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Capital Punishment 1994

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Thirteen States executed 31 prisoners during 1994. The number of persons executed was seven fewer than in 1993. The prisoners executed during 1994 had been under sentence of death an average of 10 years and 2 months, about 9 months more than the average for inmates executed the previous year.

At yearend 1994, 2,890 prisoners were under sentence of death. Texas held the largest number of death row inmates (394), followed by California (381), Florida (342), and Pennsylvania (182). Six prisoners were in Federal custody under a death sentence on December 31, 1994.

Between January 1 and December 31, 1994, 26 State prison systems received 304 prisoners under sentence of death. Texas (43 admissions), Florida (39), North Carolina (27), and Alabama (24) accounted for 44% of the inmates entering prison under a death sentence in 1994.

During 1994, 31 persons in 13 States were executed — 14 in Texas; 5 in Arkansas; 2 in Virginia; and 1 each in Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Maryland, Nebraska, North Carolina, and Washington. All were men. Eighteen of the executed prisoners were non-Hispanic whites; 10 were non-Hispanic blacks; 1, white Hispanic; 1, white with unknown

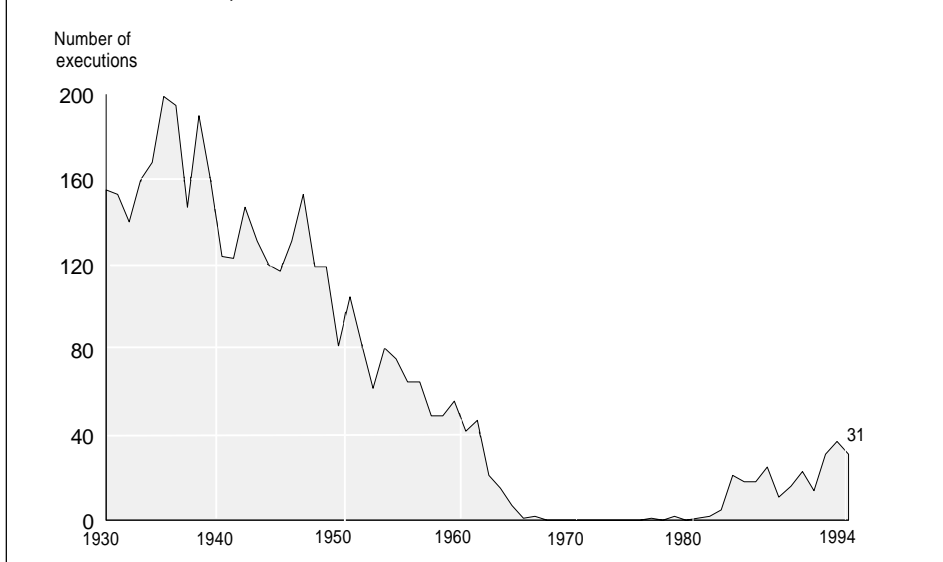
Highlights

Status of the death penalty, December 31, 1994

Executions during 1994		Number of prisoners under sentence of death		Jurisdictions without a death penalty
Texas	14	Texas	394	Alaska
Arkansas	5	California	381	District of Columbia
Virginia	2	Florida	342	Hawaii
Delaware	1	Pennsylvania	182	Iowa
Florida	1	Illinois	155	Maine
Georgia	1	Ohio	140	Massachusetts
Idaho	1	Alabama	135	Michigan
Illinois	1	Oklahoma	129	Minnesota
Indiana	1	Arizona	121	New York
Maryland	1	North Carolina	111	North Dakota
Nebraska	1	Tennessee	100	Rhode Island
North Carolina	1	Georgia	96	Vermont
Washington	1	23 other jurisdictions	604	West Virginia
				Wisconsin
Total	31	Total	2,890	

- During 1994, 31 men were executed:
20 were white
11 were black.
- The 31 persons executed in 1994 were under sentence of death an average of 10 years and 2 months.
- At yearend 1994, 34 States and the Federal prison system held 2,890 prisoners under sentence of death, 5.9% more than at yearend 1993. All had committed murder.
- Of persons under sentence of death —
1,645 were white
1,197 were black
23 were Native American
17 were Asian American
8 were classified as "other race."
- The 224 Hispanic inmates under sentence of death accounted for 8.4% of inmates with a known ethnicity.
- Forty-one women were under a sentence of death.
- About 2 in 5 inmates sentenced to death were on parole or probation or in some other criminal justice status when they committed their capital offense.
- Among inmates under sentence of death and with available criminal histories, 2 in 3 had a prior felony conviction; nearly 1 in 10 had a prior homicide conviction.
- During 1994, 304 prisoners under a sentence of death were received by State prison systems from the courts.

Persons executed, 1930-94



Hispanic origin; and 1, black with unknown Hispanic origin. Twenty-three of the executions were carried out by lethal injection, 6 by electrocution, 1 by lethal gas, and 1 by hanging.

From January 1, 1977, to December 31, 1994, a total of 4,557 persons entered State and Federal prisons under sentences of death, among whom 51% were white, 40% were black, 7% were Hispanic, and 2% were of other races.

During this 18-year period, a total of 257 executions took place in 24 States. Of the inmates executed, 140 were white, 98 were black, 17 were Hispanic, and 2 were Native American.

Also during 1977-94, 1,790 prisoners were removed from a death sentence as a result of dispositions other than execution (resentencing, retrial, commutation, or death while awaiting execution). Of all persons removed from under a death sentence, 53% were white, 41% were black, 0.9% were Native American, 0.4% were Asian American, and 5% were Hispanic.

Statutory changes

During 1994, 14 States revised statutory provisions relating to the death penalty (table 1). Most of the changes involved additional aggravating circumstances, additional categories of victims permitting the application of the

death penalty, and broadening of the law to allow a defendant to choose between two methods of execution.

In one State, Washington, a U.S. district court struck the portion of a statute related to sentence review by the Washington Supreme Court. By State, these statutory changes were as follows:

Alabama — Added to its list of capital offenses use of any weapon from outside a dwelling or car to kill a person in that dwelling or car and use of a weapon from within a car to kill a person (13A-5-40). These revisions became effective 4/26/94.

Colorado — Added to its penal code as aggravating factors murder of two or more persons during the same criminal episode (16-11-103(5)(l)), effective 3/15/94; and intentional killing of a child under age 12 (16-11-103(5)(m)), effective 5/4/94.

Delaware — Added to its penal code as aggravating factors murder of a child age 14 or younger by a person at least 4 years older than the victim, killing of a nongovernmental informant in retaliation for providing information concerning criminal activity to an investigative agency, and premeditated murder resulting from “substantial planning” for the commission of that murder itself, effective 7/14/94.

Florida — Added new sections to and revised an act relating to death sentences. In specifying conditions of a sentence to life in prison without the possibility of release, the revision eliminates a previous stipulation of release if the offense was a capital felony. The stipulation was that the offender could be released after 25 years (FS 790.161, FS 775.082). These revisions became effective 5/25/94.

Florida lawmakers also amended a statute making confidential any information which, if released, would identify the executioner (FS 922.10).

Idaho — Amended its penal code to remove the requirement that the court determine whether the sentence of death is disproportionate to the penalty imposed in similar cases (19-2827), effective 7/1/94.

Illinois — Added to its penal code the aggravating factors of intentional killing ordered or committed by the leader of a drug trafficking organization (720-ILCS 5/9-1(b)(13)) and intentional murder involving the infliction of torture (720-ILCS 5/9-(b)(14)), effective 1/1/94.

