

ICPSR 3947

Capital Punishment in the United States, 1973-2001

*United States Department of Justice.
Bureau of Justice Statistics*

First ICPSR Edition
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Inter-university Consortium for
Political and Social Research
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DATA COLLECTION DESCRIPTION

CAPITAL PUNISHMENT IN THE UNITED STATES, 1973-2001 provides annual data on prisoners under a sentence of death, as well as those who had their sentences commuted or vacated and prisoners who were executed. This study examines basic sociodemographic classifications including age, sex, race and ethnicity, marital status at time of imprisonment, level of education, and State and region of incarceration. Criminal history information includes prior felony convictions and prior convictions for criminal homicide and the legal status at the time of the capital offense. Additional information is provided on those inmates removed from death row by yearend 2001.

The dataset consists of one part which contains 7,834 cases. The file provides information on inmates whose death sentences were removed in addition to information on those inmates who were executed. The file also gives information about inmates who received a second death sentence by yearend 2001 as well as inmates who were already on death row.

METHODOLOGICAL NOTE

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. (3) NPS counts are always for the last day of the calendar year and will differ from counts for more recent periods.

FILE STRUCTURE

CAPITAL PUNISHMENT IN THE UNITED STATES, 1973-2001 is available from the ICPSR in logical record length (lrecl) format. SPSS and SAS data definition statements are provided, giving the format and other information for each variable in the lrecl data file.

The lrecl data file is constructed with a single logical record for each case. There are 37 variables and 7,834 cases in the data file.

CODEBOOK INFORMATION

The example below is a reproduction of information appearing in the machine-readable codebook for a typical variable. The numbers in brackets do not appear but are references to the descriptions which follow this example.

```
.....  
[1] VAR 34   [2] Q14D1 CURRENT STATUS   [3] MD=9  
           [4] LOC 76 WIDTH 1  
  
[5] Q.14d.(1) Current status of inmate removed  
from sentence of death  
-----  
[6] SEE NOTE(S) X  
  
[7] [8]  
1. Under new sentence - Continue with Q.14d2  
2. Awaiting retrial to determine guilt  
3. Awaiting resentencing only (guilt affirmed)  
4. Found not guilty in retrial  
5. All charges on capital offense dropped  
6. Other  
7. No action has been taken since removal from  
   sentence of death  
8. Information not available at this office  
  
9. Unknown/Not applicable  
  
.....
```

[1] Indicates the variable number. A variable number assigned to each variable in the data collection.

[2] Indicates the abbreviated variable name (maximum of 24 characters) to identify the variable for the user. An expanded version of the variable name can be found in the variable description list.

[3] Indicates the code values of missing data. In this example, code values equal to 9 are missing data (MD=9). Alternative statements for other variables are "MD=8 OR GE 9or "NO MISSING DATA CODES." Some analysis software require that certain types of data which the user desires to be excluded from analysis be designated as "MISSING DATA e.g., inappropriate, unascertained, unascertainable, ambiguous data categories. Although these codes are as missing data categories, this does not mean that the should not or cannot use them in a substantive role if so desired.

[4] Indicates the starting location and width of variable. If the variable is of a multiple-response type the width referenced is that of a single response. In this example the variable named

"CURRENT STATUS" is 1 column(s) wide and is located in the 76th column within the record.

[5] This is the full text (question) supplied by investigator to describe the variable. The question text the numbers and letters that may appear at the reflect the original wording of the questionnaire item.

[6] A variable which has a footnote associated with it denoted by the message, "SEE NOTE(S) X" where X is the of the footnote referenced.

[7] Indicates the code values occurring in the data for this variable.

[8] Indicates the textual definitions of the codes. Abbreviations commonly used in the code definitions are "DK" (Do Not Know), "UK" (Unknown), and "NA" (Not Applicable, Ascertained, or Appropriate).

ICPSR PROCESSING INFORMATION

The data collection was processed according to the standard ICPSR processing procedures. The data were checked for illegal or inconsistent code values which, when found, were recoded to missing data values. No consistency checks were performed. Statements bracketed in "<" and ">" signs in the body of the codebook were added by the processors for explanatory purposes.

VARIABLE DESCRIPTION LIST

- 1 ICPSR Study Number-3947
- 2 ICPSR Edition Number-1
- 3 ICPSR Part Number-1
- 4 ICPSR Sequential Case Identification Number
- 5 Report Year
- 6 Inmate Identification Number
- 7 State
- 8 Sex
- 9 Race
- 10 Hispanic Origin
- 11 Date of Birth: Month
- 12 Date of Birth: Year
- 13 Third most serious capital offense(s) for which imprisoned
- 14 Second most serious capital offense(s) for which imprisoned
- 15 First most serious capital offense(s) for which imprisoned
- 16 Marital status at time of first imprisonment for capital offense
- 17 Highest year of education completed at time of first imprisonment for capital offense
- 18 Legal status at time of capital offense
- 19 Prior felony conviction(s)
- 20 Were any of these convictions for criminal homicide?
- 21 Date of arrest for capital offense: Month
- 22 Date of arrest for capital offense: Year
- 23 Date of conviction for capital offense: Month
- 24 Date of conviction for capital offense: Year
- 25 Date of sentence for capital offense: Month
- 26 Date of sentence for capital offense: Year
- 27 Inmate status on December 31, 2000
- 28 Was this inmate on escape or at a mental hospital on December 31?
- 29 Month of escape or transfer to mental hospital
- 30 Year of escape or transfer to mental hospital
- 31 Reason for inmate's removal from under sentence of death
- 32 Month of inmate's removal from under sentence of death
- 33 Year of inmate's removal from under sentence of death
- 34 Current status of inmate removed from sentence
- 35 Under new sentence of:
- 36 Method of execution
- 37 Cause of death other than execution

CODEBOOK

VAR 01 ICPSR STUDY NUMBER NO MISSING DATA CODES LOC 1 WIDTH 4

ICPSR Study Number

3947. The ICPSR has attached this number as a unique data collection identification number.

.....

VAR 02 ICPSR EDITION NUMBER NO MISSING DATA CODES LOC 5 WIDTH 1

ICPSR Edition Number - 1

The number identifying the release edition of the data collection.

.....

VAR 03 ICPSR PART NUMBER NO MISSING DATA CODES LOC 6 WIDTH 1

ICPSR Part Number

1. Part one is the Data file, SAS and SPSS data definition statements and Codebook.

.....

VAR 04 ICPSR SEQUENTIAL ID NO MISSING DATA CODES LOC 7 WIDTH 4

ICPSR Sequential Case Identification Number

The ICPSR has attached a sequential identification number to every case. This number uniquely identifies each record in the data collection. (1-7834).

.....

VAR 05 REPORT YEAR NO MISSING DATA CODES LOC 11 WIDTH 4

Report Year

0. prior to 1973
1973
.
.
2001

.....

VAR 06 INMATE ID NO MISSING DATA CODES LOC 15 WIDTH 4

Inmate ID (Coded by DSD Census Bureau)

.....

VAR 07 STATE (FIPS) CODE NO MISSING DATA CODES LOC 19 WIDTH 2

Q. 1. State

- 1. Alabama
- 2. Alaska
- 4. Arizona
- 5. Arkansas
- 6. California
- 8. Colorado
- 9. Connecticut
- 10. Delaware
- 11. District of Colombia
- 12. Florida
- 13. Georgia
- 15. Hawaii
- 16. Idaho
- 17. Illinois
- 18. Indiana
- 19. Iowa
- 20. Kansas
- 21. Kentucky
- 22. Louisiana
- 23. Maine
- 24. Maryland
- 25. Massachusetts
- 26. Michigan
- 27. Minnesota
- 28. Mississippi
- 29. Missouri
- 30. Montana
- 31. Nebraska
- 32. Nevada
- 33. New Hampshire
- 34. New Jersey
- 35. New Mexico
- 36. New York
- 37. North Carolina
- 38. North Dakota
- 39. Ohio
- 40. Oklahoma
- 41. Oregon
- 42. Pennsylvania
- 44. Rhode Island
- 45. South Carolina

- 46. South Dakota
- 47. Tennessee
- 48. Texas
- 49. Utah
- 50. Vermont
- 51. Virginia
- 53. Washington
- 54. West Virginia
- 55. Wisconsin
- 56. Wyoming
- 57. Federal Prison System

.....

VAR 08 Q3 SEX NO MISSING DATA CODES LOC 21 WIDTH 1

Q. 3. Sex

- 1. Male
- 2. Female

.....

