4	0	0
Missouri	29	29	0	0	0	0
Montana	1	1	0	0	0	0
Nebraska	3	0	3	0	0	0
Nevada	6	5	0	1	0	0
North Carolina	8	7	0	1	0	0
Oklahoma	9	9	0	0	0	0
Oregon	2	2	0	0	0	0
Pennsylvania	2	2	0	0	0	0
South Carolina	13	8	5	0	0	0
Texas	144	144	0	0	0	0
Utah	5	3	0	0	2	0
Virginia	46	22	24	0	0	0
Washington	2	0	0	0	0	2
Wyoming	1	1	0	0	0	0

Note: These tables show the distributions of execution methods used since 1977. Lethal injection was used in 66% of the executions carried out. Eleven States — Arizona, Arkansas, California, Delaware, Indiana, Louisiana, Nevada, North Carolina, South Carolina, Utah, and Virginia — have employed 2 methods.

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

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

This Bulletin was written by Tracy L. Snell under the supervision of Allen J. Beck. Paula M. Ditton, James J. Stephan, and Lauren E. Glaze provided statistical review. Tina Dorsey and Tom Hester edited the report. Marilyn Marbrook administered production. Yvonne Boston prepared the printer's package.

At the Bureau of the Census, Patricia A. Clark collected the data under the supervision of Gertrude Odom and Kathleen Creighton.

Data may be obtained from the National Archive of Criminal Justice Data at the University of Michigan, 1-800-999-0960. The data sets are archived as Capital Punishment, 1973-97.

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

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