Indiana — Added murder by intentionally discharging a firearm into an inhabited dwelling or from a vehicle and murder during criminal gang activity to the list of aggravating circumstances (35-50-2-9), effective 7/1/94.

Kansas — Enacted a law creating the crime of capital murder and providing for a sentence of death if any of seven aggravating circumstances exists. The new law prohibits sentencing mentally retarded persons to death (Ch. 252, 1994 session), effective 7/1/94.

Maryland — Revised its penal code to allow that any person sentenced to death shall be executed by lethal injection. Persons sentenced to death by lethal gas prior to March 25, 1994, will be executed by lethal injection unless a written request was made within 60 days after March 25 (Md. Ann. Code Art. 27, sections 71, 72, 73, 627).

Mississippi — Amended its code of criminal procedure to establish responsibility of the Mississippi Supreme Court, upon determination that one or more of the aggravating circumstances was invalid, for review of and re-sentencing in the case (Miss. Code Ann. 99-19-105 (3)(d) and (5)(h)), effective 8/23/94.

New Jersey — Added as an aggravating factor the murder of a person younger than 14 years of age (NJS.2C:11-3c(4)(k)), effective 10/31/94.

North Carolina — Amended its code of criminal procedure to allow, only by order of a judge, admission of a defendant's juvenile record as evidence in either the guilt phase or to prove an aggravating factor at sentencing (Section 1. G.S. 7A-675(a)), effective 10/1/94.

South Dakota — Added new sections to an act relating to death sentences. These sections became effective 7/1/94.

In defining aggravating circumstances allowing for prosecution as a capital offense, the revision eliminates "substantial history of serious assaultive criminal convictions" in favor of "felony conviction for a crime of violence as defined in subdivision 22-1-2(9)" (SDCL 23A-27A-1).

South Dakota lawmakers also specified what qualifies as relevant evidence in the pre-sentence hearing following a guilty verdict in a capital case. Relevant evidence includes evidence of aggravating factors; impact testimony from the family of the victim; defendant's prior criminal or juvenile record, financial condition, and circumstances of the defendant's behavior; and all evidence concerning mitigating circumstances (SDCL 23A-27A-2).

Tennessee — Revised a statute to change an aggravating circumstance, murder of a person under age 13, to include any person under age 16 (Tenn. Code Ann. 30-13-202(a)(4)), effective 7/1/94.

Washington — The Federal District Court [in *Harris By and Through Ramseyer v. Blodgett* (F.Supp. 1239 (W.D.Wash. 1994))] struck in part the statute providing for sentence review. The proportionality review was held to

be a violation of due process. The lack of guidelines governing the review created a process that was not reliable or constitutional. The effective date was May 17, 1994.

Table 1. Capital offenses, by State, Alabama through Maryland, 1994

Alabama. Murder during kidnaping, robbery, rape, sodomy, burglary, sexual assault, or arson; murder of a peace officer, correctional officer, or public official; murder while under a life sentence; murder for pecuniary gain or contract; aircraft piracy; murder by a defendant with a previous murder conviction; murder of a witness to a crime; murder when a victim is subpoenaed in a criminal proceeding, when the murder is related to the role of the victim as a witness; murder when a victim is less than 14 years old; murder in which a victim is killed while in a dwelling by a deadly weapon fired or otherwise used from outside the dwelling; murder in which a victim is killed while in a motor vehicle by a deadly weapon; murder in which a victim is killed by a deadly weapon fired or otherwise used in or from a motor vehicle (13A-5-40).

Arizona. First-degree murder accompanied by at least 1 of 10 aggravating factors.

Arkansas. Capital murder as defined by Arkansas statute (5-10-101). Felony murder; arson causing death; intentional murder of a law enforcement officer, teacher or school employee; murder of prison, jail, court, or correctional personnel or of military personnel acting in line of duty; multiple murders; intentional murder of a public officeholder or candidate; intentional murder while under life sentence; contract murder.

California. Treason; homicide by a prisoner serving a life term; first-degree murder with special circumstances; train wrecking; perjury causing execution.

Colorado. First-degree murder; felony murder; intentionally killing a peace officer, firefighter, judge, referee, elected State, county, or municipal official, Federal law enforcement officer or agent; person kidnaped or being held hostage by the defendant or an associate of the defendant; being party to an agreement to kill another person; murder committed while lying in wait, from ambush, or by use of an explosive or incendiary device; murder for pecuniary gain; murder in an especially heinous, cruel, or depraved manner; murder for the purpose of avoiding or preventing a lawful arrest or prosecution or effecting an escape from custody, including the intentional killing of a witness to a criminal offense; killing 2 or more persons during the same incident and murder of a child less than 12 years old; treason. Capital sentencing excludes persons determined to be mentally retarded.

Connecticut. Murder of a public safety or correctional officer; murder for pecuniary gain; murder in the course of a felony; murder by a defendant with a previous conviction for intentional murder; murder while under a life sentence; murder during a kidnaping; illegal sale of cocaine, methadone, or heroin to a person who dies from using these drugs; murder during first-degree sexual assault; multiple murders; the defendant committed the offense(s) with an assault weapon.

Delaware. First-degree murder with aggravating circumstances, including murder of a child victim 14 years of age or younger by an individual who was at least 4 years older than the victim; killing of a nongovernmental informant who provides an investigative, law enforcement or police agency with information concerning criminal activity; and premeditated murder resulting from substantial planning.

Federal prison system. See *Appendix II*.

Florida. Felony murder; first-degree murder; sexual battery on a child under age 12; destructive devices (unlawful use resulting in death). Capital drug trafficking.

Georgia. Murder; kidnaping with bodily injury when the victim dies; aircraft hijacking; treason; kidnaping for ransom when the victim dies.

Idaho. First-degree murder; aggravated kidnaping.

Illinois. First-degree murder accompanied by at least 1 of 14 aggravating factors.

Indiana. Murder with 14 aggravating circumstances.

Kansas. Capital murder, including intentional and premeditated killing of any person in the commission of kidnaping; contract murder; intentional and premeditated killing by a jail or prison inmate; intentional and premeditated killing in the commission of rape or sodomy; intentional and premeditated killing of a law enforcement officer; and intentional and premeditated killing of a child under the age of 14 in the commission of kidnaping. Killing 2 or more persons during the same incident.

Kentucky. Murder with aggravating factor; kidnaping with aggravating factor.

Louisiana. First-degree murder; treason (La. R.S. 14:30 and 14:113).

Maryland. First-degree murder, either premeditated or during the commission of a felony, provided that certain death eligibility requirements are satisfied.

Table 1. continued, Mississippi through Wyoming

Mississippi. Capital murder includes murder of a peace officer or correctional officer, murder while under a life sentence, murder by bomb or explosive, contract murder, murder committed during specific felonies (rape, burglary, kidnaping, arson, robbery, sexual battery, unnatural intercourse with a child, nonconsensual unnatural intercourse), and murder of an elected official. Capital rape is the forcible rape of a child under 14 years old by a person 18 years or older. Aircraft piracy.

Missouri. First-degree murder (565.020 RSMO).

Montana. Deliberate homicide; aggravated kidnaping when victim or rescuer dies; attempted deliberate kidnaping by a State prison inmate who has a prior conviction for deliberate homicide or who has been previously declared a persistent felony offender (46-18-303,MCA).