VAR 09 Q4A RACE NO MISSING DATA CODES LOC 22 WIDTH 1

Q. 4a. Race

- 1. White
- 2. Black
- 3. American Indian or Alaskan Native
- 4. Asian
- 5. Native Hawaiian or Other Pacific Islander
- 6. Other

.....

VAR 10 Q4B HISPANIC ORIGIN MD=9 LOC 23 WIDTH 1

Q. 4b. Hispanic Origin

- 1. Hispanic
- 2. Non-Hispanic
- 3. Not known (from questionnaire)
- 9. Unknown/NA

.....

VAR 11 Q5A DATE OF BIRTH-MO MD=99 LOC 24 WIDTH 2

Q. 5(a). Date of Birth - Month

- 01. January

- 12. December
- 99. Unknown/NA

VAR 12 Q5B DATE OF BIRTH-YR NO MISSING DATA CODES LOC 26 WIDTH 4

Q. 5(b). Date of Birth - Year

- 1901
- .
- .
- 1982

VAR 13 Q6A 3RD CAPITAL OFF NO MISSING DATA CODES LOC 30 WIDTH 2

Q. 6(a). Third most serious capital offense(s) for which imprisoned

- 01. Murder
- 05. Kidnapping or abduction
- 06. Forcible or attempted rape
- 10. Robbery
- 12. Aggravated assault
- 17. Hit and run driving with bodily injury
- 21. Burglary
- 22. Arson
- 29. Stolen property
- 99. No 3rd capital offense

VAR 14 Q6B 2ND CAPITAL OFF NO MISSING DATA CODES LOC 32 WIDTH 2

Q. 6(b). Second most serious capital offense(s) for which imprisoned

- 01. Murder
- 05. Kidnapping or abduction
- 06. Forcible or attempted rape
- 10. Robbery
- 12. Aggravated assault
- 17. Hit and run driving with bodily injury
- 21. Burglary
- 22. Arson

- 29. Stolen property
- 99. No 2nd capital offense

.....

VAR 15 Q6C 1ST CAPITAL OFF NO MISSING DATA CODES LOC 34 WIDTH 2

Q. 6(c). First most serious capital offense(s) for which imprisoned

- 01. Murder
- 05. Kidnapping or abduction
- 06. Forcible or attempted rape
- 10. Robbery
- 12. Aggravated assault
- 17. Hit and run driving with bodily injury
- 21. Burglary
- 22. Arson
- 29. Stolen property

.....

VAR 16 Q7 MARITAL STATUS MD=9 LOC 36 WIDTH 1

Q. 7. Marital Status

Separated does NOT include separation because of imprisonment.

- 1. Married
- 2. Divorced or separated
- 3. Widowed
- 4. Never married
- 5. Not known(from questionnaire)

- 9. Unknown/NA

.....

VAR 17 Q8 EDUCATION AT FIRST CONVICTION OF CAP OFFENSE MD=99 LOC 37 WIDTH 2

Q.8. Education

- 01. 7th grade or less
- 02. 8th grade
- 03. 9th grade
- 04. 10th grade
- 05. 11th grade
- 06. 12th grade (GED included)
- 07. 1st year of college
- 08. 2nd year
- 09. 3rd year
- 10. 4th year

- 11. More than 4 years of college
- 12. Not known (from questionnaire)

99. Unknown/NA

.....

VAR 18 Q9 LEGAL STATUS MD=9 LOC 39 WIDTH 1

Q. 9. Legal status at time of capital offense

If the person was known to be free in all states with no criminal charges pending at the time of the offense(s) in Question 6, (1) "Not under sentence - no charges pending" was indicated.

Not Under Sentence

- 1. No charges pending
- 2. Charges pending

Under Sentence

- 3. On probation
- 4. On parole
- 5. On escape
- 6. Imprisoned
- 7. Other
- 8. Unknown (from questionnaire)
- 9. Unknown/NA

.....

VAR 19 Q10A PRIOR FELONY CONVICTION MD=9 LOC 40 WIDTH 1

Q. 10a. Prior felony conviction(s)

If the person was known to have been convicted of any felony(ies) before being convicted of the offense(s) in Question 6, "Yes" was marked in item 10a (V13) and item 10b (V14) was completed.

- 1. Yes - Continue with item 10b (V20).
- 2. No - Skip to item 11 (V21)
- 3. Unknown (from questionnaire)

- 9. Unknown/NA - Skip to item 11 (V21).

.....

VAR 20 Q10B PRI FEL CONV-HOMIC MD=99 LOC 41 WIDTH 2

--If Q. 10a coded 1--

Q. 10b. Were any of these convictions for criminal homicide?

- 01. Yes - Murder
- 02. Yes - Involuntary manslaughter
- 03. Yes - Vehicular manslaughter
- 04. Yes - Attempted murder
- 05. Yes - Other
- 06. No
- 07. Yes - Unknown
- 08. Yes - Manslaughter
- 09. Yes - Voluntary manslaughter

- 99. Unknown/NA

.....

VAR 21 Q11A DATE OF ARREST-MO MD=99 LOC 43 WIDTH 2

Q. 11(a). Date of arrest for capital offense - Month

- 01. January
- .
- .
- 12. December

- 99. Unknown/NA

.....

VAR 22 Q11B DATE OF ARREST-YR MD=9999 LOC 45 WIDTH 4

Q. 11(b). Date of arrest for capital offense - Year

- 1973
- .
- .
- 2001

- 9999. Unknown/NA

.....

VAR 23 Q12A DATE OF CONVCT-MO MD=99 LOC 49 WIDTH 2

Q. 12(a). Date of conviction for capital offense - Month

- 01. January
- .
- .
- 12. December

- 99. Unknown/NA

.....
VAR 24 Q12B DATE OF CONVCT-YR MD=9999 LOC 51 WIDTH 4

Q. 12(b). Date of conviction for capital offense - Year

1939
.
.
2001

9999. Unknown/NA

.....
VAR 25 Q13A DATE SENT DEATH-MO MD=99 LOC 55 WIDTH 2

Q. 13(a). Date of sentence for capital offense - Month

01. January
.
.
12. December

99. Unknown/NA

.....
VAR 26 Q13B DATE SENT DEATH-YR MD=9999 LOC 57 WIDTH 4

Q. 13(b). Date of sentence for capital offense - Year

1939
.
.
2001

.....
VAR 27 Q14A STILL ON DEATH ROW MD=9 LOC 61 WIDTH 1

Q. 14a. Inmate status on December 31, 2001

Indicates whether or not the inmate was under sentence of death at the end of the report year.

1. Under sentence of death - continue with item b (V28)
2. Sentence of death removed - skip to items c and d (V31)

9. Unknown/NA

.....

VAR 28 Q14B1 INMATE ESC OR MENT MD=9 LOC 62 WIDTH 1

--If Q. 14a. coded 1--

Q. 14b(1). Was this inmate on escape or at a mental hospital on December 31, 2001?

1. Yes, on escape - continue with 14b(2).
2. Yes, at a mental hospital - continue with 14b(2).
3. No - NO FURTHER INFORMATION GIVEN FOR THIS INMATE

9. Unknown/NA

.....

VAR 29 Q14B2 MONTH ESC/MENT HOS MD=99 LOC 63 WIDTH 2

--If Q. 14a (V27) coded 1 and Q. 14b(1), (V28) coded 1 or 2--

Q. 14b(2). Month of escape or transfer to mental hospital

01. January
- .
- .
12. December
99. Unknown/NA

.....

VAR 30 Q14B3 YEAR ESC/MENT HOSP MD=9999 LOC 65 WIDTH 4

--If Q.14a V37 coded 1 and Q. 14b(1), (V28) coded 1 or 2--

Q. 14b(3). Year of escape or transfer to mental hospital

- 1984
- .
- .
- 2001
9999. Unknown/NA

.....
VAR 31 Q14C1 REASON/REM DEATH R MD=9 LOC 69 WIDTH 1

--If Q. 14a. coded 2--

Q. 14c(1). Reason for inmate's removal from under
sentence of death

1. Executed - Enter date and skip to question 15
2. Deceased by other causes - Enter date and skip to question 16
3. Capital sentence declared unconstitutional by State or U.S. Supreme Court
4. Sentence commuted
5. Conviction affirmed, sentence overturned by appellate court
6. Conviction and sentence overturned by appellate court
7. Other
8. Information not available at this office

9. Unknown/NA

.....
VAR 32 Q14C2 MONTH REMV FROM DR MD=99 LOC 70 WIDTH 2

--If Q. 14a. coded 2--

Q. 14c(2). Month of inmate's removal from under
sentence of death

01. January
- .
- .
12. December

99. Unknown/NA

.....
VAR 33 Q14C3 YEAR REMOV FROM DR MD=9999 LOC 72 WIDTH 4

--If Q. 14a. coded 2--

Q. 14c(3). Year of inmate's removal from under
sentence of death

- 1973
- .
- .

2001

9999. Unknown/NA

.....

VAR 34 Q14D1 CURRENT STATUS MD=9 LOC 76 WIDTH 1

--If Q. 14a. coded 2--

Q. 14d(1). Current status of inmate removed from sentence of death

- 1. Under new sentence - Continue with Q.14d2.
- 2. Awaiting retrial to determine guilt
- 3. Awaiting resentencing only (guilt affirmed)
- 4. Found not guilty in retrial
- 5. All charges on capital offense dropped
- 6. Other
- 7. No action has been taken since removal from sentence of death
- 8. Information not available at this office
- 9. Unknown/NA

.....

VAR 35 Q14D2 NEW SENTENCE OF MD=999 LOC 77 WIDTH 3

--If Q. 14d(1). coded 1--

Q. 14d(2). Under new sentence of:

Actual sentence length in years

- 006. six years
- 007. seven years
- .
- .
- 600. six hundred years

Other status

- 900. Discharged by court order
- 901. Executed
- 902. Incompetent to stand trial
- 903. Killed attempting escape
- 904. Life sentence
- 905. Murdered by another inmate
- 906. Natural death
- 907. On death row in Nevada
- 908. Out on appeal or bond
- 909. On probation
- 910. Suicide
- 911. Writ

912. Immigration and Naturalization Service Custody

913. Sentenced to time served

999. Unknown/NA

.....

VAR 36 Q15 METHOD OF EXECUTION MD=9 LOC 80 WIDTH 1

--If Q. 14c(1). coded 1--

Q. 15. Method of execution

- 1. Lethal injection
- 2. Electrocutation
- 3. Lethal gas
- 4. Hanging
- 5. Firing squad
- 6. Other

9. Unknown/NA

.....

VAR 37 Q16 OTHER CAUSE OF DEATH MD=9 LOC 81 WIDTH 1

--If Q. 14c(1). coded 2--

Q. 16. Cause of death other than execution

- 1. Natural causes
- 2. Suicide
- 3. Murdered by another inmate
- 4. Other

9. Unknown/NA

APPENDICES

QUESTIONNAIRE

INSTRUCTIONS

Please complete one card for each person who (1) entered your State's correctional system under sentence of death at any time during the report year, or (2) had received a sentence of death in a previous year but was not previously reported. Attempt to answer all items.

Item b. Card of Cards – Complete this item to insure proper accounting of all persons under sentence of death in your correctional system who have not been previously reported.

Item 4a. Race

(1) White – A person having origins in any of the original peoples of Europe, North Africa, or the Middle East.

(2) Black – A person having origins in any of the black racial groups of Africa.

(3) American Indian or Alaska Native – A person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition.

(4) Asian – A person having origins in any of the original peoples of the Far East, including Southeast Asia, or the Indian Subcontinent, including Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

(5) Native Hawaiian or Pacific Islander – A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

(6) Other – Any other race not covered by the above categories. Please specify the race in the space provided.

Item 4b. Hispanic Origin – Hispanics are defined as those having an ethnic origin or background in Central America, South America, Mexico, Cuba, Puerto Rico, or Spain.

Item 5. Date of Birth – enter two digits for month (January=01, February=02, etc.) and four digits for year.

Item 6. Capital offense for which imprisoned – Mark **all** and **only** those offenses for which capital punishment was levied during the report year or a previous year but not reported. Enter the number of death sentences the inmate received in the space provided.

Item 7. Marital status at time of first imprisonment for capital offense – "Time of first imprisonment" refers to the inmate's original time of arrival at prison after his first sentencing to death. Separated does **not** include separation because of imprisonment.

Item 8. Highest year of education completed at time of first imprisonment for capital offense – Time frame as in Item 7 above. Include Graduate Equivalent Degree (GED) as "12th grade."

Item 9. Legal status at time of capital offense – If the person was known to be free in all states with no criminal charges pending at the time of the offense(s) in item 6, mark "Not under sentence – no charges pending."

Item 10a. Prior felony conviction(s) – If the person was known to have been convicted of any felony(ies) before being convicted of the offense(s) in item 6, mark "Yes" in item 10a and fill item 10b.

Item 10b. Prior conviction for criminal homicide – If the prior felony conviction(s) referred to in item 10a was for criminal homicide, mark item 10b "Yes". Also mark one or more of the types of criminal homicide listed. If the person was convicted of a type not listed, mark "other" and specify the type.

Item 12. Date of conviction for capital offense – Generally a person will receive only one conviction for a single capital offense or multiple capital offenses. For such a person, enter the month and year he or she was found guilty of the capital offense(s) entered in item 6. If a person was convicted of more than one capital offense and received more than one death sentence, not all on the same date, enter the earliest date (month and year) the person was found guilty. If a person was previously convicted for the offense(s) shown in item 6, and that conviction was subsequently overturned but the person was retried and found guilty, enter the most recent month and year of conviction. **Do not** for any of the above situations, enter the date an appeal was rejected or the person was admitted to prison.

Item 13. Date of sentence for capital offense – Enter the month and year the person was sentenced to death. This date must be the same as or later than the conviction date entered in item 12.

Item 14a. Inmate status on December 31, _____ – Indicate whether or not the inmate was under sentence of death at the end of the report year.

Item 14b. If inmate was under sentence of death on December 31, indicate if the inmate was on escape or at a mental hospital. Enter the month and year of escape or transfer to mental hospital.

Item 14c. Reason for removal from sentence of death – Complete this item **only** if the sentence of death was removed during the report year, or earlier if removal not previously reported. Mark the box which most accurately describes how the inmate was removed from sentence of death.

14d. Current status of Inmate removed from sentence of death – Mark the one box which most accurately shows the inmate's legal status as of **THE DATE THIS REPORT IS COMPLETED**. If "Under new sentence", enter length of new sentence.

NPS-8B

OMB No. 1121-0030: Approval Expires 03/31/2004

RETURN
TO

DSD - Crime Surveys Branch
NPS-8
U.S. CENSUS BUREAU
4700 Silver Hill Rd - Stop 8400
Washington, DC 20233-8400

FORM **NPS-8B**
(10-3-2001)

**STATUS OF
DEATH PENALTY STATUTES
NO STATUTE IN FORCE, 2000
National Prisoner Statistics
2001**

U.S. DEPARTMENT OF JUSTICE
BUREAU OF JUSTICE STATISTICS
and ACTING AS COLLECTING AGENT
U.S. DEPARTMENT OF COMMERCE
Economics and Statistics Administration
U.S. CENSUS BUREAU

(Please correct any error in name, mailing address, and ZIP Code)

Report submitted by	Name and title	Telephone			Date completed
		Area code	Number	Extension	

GENERAL INFORMATION

- If you need assistance in completing the questionnaire, please call **Patricia Clark**, U.S. Census Bureau, toll-free at **1-800-221-1829**.
- Please mail your completed questionnaire to the **U.S. Census Bureau** in the enclosed envelope before **February 13, 2002**, or FAX **both sides** to **1-301-457-3929**.

Who receives this form?

This form is sent to jurisdictions that had no capital statute in effect on December 31, 2000.

What information is collected?

Items on the reverse side of this form relate to death penalty statutes in your jurisdiction during the period **January 1, 2001, through December 31, 2001**.

Burden statement

Under the Paperwork Reduction Act, we cannot ask you to respond to a collection of information unless it displays a currently valid OMB control number. Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspects of this collection of information, including suggestions for reducing this burden, to the Director, Bureau of Justice Statistics, Washington, DC 20531; and to the Office of Management and Budget, OMB No. 1121-0030, Washington, DC 20503.

1. National Prisoner Statistics (NPS) records show that at the end of 2000 your State had NO CAPITAL PUNISHMENT STATUTE. At any time in 2001 was such a law established?

- No – Go to Question 4
- Yes

Effective date

Citation

Please provide a copy of the law.