Nebraska. First-degree murder.

Nevada. First-degree murder with 9 aggravating circumstances.

New Hampshire. Capital murder, including contract murder; murder of a law enforcement officer; murder of a kidnaping victim; killing another after being sentenced to life imprisonment without parole.

New Jersey. Purposeful or knowing murder; contract murder.

New Mexico. First-degree murder; felony murder with aggravating circumstances.

North Carolina. First-degree murder (N.C.G.S. 14-17).

Ohio. Aggravated murder, including assassination; contract murder; murder during escape; murder while in a correctional facility; murder after conviction for a prior purposeful killing or prior attempted murder; murder of a peace officer; murder arising from specified felonies (rape, kidnaping, arson, robbery, burglary); murder of a witness to prevent testimony in a criminal proceeding or in retaliation (O.R.C. secs. 2929.02, 2903.01, 2929.04).

Oklahoma. First-degree murder, including murder with malice aforethought; murder arising from specified felonies (forcible rape, robbery with a dangerous weapon, kidnaping, escape from lawful custody, first-degree burglary, arson); murder when the victim is a child who has been injured, tortured, or maimed.

Oregon. Aggravated murder.

Pennsylvania. First-degree murder.

South Carolina. Murder with a statutory aggravating circumstance.

South Dakota. First-degree murder; kidnaping with gross permanent physical injury inflicted on the victim; felony murder.

Tennessee. First-degree murder.

Texas. Murder of a public safety officer, fireman, or correctional employee; murder during the commission of specified felonies (kidnaping, burglary, robbery, aggravated rape, arson); murder for remuneration; multiple murders; murder during prison escape; murder of a correctional officer; murder by a State prison inmate who is serving a life sentence for any of five offenses; murder of an individual under 6 years of age.

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).

Virginia. Murder during the commission or attempts to commit specified felonies (abduction, armed robbery, rape, forcible sodomy); contract murder; murder by a prisoner while in custody; murder of a law enforcement officer; multiple murders; murder of a child under 12 years during an abduction; murder arising from drug violations (18.2-31, Virginia Code as amended).

Washington. Aggravated first-degree premeditated murder.

Wyoming. Premeditated murder; felony murder in the perpetration (or attempts) of sexual assault, arson, robbery, burglary escape, resisting arrest, kidnaping, or abuse of a child under 16 years of age.

Method of execution

As of December 31, 1994, lethal injection was the predominant method of execution (27 States) (table 2).

Twelve States authorized electrocution; 7 States, lethal gas; 4 States, hanging; and 1 State, a firing squad.

Fourteen States authorized more than one method — lethal injection and an alternative method — generally at the election of the condemned prisoner; however, 5 of these 14 stipulated which method must be used,

depending on the date of sentencing; 1 authorized hanging only if lethal injection could not be given; and 1 authorized lethal gas if lethal injection is ever ruled unconstitutional.

Automatic review

Of the 37 States with capital punishment statutes at yearend 1994, 36 provided for review of all death sentences regardless of the defendant's wishes.

Arkansas had no specific provisions for automatic review, and the issue was in litigation in South Carolina. The Federal death penalty procedures did not provide for automatic review after a sentence of death had been imposed. While most of the 36 States authorized an automatic review of both the conviction and sentence, Idaho, Indiana, Montana, Oklahoma, and Tennessee required review of the sentence only. In Idaho, review of the conviction had to be appealed or forfeited. In Indiana, a defendant could waive review of the conviction.

The review was usually conducted by the State's highest appellate court regardless of the defendant's wishes. (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 the statute nor case law clearly precluded a waiver of an appeal.) If either the conviction or the sentence

was vacated, the case could be remanded to the trial court for additional proceedings or for retrial. As a result of retrial or resentencing, the death sentence could be reimposed.

Minimum age

In 1994 eight 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 criminal court for trial as an adult. Thirteen States and the Federal prison system required a minimum age of 18. Sixteen States indicated an age of eligibility between 14 and 17.

Table 2. Method of execution, by State, 1994

Lethal Injection	Electrocution	Lethal gas	Hanging	Firing squad
Arizona ^{a,b}	Alabama	Arizona ^a	Delaware ^{a,c}	Utah ^a
Arkansas ^{a,d}	Arkansas ^{a,d}	California ^a	Montana ^a	
California ^a	Connecticut	Maryland ^{a,e}	New Hampshire ^{a,f}	
Colorado	Florida	Mississippi ^{a,g}	Washington ^a	
Delaware ^{a,c}	Georgia	Missouri ^a		
Idaho	Indiana	North Carolina ^a		
Illinois	Kentucky	Wyoming ^{a,h}		
Kansas	Nebraska			
Louisiana	Ohio ^a			
Maryland ^{a,e}	South Carolina			
Mississippi ^{a,g}	Tennessee			
Missouri ^a	Virginia			
Montana ^a				
Nevada				
New Hampshire ^{a,f}				
New Jersey				
New Mexico				
North Carolina ^a				
Ohio ^a				
Oklahoma				
Oregon				
Pennsylvania				
South Dakota				
Texas				
Utah ^a				
Washington ^a				
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 USC 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 after 7/4/83; for those whose offense occurred before that date, the condemned may select lethal injection or electrocution.

^eMaryland authorizes lethal injection for those whose capital offense occurred after 3/25/94 and also for those whose offense occurred before that date, unless within 60 days from that date, the condemned selected lethal gas.

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

^gMississippi authorizes lethal injection for those convicted after 7/14/84 and lethal gas for those convicted prior to that date.

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

Table 3. Minimum age authorized for capital punishment, 1994

Age less than 18	Age 18	None specified
Alabama (16)	California	Arizona
Arkansas (14) ^a	Colorado	Idaho
Delaware (16)	Connecticut ^d	Montana
Georgia (17)	Federal system	Louisiana
Indiana (16)	Illinois	Pennsylvania
Kentucky (16)	Kansas	South Carolina
Mississippi (16) ^b	Maryland	South Dakota ^e
Missouri (16)	Nebraska	Utah
Nevada (16)	New Jersey	
New Hampshire (17)	New Mexico	
North Carolina (17) ^c	Ohio	
Oklahoma (16)	Oregon	
Texas (17)	Tennessee	
Virginia (15)	Washington	
Wyoming (16)		
Florida (16)		

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

^aSee Arkansas Code Ann.9-27-318(b)(1)(Repl. 1991).

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

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

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

^eJuveniles may be transferred to adult court. Age may be a mitigating circumstance. No one under age 10 can commit a crime.

Table 4. Prisoners under sentence of death, by region, State, and race, 1993 and 1994

Region and State	Prisoners under sentence of death, 12/31/93			Received under sentence of death			Removed from death row(excluding execution) ^a			Executed			Prisoners under sentence of death, 12/31/94		
	Total ^b	White ^c	Black ^c	Total ^b	White	Black	Total ^b	White	Black	Total ^b	White	Black	Total ^b	White	Black
U.S. total	2,729	1,577	1,111	304	160	136	112	72	39	31	20	11	2,890	1,645	1,197
Federal ^d	6	3	3	0	0	0	0	0	0	0	0	0	6	3	3
State	2,723	1,574	1,108	304	160	136	112	72	39	31	20	11	2,884	1,642	1,194
Northeast	180	68	107	24	7	15	9	3	6	0	0	0	195	72	116
Connecticut	5	3	2	0	0	0	1	1	0	0	0	0	4	2	2
New Hampshire	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
New Jersey	7	4	3	3	0	3	1	0	1	0	0	0	9	4	5
Pennsylvania	168	61	102	21	7	12	7	2	5	0	0	0	182	66	109
Midwest	420	207	211	36	19	17	11	8	3	3	1	2	442	217	223
Illinois	151	57	94	11	5	6	6	4	2	1	1	0	155	57	98
Indiana	47	31	16	2	1	1	1	1	0	1	0	1	47	31	16
Missouri	80	47	33	9	5	4	1	1	0	0	0	0	88	51	37
Nebraska	11	7	3	1	1	0	1	1	0	1	0	1	10	7	2
Ohio	129	63	65	13	7	6	2	1	1	0	0	0	140	69	70
South Dakota	2	2	0	0	0	0	0	0	0	0	0	0	2	2	0
South	1,512	882	610	195	103	89	71	46	24	26	17	9	1,610	922	666
Alabama	120	64	54	24	13	11	9	3	6	0	0	0	135	74	59
Arkansas	33	20	13	8	5	3	0	0	0	5	4	1	36	21	15
Delaware	15	7	8	0	0	0	0	0	0	1	0	1	14	7	7
Florida	325	208	117	39	23	16	21	16	5	1	1	0	342	214	128
Georgia	96	48	48	6	6	0	5	1	4	1	0	1	96	53	43
Kentucky	29	22	7	4	4	0	4	3	1	0	0	0	29	23	6
Louisiana	43	14	29	6	3	3	2	1	1	0	0	0	47	16	31
Maryland	14	3	11	0	0	0	0	0	0	1	1	0	13	2	11
Mississippi	50	20	30	5	2	3	5	2	3	0	0	0	50	20	30
North Carolina	99	55	42	27	11	15	14	10	3	1	1	0	111	55	54
Oklahoma	122	80	33	12	4	7	5	5	0	0	0	0	129	79	40
South Carolina	52	28	24	7	3	4	0	0	0	0	0	0	59	31	28
Tennessee	99	67	30	4	2	2	3	3	0	0	0	0	100	66	32
Texas	366	221	140	43	25	17	1	1	0	14	10	4	394	235	153
Virginia	49	25	24	10	2	8	2	1	1	2	0	2	55	26	29
West	611	417	180	49	31	15	21	15	6	2	2	0	637	431	189
Arizona	117	100	14	10	5	2	6	5	1	0	0	0	121	100	15
California	363	217	138	22	11	11	4	2	2	0	0	0	381	226	147
Colorado	3	3	0	0	0	0	0	0	0	0	0	0	3	3	0
Idaho	21	21	0	0	0	0	1	1	0	1	1	0	19	19	0
Montana	8	6	0	0	0	0	0	0	0	0	0	0	8	6	0
Nevada	64	41	23	8	7	1	6	3	3	0	0	0	66	45	21
New Mexico	1	1	0	1	1	0	0	0	0	0	0	0	2	2	0
Oregon	13	12	0	6	5	1	2	2	0	0	0	0	17	15	1
Utah	11	9	2	0	0	0	1	1	0	0	0	0	10	8	2
Washington	10	7	3	2	2	0	1	1	0	1	1	0	10	7	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 12/31/93. Some figures shown for yearend 1993 are revised from those reported in *Capital Punishment 1993* (NCJ-150042). The revised figures include 27 inmates who were either reported late to the National Prisoner Statistics Program or were not in custody of State correctional authorities on 12/31/93 (12 in Texas; 5 in Arizona; 3 in Florida; 2 each in Georgia and Illinois; and 1 each in California, North Carolina,

and Tennessee), and exclude 19 inmates who were relieved of the death sentence on or before 12/31/93 (3 each in Illinois and Texas; 2 each in Florida, Georgia, and Louisiana; and 1 each in California, Idaho, Kentucky, Maryland, Nevada, North Carolina, and South Carolina).

^aIncludes 8 deaths from natural causes (3 in Florida, 2 in Arizona, and 1 each in California, Illinois, and Pennsylvania), 3 suicides (1 each

in Alabama, California, and Florida), and 1 inmate shot to death by a correctional officer (California).

^bTotals include persons of other races.

^cThe accounting of race and Hispanic origin differs from that presented in tables 8 and 10. In this table white and black inmates include Hispanics.

^dExcludes persons held under Armed Forces jurisdiction with a military death sentence for murder.

Characteristics of prisoners under sentence of death at yearend 1994

Thirty-four States and the Federal prison system held a total of 2,890 prisoners under sentence of death on December 31, 1994, a gain of 161 or 5.9% more than at the end of 1993 (table 4). The Federal prison system count remained steady at six during 1994. Three States reported 39% of the Nation's death row population: Texas (394), California (381), and Florida (342). Of the 38 jurisdictions with statutes authorizing the death penalty, New Hampshire and Wyoming had no one under a capital sentence, and Connecticut, South Dakota, New Mexico, and Colorado had 4 or fewer.

Among the 34 States with prisoners under sentence of death at yearend 1994, 20 had more inmates than a year earlier, 6 had fewer inmates, and 8 had the same number. Texas had an increase of 28, followed by California (18), Florida (17), Alabama (15), Pennsylvania (14), North Carolina (12), and Ohio (11). Idaho had the largest decrease (2).

During 1994 the number of blacks under sentence of death increased by 86; the number of whites increased by 68; and the number of persons of other races (Native Americans and Asians or Pacific Islanders) increased by 7.

The number of Hispanics sentenced to death rose from 209 to 224 during 1994 (table 5). Twenty-five Hispanics were received under sentence of death, 8 were removed from death row, and 1 was executed. Three-fourths of the Hispanics were incarcerated in 4 States: Texas (63), California (55), Florida (32), and Arizona (20).

During 1994 the number of women sentenced to be executed increased from 36 to 41. Five women were received under sentence of death, and none was removed from death row or executed. Women were under sentence of death in 14 States. Nearly half of all women on death row at yearend were in Alabama, California, Florida and Illinois.

Table 5. Hispanics and women under sentence of death, by State, 1993 and 1994

	Under sentence of death, 12/31/93		Received under sentence of death		Death sentence removed ^a	Under sentence of death, 12/31/94	
	Hispanics	Women	Hispanics	Women	Hispanics	Hispanics	Women
U.S. Total	209	36	25	5	9	224	41
Alabama	0	4	0	1	0	0	5
Arizona	20	1	1	0	1	20	1
Arkansas	1	0	0	0	0	1	0
California	52	4	3	2	0	55	6
Colorado	1	0	0	0	0	1	0
Florida	31	4	5	0	4	32	4
Georgia	1	0	0	0	0	1	0
Idaho	2	1	0	0	0	2	1
Illinois	9	4	0	1	1	8	5
Indiana	2	0	0	0	0	2	0
Mississippi	1	1	0	0	0	1	1
Missouri	0	2	0	0	0	0	2
Nevada ^b	7	1	1	0	0	8	1
New Jersey	1	0	0	0	0	1	0
New Mexico	0	0	1	0	0	1	0
North Carolina	2	2	0	0	2	0	2
Ohio	5	0	0	0	0	5	0
Oklahoma	6	4	0	0	0	6	4
Oregon	1	0	0	0	0	1	0
Pennsylvania	7	3	4	1	0	11	4
Tennessee	1	1	0	0	0	1	1
Texas	55	4	10	0	1	63	4
Utah	2	0	0	0	0	2	0
Virginia	2	0	0	0	0	2	0

^aNo women were removed from under sentence of death or executed during 1994.