2. During 2001, was that law explicitly struck by the U.S. or State Supreme Court?

- No – Go to Question 5
- Yes
 - Wholly struck
 - By U.S. Supreme Court
 - By State Supreme Court
 - Partially struck
 - By U.S. Supreme Court
 - By State Supreme Court

Effective date

Citation

Please provide a copy of the decision.

3. In the opinion of the Attorney General, what was the impact on persons sentenced under your State's statute?

- All were effectively removed from under sentence of death as of the decision date; that is, legally these persons **could not** be executed under that sentence.
- None were effectively removed from under sentence of death as of the decision date; that is, legally these persons **could** still possibly be executed under that sentence.
- Some were effectively removed from under sentence of death as of the decision date while others were not; that is, legally some could still possibly be executed under that sentence while others could not.

4. As of December 31, 2001, does your State CONSTITUTION specifically prohibit capital penalties?

- No
- Yes

Date

Citation

5. As of December 31, 2001, your State –

- Had no capital punishment statute – **STOP HERE and return form.**
- Had a capital punishment statute

6. For what offenses can the death penalty be imposed in your State?

7. Does your State provide for automatic appeal upon imposition of the death penalty, irrespective of the defendant's wishes?

- No
- Yes

8. What is the minimum age at which persons can be sentenced to death in your State?

Age

9. What methods of execution are authorized in your capital punishment statute?

Mark (X) all that apply.

- Lethal injection
- Electrocutation
- Lethal gas
- Hanging
- Firing squad
- Other – *Specify* ↘

--

NPS-8C

OMB No. 1121-0030: Approval Expires 03/31/2004

RETURN
TO

DSD - Crime Surveys Branch
NPS-8
U.S. CENSUS BUREAU
4700 Silver Hill Rd - Stop 8400
Washington, DC 20233-8400

FORM **NPS-8C**
(10-3-2001)

**STATUS OF
DEATH PENALTY STATUTES
STATUTE IN FORCE, 2000
National Prisoner Statistics
2001**

U.S. DEPARTMENT OF JUSTICE
BUREAU OF JUSTICE STATISTICS
and ACTING AS COLLECTING AGENT
U.S. DEPARTMENT OF COMMERCE
Economics and Statistics Administration
U.S. CENSUS BUREAU

(Please correct any error in name, mailing address, and ZIP Code)

Report submitted by	Name and title	Telephone			Date completed
		Area code	Number	Extension	

GENERAL INFORMATION

- If you need assistance in completing the questionnaire, please call **Patricia Clark**, U.S. Census Bureau, toll-free at **1-800-221-1829**.
- Please mail your completed questionnaire to the **U.S. Census Bureau** in the enclosed envelope before **February 13, 2002**, or **FAX** (both sides) to **1-301-457-3929**.

Who receives this form?

This form is sent to jurisdictions that had a capital statute in effect on December 31, 2000.

What information is collected?

Items on the reverse side of this form relate to death penalty statutes in effect in your jurisdiction during the period **January 1, 2001, through December 31, 2001**.

Burden statement

Under the Paperwork Reduction Act, we cannot ask you to respond to a collection of information unless it displays a currently valid OMB control number. Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspects of this collection of information, including suggestions for reducing this burden, to the Director, Bureau of Justice Statistics, Washington, DC 20531; and to the Office of Management and Budget, OMB No. 1121-0030, Washington, DC 20503.

1. National Prisoner Statistics (NPS) records show that at the end of 2000 your State had a capital punishment statute. During 2001, was that law explicitly struck in whole or in part by the U.S. or the State Supreme Court?

- No – Go to Question 3
- Yes
 - Wholly struck
 - By U.S. Supreme Court
 - By State Supreme Court
 - Partially struck
 - By U.S. Supreme Court
 - By State Supreme Court

Effective date

Citation

Please provide a copy of the Law(s) cited in the box above.

2. In the opinion of the Attorney General, what was the impact on persons sentenced under your State's statute?

- All were effectively removed from under sentence of death as of the decision date; that is, legally these persons **could not** be executed under that sentence.
- None were effectively removed from under sentence of death as of the decision date; that is, legally these persons **could** still possibly be executed under that sentence.
- Some were effectively removed from under sentence of death as of the decision date while others were not; that is, legally some could still possibly be executed under that sentence while others could not.

3. During 2001, the capital punishment statute was:

- Not changed
- Revised or modified
- Replaced (entirely new statute)

Effective date

Citation

Please provide a copy of the revised sections. If revised more than once, please specify.

4. As of December 31, 2001, your State –

- Had no capital punishment statute – **STOP HERE and return form.**
- Had a capital punishment statute

5. For what offense(s) can the death penalty be imposed in your State?

6. Does your State provide for automatic appeal upon imposition of the death penalty, irrespective of defendant's wishes?

- No
- Yes

7. What is the minimum age at which persons can be sentenced to death in your State?

Age

- No minimum age specified

8. What methods of execution are authorized in your capital punishment statute?

Mark (X) all that apply.

- Lethal injection
- Electrocuting
- Lethal gas
- Hanging
- Firing squad
- Other – *Specify* ↴

NOTES



Bureau of Justice Statistics Bulletin

December 2002, NCJ 197020

Capital Punishment 2001

By Tracy L. Snell and
Laura M. Maruschak
BJS Statisticians

Fifteen States and the Federal Government executed 66 prisoners during 2001. The number executed was 19 fewer than in 2000. Those executed during 2001 had been under sentence of death an average of 11 years and 10 months, 5 months more than that for inmates executed in 2000.

At yearend 2001, 3,581 prisoners were under sentence of death. California held the largest number on death row (603), followed by Texas (453), Florida (372), and Pennsylvania (241). Nineteen people were under a Federal death sentence.

During 2001, 27 States and the Federal prison system received 155 prisoners under sentence of death. Texas (26 admissions), California (24), Florida (15), and North Carolina (14) accounted for more than half of those sentenced in 2001.

During 2001, 63 men and 3 women were executed: 48 whites, 17 blacks, and 1 American Indian. The executed inmates included 3 Hispanics (all white). All of the executions were carried out by lethal injection.

From January 1, 1977, to December 31, 2001, 749 inmates were executed by 32 States and the Federal Bureau of Prisons. Nearly two-thirds of the executions occurred in 5 States: Texas (256), Virginia (83), Missouri (53), Florida (51), and Oklahoma (48).

Highlights

Status of death penalty, December 31, 2001

Executions during 2001*		Number of prisoners under sentence of death		Jurisdictions without a death penalty
Oklahoma	18	California	603	Alaska
Texas	17	Texas	453	District of Columbia
Missouri	7	Florida	372	Hawaii
North Carolina	5	Pennsylvania	241	Iowa
Georgia	4	North Carolina	216	Maine
Federal Government	2	Ohio	203	Massachusetts
Indiana	2	Alabama	186	Michigan
Delaware	2	Illinois	158	Minnesota
Virginia	2	Arizona	126	North Dakota
Ohio	1	Georgia	116	Rhode Island
Arkansas	1	Oklahoma	113	Vermont
Florida	1	Tennessee	96	West Virginia
California	1	Louisiana	88	Wisconsin
Nevada	1	Nevada	86	
New Mexico	1			
Washington	1	24 other jurisdictions	524	
Total	66	Total	3,581	

- At yearend 2001, 37 States and the Federal prison system held 3,581 prisoners under sentence of death, 20 fewer than at yearend 2000.

- The 155 inmates received under sentence of death represent the smallest number of admissions since 1973.

Persons under sentence of death	1991		2001	
White	1,464		1,969	
Black	987		1,538	
American Indian	25		28	
Asian	14		33	
Unknown race	1		13	

- The 358 Hispanic inmates under sentence of death accounted for 11% of inmates with a known ethnicity.

- At yearend the youngest death-row inmate was 19; the oldest was 86.

- Fifty-one women were under sentence of death in 2001, up from 36 in 1991.

- The number of executions declined in 2001 for the second straight year and was the lowest since 1996.

- Of the 6,754 people under sentence of death between 1977 and 2001, 11% were executed, 4% died by causes other than execution, and 32% received other dispositions.

- The number of States authorizing lethal injection increased from 22 in 1991 to 36 in 2001. In 2001, all executions were by lethal injection, compared to half in 1991.

- Since 1977, 584 of the 749 executions (78%) were by lethal injection.

*For 2002 data on executions, see page 12.