One Hispanic was executed in Texas in 1994.

^bPreliminary data, subject to revision.

State	Women under sentence of death, 12/31/94		
	Total	White	Black
Total	41	27	14
California	6	4	2
Alabama	5	3	2
Illinois	5	2	3
Florida	4	3	1
Oklahoma	4	3	1
Pennsylvania	4	1	3
Texas	4	3	1
Missouri	2	2	0
North Carolina	2	2	0
Arizona	1	1	0
Idaho	1	1	0
Mississippi	1	1	0
Nevada	1	0	1
Tennessee	1	1	0

Men were 98.6% (2,849) of all prisoners under sentence of death (table 6). Whites predominated (56.9%); blacks comprised 41.4%; and other races (1.7%) included 23 Native Americans, 17 Asian Americans, and 8 persons of unknown race. Among those for

whom ethnicity was known, 8.4% were Hispanic.

The race, sex, and Hispanic origin of those under sentence of death at yearend 1994 were as follows:

	Persons under sentence of death, by sex, race, and Hispanic origin, 12/31/94		
	White	Black	Other
Male	1,618	1,183	48
Hispanic	202	11	8
Female	27	14	0
Hispanic	2	1	0

Among inmates under sentence of death on December 31, 1994, for whom information on education was available, about three-fourths had either completed high school (37.4%) or finished 9th, 10th, or 11th grade (37.1%). The percentage who had not gone beyond eighth grade (15.3%) was about 50% larger than that of inmates who had attended some college (10.2%). The median level of education was the 12th grade.

Of inmates under a capital sentence and with reported marital status, nearly half had never married; somewhat more than a fourth were married when they were sentenced; and nearly a fourth were divorced, separated, or widowed.

Among all inmates under sentence of death, 44% were age 30 to 39 on December 31, 1994, and 73% were age 25 to 44 (table 7). The median age was 35 years. Less than 1% were younger than 20 and 3% were age 55 or older. The youngest offender under sentence of death was age 17; the oldest was 79. More than half of all inmates under sentence of death at yearend 1994 were age 20 to 29 when they were arrested for their capital offense; 11% were age 19 or younger; and less than 1% were age 55 or older.

Entries and removals of persons under sentence of death

Between January 1 and December 31, 1994, 26 State prison systems reported receiving 304 prisoners under sentence of death. Forty-four percent of the inmates were received in 4 States: Texas (43), Florida (39), North Carolina (27), and Alabama (24).

All 304 prisoners who had been received under sentence of death had been convicted of murder. By sex and race, 158 were white men, 133 were black men, 2 were Native American men, 1 was an Asian man, 5 were men of other or unspecified race, 2 were white women, and 3 were black women. Of 304 new admissions, 25 were Hispanic men. No Hispanic women were admitted under sentence of death in 1994.

Twenty-six States reported a total of 100 persons whose sentence of death was overturned or removed. Appeals courts vacated 63 sentences while upholding the convictions and vacated 32 sentences while overturning the convictions. Florida (17 exits) had the largest number of vacated capital sentences. Georgia reported one removal on the basis of mental

Table 6. Demographic characteristics of prisoners under sentence of death, 1994

Characteristic	Prisoners under sentence of death, 1994		
	Yearend	Admissions	Removals
Total number under sentence of death	2,890	304	143
Sex			
Male	98.6%	98.4%	100%
Female	1.4	1.6	0
Race			
White	56.9%	52.6%	64.3%
Black	41.4	44.7	35.0
Other*	1.7	2.6	.7
Hispanic origin			
Hispanic	8.4%	10.3%	7.6%
Non-Hispanic	91.6	89.7	92.4
Education			
8th grade or less	15.3%	17.1%	22.1%
9th-11th	37.1	34.9	34.4
High school graduate/GED	37.4	37.0	29.8
Any college	10.2	11.0	13.7
Median	12th grade	12th grade	11th grade
Marital status			
Married	26.6%	25.0%	30.4%
Divorced/separated	21.3	16.8	20.0
Widowed	2.5	1.5	4.0
Never married	49.6	56.7	45.6

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

	Yearend	Admissions	Removals
Hispanic origin	237	63	12
Education	381	58	11
Marital status	228	37	18

*At yearend 1993 "other" consisted of 22 Native Americans, 16 Asians, and 3 self-identified Hispanics. During 1994, 2 Native Americans, 1 Asian, and 5 self-identified Hispanics were admitted, and 1 Native American was removed.

Table 7. Age at time of arrest for capital offense and age of prisoners under sentence of death at yearend 1994

Age	Prisoners under sentence of death			
	At time of arrest		On December 31, 1994	
	Number*	Percent	Number*	Percent
Total under sentence of death on 12/31/94	2,466	100%	2,466	100%
17 or younger	41	1.7	1	...
18-19	228	9.3	18	.7
20-24	688	27.8	221	9.0
25-29	602	24.4	410	16.6
30-34	412	16.7	567	23.1
35-39	249	10.1	517	20.9
40-44	127	5.2	305	12.4
45-49	66	2.7	244	9.9
50-54	33	1.3	101	4.1
55-59	13	.5	43	1.7
60 or older	7	.3	39	1.6
Mean age	28 yrs		36 yrs	
Median age	27 yrs		35 yrs	

Note: The youngest person under sentence of death was a white male in Nevada, born in January 1977 and sentenced to death in November 1994. 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 424 inmates for whom the date of arrest for capital offense was not available.

retardation. Georgia, Nevada, Ohio, and Virginia each reported one commutation of a death sentence.

As of December 31, 1994, 43 of the 100 persons who were formerly under sentence of death were serving a reduced sentence, 18 were awaiting a new trial, 28 were awaiting resentencing, 1 was found not guilty in retrial, 2 had all capital charges dropped, 1 was resentedenced to time served, 1 was released after expiration of a new sentence, 1 was resentedenced to death, and 5 had no action taken after being removed from under sentence of death.

In addition, 12 persons died while under sentence of death in 1994. Eight of these deaths were from natural causes — three in Florida, two in Arizona, and one each in California, Illinois, and Pennsylvania. Three suicides occurred — one each in Alabama, California, and Florida. One inmate in California was shot to death by a correctional officer during an altercation.

From 1977, the year after the Supreme Court upheld the constitutionality of revised State capital punishment laws, to 1994, a total of 4,557 persons entered prison under sentence of death. During these 18 years, 257 persons were executed, and 1,790 were removed from under a death sentence by appellate court decisions and reviews, commutations, or death.¹

Among individuals who received a death sentence between 1977 and 1994, 2,336 (51%) were white, 1,838 (40%) were black, 316 (7%) were Hispanic, and 67 (2%) were of other races. The distribution by race and Hispanic origin of the 1,790 inmates who were removed from death row between 1977 and 1994 was as follows: 940 whites (53%), 735 blacks (41%), 90 Hispanics (5%), and 25 persons of other races (1%). Of the 257 who were executed, 140 (54%) were

white, 98 (38%) were black, 17 (7%) were Hispanic, and 2 (1%) were other races.

Criminal history of inmates under sentence of death in 1994

Among inmates under a death sentence on December 31, 1994, for whom criminal history information was available, 67% had past felony convictions, including 9% with at least one previous homicide conviction (table 8).

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 a fourth were on probation. The others had charges pending, were in prison, had escaped from incarceration, or had some other criminal justice status.

Criminal history patterns differed by race and Hispanic origin. Relatively more blacks (72%) than whites (65%) or Hispanics (60%) had a prior felony

conviction. About the same proportion of blacks (9%), whites (8%), or Hispanics (8%) had a prior homicide conviction. A relatively higher proportion of Hispanics (27%) than whites (17%) or blacks (23%) 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 1,976 individuals received under sentence of death during that time, about 1 in every 7 entered with two or more death sentences.

Number of death sentences received	Inmates
Total	100 %
1	86.0
2	9.8
3 or more	4.3
Number admitted under sentence of death, 1988-94	1,976

The proportions of whites, blacks, and Hispanics with two or more death sentences were nearly identical.

Table 8. Criminal history profile of prisoners under sentence of death, by race and Hispanic origin, 1994

	Prisoners under sentence of death							
	Number				Percent ^a			
	All races ^b	White	Black	Hispanic	All races ^b	White	Black	Hispanic
U.S. total	2,890	1,441	1,185	224	100.0%	100.0%	100.0%	100.0%
Prior felony convictions								
Yes	1,810	878	791	124	67.1%	65.1%	71.5%	59.6%
No	889	471	315	84	32.9	34.9	28.5	40.4
Not reported	191	92	79	16				
Prior homicide convictions								
Yes	243	116	108	17	8.6%	8.2%	9.4%	7.8%
No	2,576	1,293	1,046	200	91.4	91.8	90.6	92.2
Not reported	71	32	31	7				
Legal status at time of capital offense								
Charges pending	175	95	64	13	6.8%	7.4%	6.1%	6.6%
Probation	251	124	104	20	9.8	9.6	10.0	10.2
Parole	518	216	245	53	20.2	16.9	23.4	26.9
Prison escapee	42	25	13	3	1.6	1.9	1.2	1.5
Prison inmate	61	31	27	3	2.4	2.4	2.6	1.5
Other status	31	15	14	1	1.2	1.2	1.3	0.5
None	1,487	779	580	104	58.0	60.6	55.4	52.8
Not reported	325	156	138	27				

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

^bIncludes whites, blacks, Hispanics, and persons of other races.

¹An individual may have received and been removed from under a sentence of death more than once.

Executions

According to data collected by the Federal Government, from 1930 to 1994, 4,116 persons were executed under civil authority (table 9).²

²Military authorities carried out an additional 160 executions, 1930-94.

Table 9. Number of persons executed, by jurisdiction, 1930-94

State	Number executed	
	Since 1930	Since 1977
U.S. total	4,116	257
Georgia	384	18
Texas	382	85
New York	329	
California	294	2
North Carolina	269	6
Florida	203	33
Ohio	172	
South Carolina	166	4
Mississippi	158	4
Louisiana	154	21
Pennsylvania	152	
Alabama	145	10
Arkansas	127	9
Virginia	116	24
Kentucky	103	
Tennessee	93	
Illinois	92	2
New Jersey	74	
Missouri	73	11
Maryland	69	1
Oklahoma	63	3
Washington	49	2
Colorado	47	
Indiana	44	3
Arizona	41	3
District of Columbia	40	
West Virginia	40	
Nevada	34	5
Federal system	33	
Massachusetts	27	
Connecticut	21	
Oregon	19	
Iowa	18	
Utah	17	4
Delaware	16	4
Kansas	15	
New Mexico	8	
Wyoming	8	1
Montana	6	
Nebraska	5	1
Idaho	4	1
Vermont	4	
New Hampshire	1	
South Dakota	1	
Alaska	0	
Hawaii	0	
Maine	0	
Michigan	0	
Minnesota	0	
North Dakota	0	
Rhode Island	0	
Wisconsin	0	

After the Supreme Court reinstated the death penalty in 1976, 24 States executed 257 prisoners:

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

During this 18-year period, 5 States executed 181 prisoners: Texas (85), Florida (33), Virginia (24), Louisiana (21), and Georgia (18). These States accounted for 70% of all executions. Between 1977 and 1994, 139 white non-Hispanic men, 98 black non-Hispanic men, 17 Hispanic men, 2 Native American men, and 1 white non-Hispanic woman were executed.

Table 10. Prisoners under sentence of death who were executed or received other dispositions, by race and Hispanic origin, 1977-94

Race and Hispanic origin ^b	Total under sentence of death, 1977-94 ^c	Prisoners who received other dispositions ^a			
		Prisoners executed	Percent of total	Prisoners received	Percent of total
All races or ethnic groups	4,937	257	5.2%	1,790	36.2%
White	2,521	140	5.6	940	37.3
Black	2,018	98	4.9	735	36.4
Hispanic	331	17	5.1	90	27.2
Other	67	2	3.0	25	37.3

^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 12/31/94 (16), persons sentenced to death prior to 1977 whose death sentence was removed between 1977 and 12/31/94 (364), and persons sentenced to death between 1977 and 12/31/94 (4,557).

Table 11. Time under sentence of death sentence and execution, by race, 1977-94

Year of execution	Number executed			Average elapsed time from sentence to execution for:		
	All races*	White	Black	All races*	White	Black
Total	257	156	99	97 mos	92 mos	106 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
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

Note: Average time was calculated from the most recent sentencing date. Some numbers

have been revised from those previously reported. *Includes Native Americans.

During 1994 Texas carried out 14 executions; Arkansas executed 5 persons; Virginia, 2; and Illinois, Indiana, Nebraska, Delaware, Florida, Georgia, Maryland, North Carolina, Idaho, and Washington, 1 each. All persons executed in 1994 were male. Nineteen were non-Hispanic whites; 11 were non-Hispanic blacks; and 1 was Hispanic.

From 1977 to 1994, 4,937 prisoners were under death sentences for varying lengths of time (table 10). The 257 executions accounted for 5.2% of those at risk. A total of 1,790 prisoners (36.3% of those at risk) received other dispositions. About the same proportion of whites (6%) as Hispanics (5%) and blacks (5%) were executed. Somewhat larger relative numbers of whites (37%) and blacks (36%) than Hispanics (27%) were removed from under a death sentence by means other than execution.

Among prisoners executed between 1977 and 1994, the average time spent between the imposition of the most recent sentence received and execution was slightly more than 8 years (table 11). White prisoners had spent an average of 7 years and 8 months, and black prisoners, 8 years and 10 months. The 31 prisoners executed in 1994 were under sentence of death an average of 10 years and 2 months.

For the 257 prisoners executed between 1977 and 1994, the most common method of execution was lethal injection (131). Other methods were electrocution (114), lethal gas (9), hanging (2), and firing squad (1). Among prisoners under sentence of death at yearend 1994, the average time spent in prison was 6 years and 4 months.

Method of execution	Executions, 1977-94				
	White	Black	Hispanic	American Indian	Asian
Total	140	98	17	2	0
Lethal injection	73	40	16	2	0
Electrocution	58	55	1	0	0
Legal gas	6	3	0	0	0
Hanging	2	0	0	0	0
Firing squad	1	0	0	0	0

The median time between the imposition of a death sentence and yearend 1994 was 69 months, and the mean time was 76 months. Overall, the average time for women was 4.8 years — about three-fourths as long as for men (6.3 years). On average, whites, blacks, and Hispanics had spent from 72 to 78 months under a sentence of death.