Capital punishment laws

At yearend 2001 the death penalty was authorized by 38 States and the Federal Government (tables 1 and 2). No State enacted new legislation authorizing capital punishment in 2001.

The Georgia Supreme Court struck the use of electrocution as a constitutionally valid method of execution on October 5, 2001 (Dawson v. State, 274 Ga. 327 (2001)). Electrocution violated the prohibition against cruel and unusual punishment in Art. I, Sec. I, Par. XVII of the Georgia Constitution.

The Tennessee Supreme Court ruled on December 4, 2001, that execution of mentally retarded persons was cruel and unusual (Van Tran v. State, W2000-00739-SC-R11-PD) and, therefore, a violation of both the Tennessee and U.S. Constitutions. A law passed in 1990 prohibited such executions (Tenn. Code Ann. § 39-13-203), but that statute did not apply retroactively.

Statutory changes

During 2001, 10 States revised statutory provisions relating to the death penalty. By State, the changes were as follows:

Arizona — Revised the capital statute to prohibit death sentences for persons deemed to be mentally retarded (A.R.S. 13-703(B)), effective 8/9/2001.

Arkansas — Added as an aggravating circumstance murder of a child under the age of 12 (Ark. Code Ann. § 5-4-604(10)), effective 8/13/2001.

Connecticut — Revised the definition of capital felony to include conservation officers among law enforcement murder victims and to remove as a capital offense selling of a narcotic resulting in a death (C.G.S. § 53a-54b).

Connecticut also added to the code of criminal procedure an exclusion from capital sentencing of mentally retarded people (C.G.S. § 53a-54b(h)) and, as an aggravating factor, murder to avoid arrest or prosecution (C.G.S. § 53a-54b(i)(8)). All changes were effective 7/1/2001.

Table 1. Capital offenses, by State, 2001

Alabama. Intentional murder with 18 aggravating factors (13A-5-40(a)(1)-(18)).	Nebraska*. First-degree murder with a finding of at least 1 statutorily-defined aggravating circumstance.
Arizona*. First-degree murder accompanied by at least 1 of 10 aggravating factors (A.R.S. 13-703(F)).	Nevada. First-degree murder with at least 1 of 14 aggravating circumstances (NRS 200.030, 200.033, 200.035).
Arkansas*. Capital murder (Ark. Code Ann. 5-10-101) with a finding of at least 1 of 10 aggravating circumstances; treason.	New Hampshire. Six categories of capital murder (RSA 630:1, RSA 630:5).
California. First-degree murder with special circumstances; train wrecking; treason; perjury causing execution.	New Jersey. Knowing/purposeful murder by one's own conduct; contract murder; solicitation by command or threat in furtherance of a narcotics conspiracy (NJSA 2C:11-3C).
Colorado*. First-degree murder with at least 1 of 15 aggravating factors; treason.	New Mexico*. First-degree murder with at least 1 of 7 statutorily-defined aggravating circumstances (Section 30-2-1 A, NMSA).
Connecticut*. Capital felony with 8 forms of aggravated homicide (C.G.S. 53a-54b).	New York*. First-degree murder with 1 of 12 aggravating factors.
Delaware. First-degree murder with aggravating circumstances.	North Carolina*. First-degree murder (NCGS §14-17).
Florida*. First-degree murder; felony murder; capital drug trafficking; capital sexual battery.	Ohio. Aggravated murder with at least 1 of 9 aggravating circumstances (O.R.C. secs. 2903.01, 2929.02, and 2929.04).
Georgia*. Murder; kidnaping with bodily injury or ransom when 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 with aggravating factors; 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 16 aggravating circumstances (IC 35-50-2-9).	South Carolina*. Murder with 1 of 10 aggravating circumstances (§ 16-3-20(C)(a)).
Kansas*. Capital murder with 7 aggravating circumstances (KSA 21-3439).	South Dakota*. First-degree murder with 1 of 10 aggravating circumstances; aggravated kidnaping.
Kentucky*. Murder with aggravating factors; kidnaping with aggravating factors (KRS 532.025).	Tennessee*. First-degree murder with 1 of 14 aggravating circumstances.
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 (76-5-202, Utah Code annotated).
Mississippi. Capital murder (97-3-19(2) MCA); aircraft piracy (97-25-55(1) MCA).	Virginia. First-degree murder with 1 of 12 aggravating circumstances (VA Code § 18.2-31).
Missouri*. First-degree murder (565.020 RSMO 1994).	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.

*Eighteen States excluded mentally retarded persons from capital sentencing as of December 31, 2001: Arizona, Arkansas, Colorado, Connecticut, Florida, Georgia, Indiana, Kansas, Kentucky, Maryland, Missouri, Nebraska, New Mexico, New York, North Carolina, South Dakota, Tennessee, and Washington. Mental retardation is a mitigating factor in South Carolina.

Florida — Revised the code of criminal procedure to exclude mentally retarded persons from capital sentencing (FSA § 921.137), effective 6/12/2001.

Missouri — Amended its statute to exclude persons who are mentally retarded from capital sentencing, effective 8/28/2001.

Montana — Modified its code of criminal procedure to require that the aggravating circumstances of a crime be charged in the information and be found by the jury beyond a reasonable doubt (MCA § 46-1-401), effective 5/1/2001.

North Carolina — Revised its capital statute to prohibit the execution of inmates determined to be mentally retarded (NCGS § 15A-2005) and devised procedures for postconviction determination of mental retardation of inmates already under sentence of death (NCGS § 15A-2006), effective 10/1/2001.

Ohio — Amended the code of criminal procedure to eliminate electrocution as an authorized method of execution (O.R.C. § 2949.22), effective 11/21/2001.

Utah — Revised its definition of aggravated homicide, effective 4/30/2001. Murder of a child in the commission of child abuse was broadened from children under age 14 to all such acts, regardless of the child's age (Utah 76-5-202(d)), and homicide committed by an inmate sentenced to life without parole was removed from the definition of aggravated homicide (Utah 76-5-202(p)).

Wyoming — Added to the penal code the sentencing option of life imprisonment without parole for persons convicted of first-degree murder (W.S. § 6-2-101(b)), and added language which makes all persons convicted of first-degree murder subject to a penalty of death, life without parole, or life imprisonment (W.S. § 6-2-101(c)), effective 2/22/2001.

Automatic review

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

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

While most of the 37 States authorized an automatic review of both the conviction and sentence, Idaho, Indiana, Kentucky, Oklahoma, and Tennessee required review of the sentence only. In Idaho review of the conviction had to be filed through appeal or forfeited. In Indiana and Kentucky a defendant could waive review of the conviction.

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

In 2001, Arkansas implemented a rule requiring review of specific issues relating to both capital convictions and sentences (Ark. R. App. P. — Crim 10). Recent case law held waivers of this review are not permitted (Newman v. State, No. CR02-811, 2002 Westlaw 31030906 (Ark. Sept. 12, 2002)).

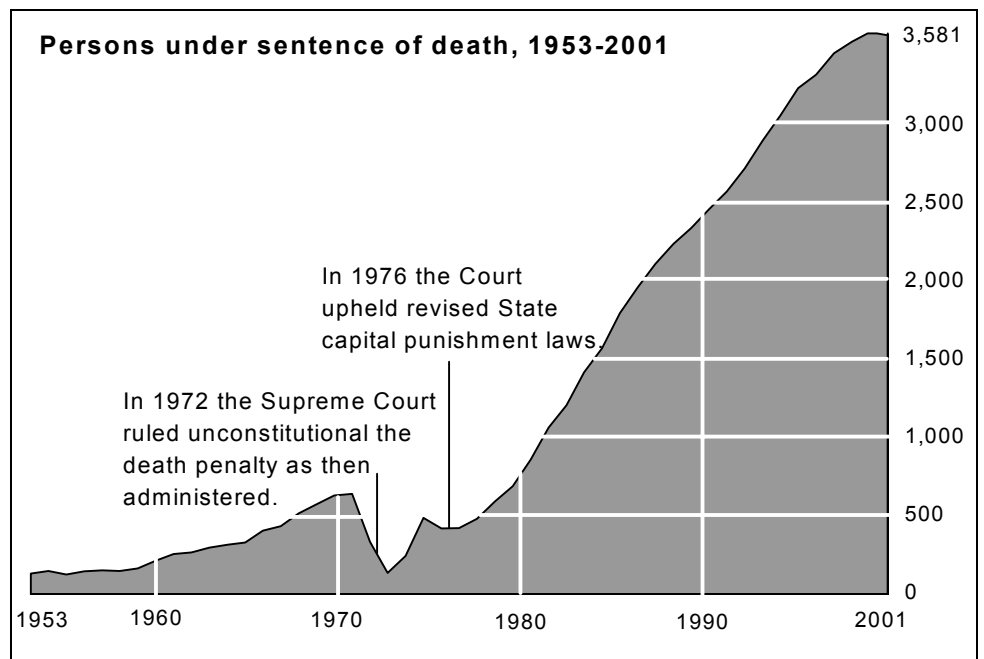


Figure 1

Table 2. Federal laws providing for the death penalty, 2001

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, 2001, lethal injection was the predominant method of execution (36 States) (table 3).