	Elapsed time since sentencing	
	Mean	Median
Total	76 mos	69 mos
Male	76	70
Female	57	47
White	78	74
Black	74	65
Hispanic	72	67

Appendix. Federal laws providing for the death penalty

8 U.S.C. 1342 - Murder related to the smuggling of aliens.

10 U.S.C. 906(a) - Espionage by a member of the Armed Forces: communication of information to a foreign government relating to nuclear weaponry, military spacecraft or satellites, early warning systems, war plans, communications intelligence or cryptographic information, or any other major weapons or defense strategy.

10 U.S.C. 918 - Murder while a member of the Armed Forces.

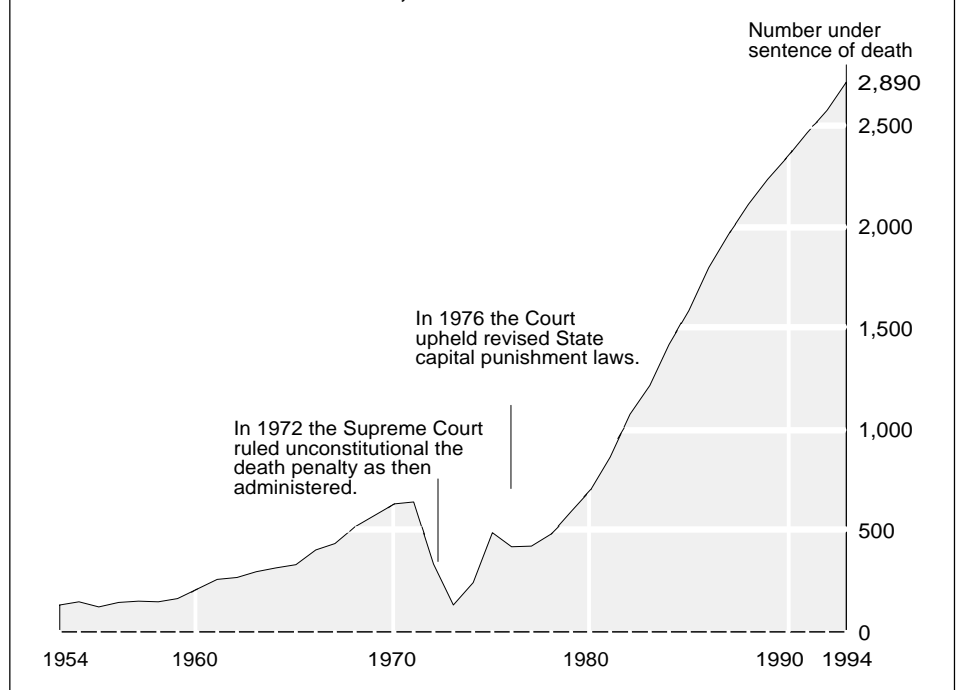
18 U.S.C. 32-34 - Destruction of aircraft, motor vehicles, or related facilities resulting in death.

18 U.S.C. 36 - Murder committed during a drug related drive-by shooting.

18 U.S.C. 37 - Murder committed at an airport serving international civil aviation.

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.

Persons under sentence of death, 1954-94



18 U.S.C. 241, 242, 245, 247 - Civil rights offenses resulting in death.

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. 794 - Espionage

18 U.S.C. 844(d), (f), (i) - Death resulting from offenses involving transportation of explosives, destruction of government property, or the destruction of property related to foreign or interstate commerce.

18 U.S.C. 924(1) - Murder committed by the use of a firearm during a crime of violence or a drug trafficking crime.

18 U.S.C. 930 - Murder committed in a Federal Government facility.

18 U.S.C. 1091 - Genocide.

18 U.S.C. 1111 - First-degree murder.

18 U.S.C. 1114 - Murder of a Federal judge or law enforcement official.

18 U.S.C. 1116 - Murder of a foreign official.

18 U.S.C. 1118 - Murder by a Federal prisoner.

18 U.S.C. 1119 - Murder of a U.S. national in a foreign country.

18 U.S.C. 1120 - Murder by an escaped Federal prisoner already sentenced to life imprisonment.

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. 1203 - Murder during a hostage-taking.

18 U.S.C. 1503 - Murder of a court officer or juror.

18 U.S.C. 1512 - Murder with the intent of preventing testimony by a witness, victim, or informant.

18 U.S.C. 1513 - Retaliatory murder of a witness, victim or informant.

18 U.S.C. 1716 - Mailing of injurious articles with intent to kill or resulting in death.

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. 1958 - Murder for hire.

18 U.S.C. 1959 - Murder involved in a racketeering offense.

18 U.S.C. 1992 - Willful wrecking of a train resulting in death.

18 U.S.C. 2113 - Bank-robbery-related murder or kidnaping.

18 U.S.C. 2119 - Murder related to a carjacking.

18 U.S.C. 2245 - Murder related to rape or child molestation.

18 U.S.C. 2251 - Murder related to sexual exploitation of children.

18 U.S.C. 2280 - Murder committed during an offense against maritime navigation.

18 U.S.C. 2281 - Murder committed during an offense against a maritime fixed platform.

Appendix table 1. Prisoners sentenced to death, and the outcome of their sentence, by year of sentencing, 1973-94

Year of sentence	Number sentenced to death	Number of prisoners removed from under sentence of death					Other or unknown reasons	Under sentence of death, 12/31/94	
		Execution	Other death	Appeal or higher courts overturned					
				Death penalty statute	Conviction	Sentence	Sentence commuted		
1973	42	2	0	14	9	8	9	0	0
1974	149	9	4	65	15	29	22	1	4
1975	298	5	4	171	24	66	21	2	5
1976	234	11	5	137	16	43	15	0	7
1977	138	16	2	40	26	33	7	0	14
1978	187	29	3	21	35	60	8	0	31
1979	156	15	8	2	28	58	6	1	38
1980	182	20	11	3	31	47	6	0	64
1981	233	31	10	0	40	68	4	1	79
1982	272	33	12	0	28	63	6	0	130
1983	253	26	10	1	19	48	4	2	143
1984	287	21	10	2	33	55	6	8	152
1985	277	7	3	2	31	63	3	3	165
1986	306	9	12	0	40	49	4	5	187
1987	290	3	7	2	32	52	1	6	187
1988	295	8	6	0	24	42	1	0	214
1989	264	3	6	0	21	48	3	0	183
1990	256	3	3	0	25	28	0	0	197
1991	277	1	4	0	16	16	0	0	240
1992	285	4	1	0	11	8	1	0	260
1993	295	1	4	0	1	2	0	0	287
1994	304	0	0	0	0	0	1	0	303
Total, 1973-94	5,280	257	125	460	505	886	128	29	2,890

Note: Table based upon most recent death sentence received.

18 U.S.C. 2332 - Terrorist murder of a U.S. national in another country.

18 U.S.C. 2332a - Murder by the use of a weapon of mass destruction.

18 U.S.C. 2340 - Murder involving torture.

18 U.S.C. 2381 - Treason.

21 U.S.C. 841(b)(A) or section 960(b)(1); and 21 U.S.C. 848(e) - Any person engaging in or working in furtherance of a continuing criminal enterprise, or any person engaging in an

offense punishable under section 960(b)(1) who intentionally kills or counsels, commands, induces, procures, or causes the intentional killing of an individual and such killing results, shall be sentenced to any term of imprisonment, which shall not be less than 20 years, and which may be up to life imprisonment, or may be sentenced to death; and (B) any person, during the commission of, in furtherance of, or while attempting to avoid apprehension, prosecution or service of a prison sentence for, a felony vio-

lation of this subchapter or subchapter II of this chapter who intentionally kills or counsels, commands, induces, procures, or causes the intentional killing of any Federal, State, or local law enforcement officer engaged in or on account of, the performance of such officer's official duties and such killing results, shall be sentenced to any term of imprisonment, which shall not be less than 20 years, and which may be up to life imprisonment, or may be a sentence to death.

Appendix table 2. Prisoners under sentence of death, on December 31, 1994, by State and year of sentencing

State	Year of sentence for prisoners sentenced to and remaining on death row, 12/31/94												Under sentence of death 12/31/94	Average number of years under sentence of death as of 12/31/94
	1974-79	1980-81	1982-83	1984-85	1986-87	1988	1989	1990	1991	1992	1993	1994		
Florida	26	15	29	35	34	26	17	20	41	27	33	39	342	6.6
Texas	19	18	26	40	63	30	31	25	28	39	32	43	394	6.4
California	11	21	54	39	47	30	30	32	24	38	33	22	381	6.8
Georgia	10	3	8	7	18	5	8	10	6	7	8	6	96	7.4
Arizona	7	10	12	11	7	10	5	10	14	11	14	10	121	6.6
Tennessee	6	9	10	16	19	6	3	7	10	8	2	4	100	8.0
Illinois	3	18	17	16	18	11	8	17	7	15	14	11	155	6.9
Nebraska	3	2		2	1	1						1	10	11.2
Oklahoma	3	3	9	18	24	16	11	8	12	5	8	12	129	6.5
Arkansas	2	1	1		5	1	4	3	1	3	7	8	36	4.7
Nevada ^a	2	4	10	9	5	5	9	7	4	1	2	8	66	7.1
South Carolina	2	4	7	7	7	2	4	2	8	2	7	7	59	6.7
Alabama	1	6	21	14	17	7	13	9	4	11	8	24	135	6.3
Indiana	1	5	6	10	6	6		3	2	4	2	2	47	7.9
Kentucky	1	2	8	2	4	1			2	3	2	4	29	7.5
Montana	1		1		1	2	1			2			8	*
North Carolina	1	4	6	5	1	1		6	10	18	32	27	111	3.3
Pennsylvania		5	17	20	27	20	16	6	18	16	16	21	182	5.8
Mississippi		4	4	2	4	3		7	5	4	12	5	50	5.1
Missouri		4	4	14	16	12	2	4	11	6	6	9	88	5.1
Delaware		2	1			1				4	6		14	4.7
Idaho		1	3	4	1	3	2	1	1	1	2		19	7.6
Maryland		1	1	2	1	1	3	1	1	1	1		13	7.0
Virginia		1	1	1	13	2	3	6	6	6	6	10	55	4.4
Ohio			11	30	21	9	9	9	13	16	10	12	140	6.0
Louisiana			4	10	8	1		1	4	6	7	6	47	5.5
Utah			1	2	1	2			1		1		10	6.6
Washington			1	1	1			1	1	1	2	2	10	4.3
Colorado					2				1				3	*
New Jersey					1			2			3	3	9	*
New Mexico					1							1	2	*
Connecticut							1		2		1		4	*
Oregon							1		2	4	4	6	17	1.9
South Dakota										1	1		2	*
Federal									1		5		6	*
Total	99	143	273	317	374	214	183	197	240	260	287	303	2,890	6.3

*Averages not calculated for fewer than 10 inmates.

^aPreliminary numbers, subject to revision.

Appendix table 3. Number sentenced to death and number of removals, by jurisdiction and reason for removal, 1973-94

State	Total sentenced to death, 1973-94	Number of removals, 1973-94					Under sentence of death, 12/31/94
		Executed	Died	Sentence or conviction overturned	Sentence commuted	Other removals	
U.S. total	5,280	257	125	1,851	128	29	2,890
Federal	7	0	0	1	0	0	6
Alabama	227	10	4	77	1	0	135
Arizona	191	3	5	60	1	1	121
Arkansas	73	9	1	27	0	0	36
California	534	2	21	114	15	1	381
Colorado	14	0	1	9	1	0	3
Connecticut	5	0	0	1	0	0	4
Delaware	31	4	0	13	0	0	14
Florida	702	33	18	289	18	2	342
Georgia	246	18	7	119	5	1	96
Idaho	32	1	1	11	0	0	19
Illinois	223	2	6	53	0	7	155
Indiana	80	3	1	27	0	2	47
Kentucky	58	0	1	27	1	0	29
Louisiana	142	21	3	64	6	1	47
Maryland	37	1	1	20	2	0	13
Massachusetts	4	0	0	2	2	0	0
Mississippi	132	4	1	74	0	3	50
Missouri	117	11	4	13	1	0	88
Montana	13	0	0	4	1	0	8
Nebraska	21	1	2	6	2	0	10
Nevada	95	5	3	18	3	0	66
New Jersey	38	0	1	20	0	8	9
New Mexico	23	0	0	16	5	0	2
New York	3	0	0	3	0	0	0
North Carolina	364	6	4	239	4	0	111
Ohio	280	0	5	126	9	0	140
Oklahoma	236	3	4	100	0	0	129
Oregon	35	0	0	18	0	0	17
Pennsylvania	244	0	7	54	1	0	182
Rhode Island	2	0	0	2	0	0	0
South Carolina	129	4	3	63	0	0	59
South Dakota	2	0	0	0	0	0	2
Tennessee	163	0	4	57	0	2	100
Texas	624	85	12	90	43	0	394
Utah	23	4	0	8	1	0	10
Virginia	96	24	3	7	6	1	55
Washington	25	2	1	12	0	0	10
Wyoming	9	1	1	7	0	0	0
Percent	100%	4.9	2.4	35.1	2.4	0.5	54.7

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

Methodological note

The statistics reported in this Bulletin may differ from data collected by other organizations for a variety of reasons: (1) National Prisoner Statistics (NPS) 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 4 for the affected jurisdictions.) (3) NPS counts for capital punishment are always for the last day of the calendar year and will differ from counts for more recent periods.

Appendix table 4. Executions, by State and method, 1977-94

State	Number executed	Lethal injection	Electro-cution	Lethal gas	Firing squad	Hanging
Total	257	131	114	9	1	2
Texas	85	85				
Florida	33		33			
Virginia	24		24			
Louisiana	21	1	20			
Georgia	18		18			
Missouri	11	11				
Alabama	10		10			
Arkansas	9	8	1			
North Carolina	6	5		1		
Nevada	5	4		1		
Delaware	4	4				
Mississippi	4			4		
South Carolina	4		4			
Utah	4	3			1	
Arizona	3	2		1		
Indiana	3		3			
Oklahoma	3	3				
California	2			2		
Illinois	2	2				
Washington	2					2
Idaho	1	1				
Maryland	1	1				
Nebraska	1		1			
Wyoming	1	1				

The Bureau of Justice Statistics (BJS) is the statistical arm 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 James J. Stephan and Tracy L. Snell under the supervision of Allen J. Beck. Tom Hester edited the report. Jayne E. Robinson assisted with graphs and produced the report. Marilyn Marbrook supervised production, assisted by Yvonne Boston. At the Bureau of the Census, Patricia A. Clark collected the data under the supervision of Gertrude Odom.

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Data utilized in this report are available 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, 1973-94.

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

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