Nine States authorized electrocution; 4 States, lethal gas; 3 States, hanging; and 3 States, firing squad.

Sixteen States authorized more than 1 method — lethal injection and an alternative method — generally at the election of the condemned prisoner; however, 5 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 to be unconstitutional, 1 authorized lethal gas, and 1 authorized electrocution or firing squad.

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

Minimum age

In 2001 seven 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 adult court for trial as an adult. Fourteen States and the Federal system required a minimum age of 18. Seventeen States indicated an age of eligibility between 14 and 17.

Table 3. Method of execution, by State, 2001

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

^gKentucky authorizes lethal injection for persons whose capital sentence was received on or after 3/31/98; for those sentenced before that date, the condemned may select lethal injection or electrocution.

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

ⁱTennessee authorizes lethal injection for those whose capital offense occurred after 12/31/98; those whose offense occurred before that date may select electrocution.

Table 4. Minimum age authorized for capital punishment, 2001

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 ^d
Indiana (16)		Illinois	Pennsylvania
Kentucky (16)		Kansas	South Carolina
Mississippi (16) ^e		Maryland	South Dakota ^f
Missouri (16)		Nebraska	
Nevada (16)		New Jersey	
Oklahoma (16)		New Mexico	
Utah (14)		New York	
Virginia (14) ^g		Ohio	
Wyoming (16)		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(c)(2)(Supp. 2001).

^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).

^dMontana law specifies that offenders tried under the capital sexual assault statute be 18 or older. Age may be a mitigating factor for other capital crimes.

^eThe minimum age defined by statute is 13, but the effective age is 16 based on interpretation of U.S. Supreme Court decisions by the Mississippi Supreme Court.

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

^gThe 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, 2000 and 2001

Region and State	Prisoners under sentence of death, 12/31/00			Received under sentence of death			Removed from death row (excluding executions) ^a			Executed			Prisoners under sentence of death, 12/31/01		
	Total ^b	White ^c	Black ^c	Total ^b	White ^c	Black ^c	Total ^b	White ^c	Black ^c	Total ^b	White ^c	Black ^c	Total ^b	White ^c	Black ^c
U.S. total	3,601	1,989	1,541	155	89	61	109	61	47	66	48	17	3,581	1,969	1,538
Federal State	20	5	15	2	1	1	1	1	0	2	2	0	19	3	16
	3,581	1,984	1,526	153	88	60	108	60	47	64	46	17	3,562	1,966	1,522
Northeast	269	96	162	7	5	2	6	3	3	0	0	0	270	98	161
Connecticut	7	4	3	0	0	0	0	0	0	0	0	0	7	4	3
New Hampshire	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
New Jersey	16	9	7	1	1	0	1	1	0	0	0	0	16	9	7
New York	6	4	2	0	0	0	0	0	0	0	0	0	6	4	2
Pennsylvania	240	79	150	6	4	2	5	2	3	0	0	0	241	81	149
Midwest	502	248	251	14	8	5	20	10	9	10	6	4	486	240	243
Illinois	164	60	104	1	0	1	7	2	5	0	0	0	158	58	100
Indiana	41	29	12	0	0	0	3	2	1	2	2	0	36	25	11
Kansas	4	4	0	0	0	0	0	0	0	0	0	0	4	4	0
Missouri	78	45	33	5	2	3	3	1	2	7	4	3	73	42	31
Nebraska	11	10	0	1	0	1	5	4	0	0	0	0	7	6	1
Ohio ^e	201	97	102	5	4	0	2	1	1	1	0	1	203	100	100
South Dakota	3	3	0	2	2	0	0	0	0	0	0	0	5	5	0
South	1,929	1,061	843	93	52	40	65	35	30	50	36	13	1,907	1,042	840
Alabama	185	97	87	7	6	1	6	3	3	0	0	0	186	100	85
Arkansas	40	16	24	2	1	1	1	0	1	1	1	0	40	16	24
Delaware	15	8	7	5	2	3	4	0	4	2	1	1	14	9	5
Florida ^f	371	238	132	15	8	7	13	9	4	1	1	0	372	236	135
Georgia	122	66	55	1	0	1	3	1	2	4	3	1	116	62	53
Kentucky	39	32	7	2	0	2	5	4	1	0	0	0	36	28	8
Louisiana	89	29	59	2	2	0	3	1	2	0	0	0	88	30	57
Maryland	16	6	10	0	0	0	0	0	0	0	0	0	16	6	10
Mississippi	61	28	33	2	1	1	1	0	1	0	0	0	62	29	33
North Carolina	215	85	122	14	6	7	8	3	5	5	3	2	216	85	122
Oklahoma	132	82	44	2	2	0	3	2	1	18	14	3	113	68	40
South Carolina	66	35	31	8	3	5	1	1	0	0	0	0	73	37	36
Tennessee	98	60	36	3	2	1	5	3	2	0	0	0	96	59	35
Texas	450	260	185	26	16	10	6	5	1	17	11	6	453	260	188
Virginia	30	19	11	4	3	1	6	3	3	2	2	0	26	17	9
West	881	579	270	39	23	13	17	12	5	4	4	0	899	586	278
Arizona	119	103	12	7	3	2	0	0	0	0	0	0	126	106	14
California	587	349	215	24	16	7	7	4	3	1	1	0	603	360	219
Colorado	6	3	2	0	0	0	0	0	0	0	0	0	6	3	2
Idaho	21	21	0	2	2	0	2	2	0	0	0	0	21	21	0
Montana	6	5	0	0	0	0	0	0	0	0	0	0	6	5	0
Nevada ^g	88	52	35	1	0	1	2	1	1	1	1	0	86	50	35
New Mexico	5	5	0	0	0	0	1	1	0	1	1	0	3	3	0
Oregon	25	24	0	2	1	1	1	1	0	0	0	0	26	24	1
Utah	11	8	2	0	0	0	0	0	0	0	0	0	11	8	2
Washington	11	7	4	3	1	2	4	3	1	1	1	0	9	4	5
Wyoming	2	2	0	0	0	0	0	0	0	0	0	0	2	2	0

Note: Some figures shown for yearend 2000 are revised from those reported in *Capital Punishment 2000*, NCJ 190598. The revised figures include 20 inmates who were either reported late to the National Prisoner Statistics program or were not in custody of State or Federal correctional authorities on 12/31/00 (3 in Oregon; 2 each in Pennsylvania, Georgia, Oklahoma, California, and the Federal Bureau of Prisons; and 1 each in New Jersey, Illinois, Ohio, Florida, Tennessee, Virginia, and Colorado). The revised figures exclude 13 inmates who were relieved of a death sentence by 12/31/00 (3 in Oregon; 2 each in Indiana and Washington; and 1 each in Ohio, Missouri, Florida, Kentucky, Louisiana, and California). Data for 12/31/00 also include 1 inmate in Oklahoma who was erroneously reported as being removed from under sentence of death.

^aIncludes 17 deaths from natural causes (4 in California; 2 each in Alabama, Florida, Texas, and Nevada; and 1 each in Pennsylvania, Missouri, North Carolina, Oklahoma, and Virginia) and 2 deaths from suicide (1 each in Nebraska and Virginia).

^bTotals include persons of races other than white and black.

^cThe reporting of race and Hispanic origin differs from that presented in tables 9 and 11. In this table white and black inmates include Hispanics.

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

^eRace has been changed from black to white for 1 inmate and from white to American Indian for 1 inmate.

^fRace has been changed from white to black for 1 inmate.

^gRace has been changed from white to Asian for 1 inmate.

Characteristics of prisoners under sentence of death at yearend 2001

Thirty-seven States and the Federal prison system held a total of 3,581 prisoners under sentence of death on December 31, 2001, a decrease of 20, since the end of 2000 (table 5). This is the first decrease in the number under sentence of death since 1976.

The Federal Bureau of Prisons held 19 inmates at yearend. Three States reported 40% of the Nation's death row population: California (603), Texas (453), and Florida (372). Of the 39 jurisdictions authorizing the death penalty in 2001, New Hampshire had no one under a capital sentence, and Kansas, South Dakota, New Mexico, and Wyoming had 5 or fewer.

Among the 38 jurisdictions with prisoners under sentence of death at yearend 2001, 12 had more inmates than a year earlier, 15 had fewer inmates, and 11 had the same number. California had an increase of 30, followed by South Carolina and Arizona (7 each). Oklahoma showed the largest decrease (19).

During 2001 the number of white inmates under sentence of death declined by 20; the number of blacks decreased by 3; and the number of persons of other races (including American Indians, Asians, and self-identified Hispanics) rose from 71 to 74.

The number of Hispanics under sentence of death rose from 341 to 358 during 2001 (table 6). Twenty-three Hispanics were received under sentence of death, 3 were removed from death row, and 3 were executed. Nearly three-quarters of the Hispanics were held in 3 States: California (121), Texas (108), and Florida (33).

Table 6. Hispanics and women under sentence of death, by State, 2000 and 2001

Region and State	Under sentence of death, 12/31/00 ^a		Received under sentence of death ^b		Death sentence removed ^c		Under sentence of death, 12/31/01	
	Hispanics	Women	Hispanics	Hispanics	Women	Hispanics	Women	
U.S. total	341	54	23		6	3	358	51
Federal system	3	0	0		1	0	2	0
Alabama	0	3	1		0	0	1	3
Arizona	18	2	1		0	0	19	2
Arkansas	1	0	0		0	0	1	0
California	114	12	8		1	0	121	12
Colorado	2	0	0		0	0	2	0
Connecticut	1	0	0		0	0	1	0
Florida	32	3	1		0	0	33	3
Georgia	2	1	0		0	0	2	1
Idaho	0	1	0		0	0	0	1
Illinois	9	4	0		0	0	9	4
Indiana	1	1	0		0	0	1	1
Kentucky	1	1	0		0	0	1	1
Louisiana	1	1	0		0	0	1	1
Mississippi	1	1	0		0	0	1	1
Nebraska	1	0	0		0	0	1	0
Nevada	11	1	0		0	0	11	1
New Jersey	0	1	0		0	0	0	1
New Mexico	1	0	0		0	0	1	0
New York	1	0	0		0	0	1	0
North Carolina	3	6	1		0	0	4	6
Ohio	5	0	0		0	0	5	0
Oklahoma	6	3	0		1	3	5	0
Oregon	2	0	0		0	0	2	0
Pennsylvania	19	4	1		0	0	20	4
Tennessee	2	2	0		0	0	2	2
Texas	101	7	10		3	0	108	7
Utah	3	0	0		0	0	3	0

^aThe count of Hispanics and women under sentence of death at yearend 2000 has been revised.
^bNo women were received under sentence of death during 2001.
^cIncludes 3 Hispanic men (1 each in Oklahoma, Texas, and the Federal Bureau of Prisons) and 3 women (in Oklahoma) who were executed in 2001.

During 2001 the number of women sentenced to be executed decreased from 54 to 51. No women were received under sentence of death and 3 were executed.

Women were under sentence of death in 17 States. More than half of women on death row at yearend were in 5 States: California, Texas, North Carolina, Pennsylvania, and Illinois.

State	Women under sentence of death, 12/31/01		
	All inmates*	White	Black
Total	51	31	17
California	12	8	2
Texas	7	4	3
North Carolina	6	4	1
Pennsylvania	4	1	3
Illinois	4	1	3
Alabama	3	2	1
Florida	3	2	1
Tennessee	2	2	0
Arizona	2	2	0
New Jersey	1	1	0
Georgia	1	1	0
Kentucky	1	1	0
Mississippi	1	1	0
Idaho	1	1	0
Indiana	1	0	1
Louisiana	1	0	1
Nevada	1	0	1

*Includes races other than white and black.

Men were 99% (3,530) of all prisoners under sentence of death (table 7). Whites comprised 55%; blacks comprised 43%; and other races (2.1%) included 28 American Indians, 33 Asians, and 13 persons of unknown race. Among those for whom ethnicity was known, 11% were Hispanic.

The gender, race, and Hispanic origin of those under sentence of death at yearend 2001 were as follows:

	Persons under sentence of death, by sex, race, and Hispanic origin, 12/31/01		
	White	Black	Other races
Male	1,938	1,521	71
Hispanic	323	16	14
Female	31	17	3
Hispanic	2	1	2

Among inmates under sentence of death on December 31, 2001, for whom information on education was available, three-fourths had either completed high school (38%) or finished 9th, 10th, or 11th grade (37%). 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, more than half had never married; more than a fifth were married at the time of sentencing; and more than a fifth were divorced, separated, or widowed.

Table 7. Demographic characteristics of prisoners under sentence of death, 2001

Characteristic	Prisoners under sentence of death, 2001		
	Yearend	Admissions	Removals
Total number under sentence of death	3,581	155	175
Gender			
Male	98.6%	100%	98.3%
Female	1.4	0	1.7
Race			
White	55.0%	57.4%	62.3%
Black	42.9	39.4	36.6
All other races*	2.1	3.1	1.1
Hispanic origin			
Hispanic	11.2%	16.2%	3.8%
Non-Hispanic	88.8	83.8	96.3
Education			
8th grade or less	14.5%	15.8%	12.3%
9th-11th grade	37.2	32.5	36.1
High school graduate/GED	38.4	47.5	41.9
Any college	9.9	4.2	9.7
Median	11th	12th	12th
Marital status			
Married	22.1%	19.9%	31.7%
Divorced/separated	21.0	15.4	16.8
Widowed	2.6	0.7	3.7
Never married	54.3	64.0	47.8

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

	Yearend	Admissions	Removals
Hispanic origin	381	13	15
Education	501	35	20
Marital status	335	19	14

*At yearend 2000, other races consisted of 30 American Indians, 29 Asians, and 12 self-identified Hispanics. During 2001, 4 Asians and 1 self-identified Hispanic were admitted; 2 American Indians were removed.

Persons under sentence of death, by race, 1968-2001

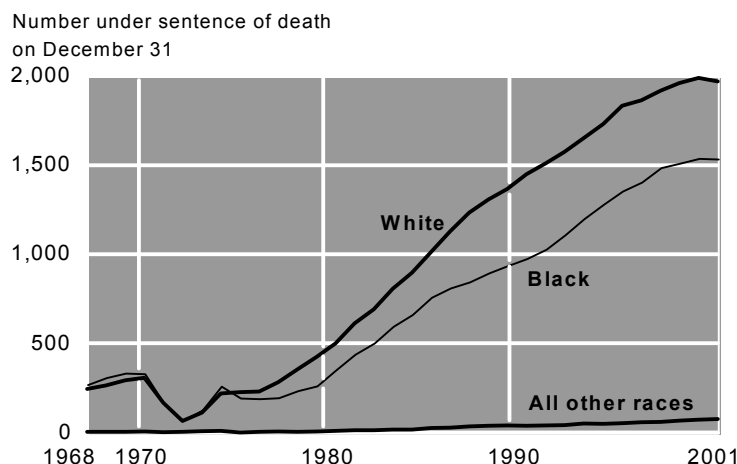


Figure 2

Among all inmates under sentence of death for whom date of arrest information was available, about half were age 20 to 29 at the time of arrest for their capital offense; 13% were age 19 or younger; and less than 1% were age 55 or older (table 8). The average age at time of arrest was 28 years. On December 31, 2001, 35% of all inmates were age 30 to 39, and 67% were age 25 to 44. The youngest offender under sentence of death was 19; the oldest was 86.

Entries and removals of persons under sentence of death

Between January 1 and December 31, 2001, 27 State prison systems reported receiving 153 inmates under sentence of death; the Federal Bureau of Prisons received 2 inmates. More than half of the inmates were received in 4 States: Texas (26), California (24), Florida (15), and North Carolina (14).

All 155 prisoners who were received under sentence of death were male and had been convicted of murder. By race, 89 were white, 61 were black, 4 were Asian, and 1 was self-identified Hispanic. Of the 155 new admissions, 23 were Hispanic.

Admissions to death row in 2001 declined from the level of recent years: those received under sentence of death represented the smallest number received in a year since 1973 when 44 persons were admitted. Between 1994 and 2000, an average of 296 inmates per year were received under sentence of death.

Year	Inmates received under sentence of death
1994	328
1995	327
1996	322
1997	281
1998	304
1999	282
2000	229

Twenty-six States and the Federal Bureau of Prisons reported 90 persons whose death sentences were removed or overturned. Appeals courts vacated 44 sentences while upholding the convictions and vacated 37 sentences while overturning the convictions. Florida (11 exits) had the largest number of vacated capital sentences.

Table 8. Age at time of arrest for capital offense and age of prisoners under sentence of death at yearend 2001

Age	Prisoners under sentence of death			
	At time of arrest		On December 31, 2001	
	Number*	Percent	Number	Percent
Total number under sentence of death on 12/31/01	3,311	100%	3,581	100%
17 or younger	77	2.3	0	
18-19	358	10.8	4	0.1
20-24	882	26.6	192	5.4
25-29	742	22.4	471	13.2
30-34	548	16.6	628	17.5
35-39	364	11.0	640	17.9
40-44	178	5.4	675	18.8
45-49	98	3.0	424	11.8
50-54	41	1.2	304	8.5
55-59	14	0.4	148	4.1
60-64	4	0.1	55	1.5
65 or older	5	0.2	40	1.1
Mean age	28 yrs.		39 yrs.	
Median age	27 yrs.		39 yrs.	

Note: The youngest person under sentence of death was a black male in North Carolina, born in December 1982 and sentenced to death in November 2001. 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 270 inmates for whom the date of arrest for capital offense was not available.

Tennessee and Texas each reported two commutations of death sentences; Idaho, North Carolina, and the Federal Government each reported one. Missouri removed two inmates when an appellate court struck their capital sentences.

As of December 31, 2001, 46 of 90 persons who were formerly under sentence of death were serving a life sentence, 24 were awaiting a new trial, 12 were awaiting resentencing, 4 had all capital charges dropped, and 4 had no action taken after being removed from under sentence of death.

In addition, 19 persons died while under sentence of death in 2001. Seventeen of these deaths were from natural causes — 4 in California, 2 each in Alabama, Florida, Texas, and Nevada, and 1 each in Pennsylvania, Missouri, North Carolina, Oklahoma, and Virginia. Two of these deaths were suicides — 1 each in Nebraska and Virginia.

From 1977, the year after the Supreme Court upheld the constitutionality of revised State capital punishment laws, to 2001, a total of 6,374 persons entered prison under sentence of death. During these 25 years, 749 persons were executed, and 2,424 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 2001, 3,131 (49%) were white, 2,604 (41%) were black, 535 (8%) were Hispanic, and 104 (2%) were other races. The distribution by race and Hispanic origin of the 3,173 inmates who were removed from death row between 1977 and 2001 was as follows: 1,672 whites (53%), 1,263 blacks (40%), 192 Hispanics (6%), and 46 persons of other races (1%). Of the 749 who were executed, 422 (56%) were white, 263 (35%) were black, 52 (7%) were Hispanic, and 12 (2%) were of other races.

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

Criminal history of inmates under sentence of death in 2001

Among inmates under a death sentence on December 31, 2001, for whom criminal history information was available, 64% had prior felony convictions, including 8% with at least one previous homicide conviction (table 9).

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

Criminal history patterns differed by race and Hispanic origin. More blacks (69%) than whites (62%) or Hispanics (59%) had a prior felony conviction.

About the same percentage of whites, blacks, and Hispanics had a prior homicide conviction (8%). A slightly higher percentage of Hispanics (23%) or blacks (19%) than whites (15%) were on parole when arrested for their capital offense.

Since 1988, data have been collected on the number of death sentences imposed on entering inmates. Among the 3,844 individuals received under sentence of death during that time, about 1 in 7 entered with 2 or more death sentences.

Number of death sentences received	Inmates
Total	100%
1	85
2	10
3 or more	5
Number admitted under sentence of death, 1988-2001	3,844

Executions

According to data collected by the Federal Government, from 1930 to 2001, 4,608 persons were executed under civil authority (table 10).²

²Military authorities carried out an additional 160 executions between 1930 and 1961.

Table 10. Number of persons executed, by jurisdiction, 1930-2001

State	Number executed	
	Since 1930	Since 1977
U.S. total	4,608	749
Texas	553	256
Georgia	393	27
New York	329	0
California	301	9
North Carolina	284	21
Florida	221	51
South Carolina	187	25
Virginia	175	83
Ohio	174	2
Louisiana	159	26
Alabama	158	23
Mississippi	158	4
Pennsylvania	155	3
Arkansas	142	24
Missouri	115	53
Oklahoma	108	48
Kentucky	105	2
Illinois	102	12
Tennessee	94	1
New Jersey	74	0
Maryland	71	3
Arizona	60	22
Washington	51	4
Indiana	50	9
Colorado	48	1
District of Columbia	40	0
West Virginia	40	0
Nevada	38	9
Federal system	35	2
Massachusetts	27	0
Delaware	25	13
Oregon	21	2
Connecticut	21	0
Utah	19	6
Iowa	18	0
Kansas	15	0
New Mexico	9	1
Montana	8	2
Wyoming	8	1
Nebraska	7	3
Idaho	4	1
Vermont	4	0
New Hampshire	1	0
South Dakota	1	0

Table 9. Criminal history profile of prisoners under sentence of death, by race and Hispanic origin, 2001

	Number of prisoners under sentence of death				Percent of prisoners under sentence of death ^a			
	All ^b	White ^c	Black ^c	Hispanic	All ^b	White ^c	Black ^c	Hispanic
U.S. total	3,581	1,644	1,521	358	100%	100%	100%	100%
Prior felony convictions								
Yes	2,139	939	972	199	64.4%	61.5%	69.2%	59.1%
No	1,183	587	432	138	35.6	38.5	30.8	40.9
Not reported	259							
Prior homicide convictions								
Yes	282	129	126	23	8.0%	8.0%	8.5%	6.5%
No	3,224	1,484	1,357	330	92.0	92.0	91.5	93.5
Not reported	75							
Legal status at time of capital offense								
Charges pending	238	127	97	14	7.3%	8.5%	7.1%	4.3%
Probation	334	137	154	36	10.3	9.2	11.3	10.9
Parole	567	227	257	75	17.5	15.2	18.8	22.8
Prison escapee	37	21	11	4	1.1	1.4	0.8	1.2
Incarcerated	98	47	42	8	3.0	3.1	3.1	2.4
Other status	17	7	8	1	0.5	0.5	0.6	0.3
None	1,951	928	795	191	60.2	62.1	58.3	58.1
Not reported	339							

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

Detail may not add to total because of rounding.

^bIncludes American Indians, Asians, and persons of unknown race.

^cWhite and black categories exclude Hispanics.

After the Supreme Court reinstated the death penalty in 1976, 32 States and the Federal Government executed 749 prisoners:

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

During this 25-year period, 5 States executed 491 prisoners: Texas (256), Virginia (83), Missouri (53), Florida (51), and Oklahoma (48). These States accounted for nearly two-thirds of all executions. Between 1977 and 2001, 415 white non-Hispanic men, 262 black non-Hispanic men, 52 Hispanic men, 7 American Indian men, 5 Asian men, 7 white non-Hispanic women, and 1 black non-Hispanic woman were executed.

During 2001 Oklahoma carried out 18 executions, Texas executed 17 persons; Missouri, 7; North Carolina, 5; Georgia, 4; Indiana, Delaware, Virginia, and the Federal system, 2 each; and Ohio, Arkansas, Florida, California, Nevada, New Mexico, and Washington, 1 each. The inmate executed in New Mexico was the first executed in that State since 1960; the two inmates executed in the Federal system were the first since 1963. Sixty-three of the persons executed in 2001 were male and 3 were female. Forty-five were white; 17 were black; 3 were Hispanic; and 1 was American Indian.

From 1977 to 2001, 6,754 prisoners were under death sentences for varying lengths of time (table 11). The 749 executions accounted for 11% of those at risk. A total of 2,424 prisoners (36% of those at risk) were removed by means other than execution. About the same percentage of whites (13%), blacks (9%), and Hispanics (10%) were executed. Somewhat larger percentages of whites (38%) and blacks (36%) than Hispanics (26%) were removed from under a death sentence by means other than execution.

Persons executed, 1930-2001

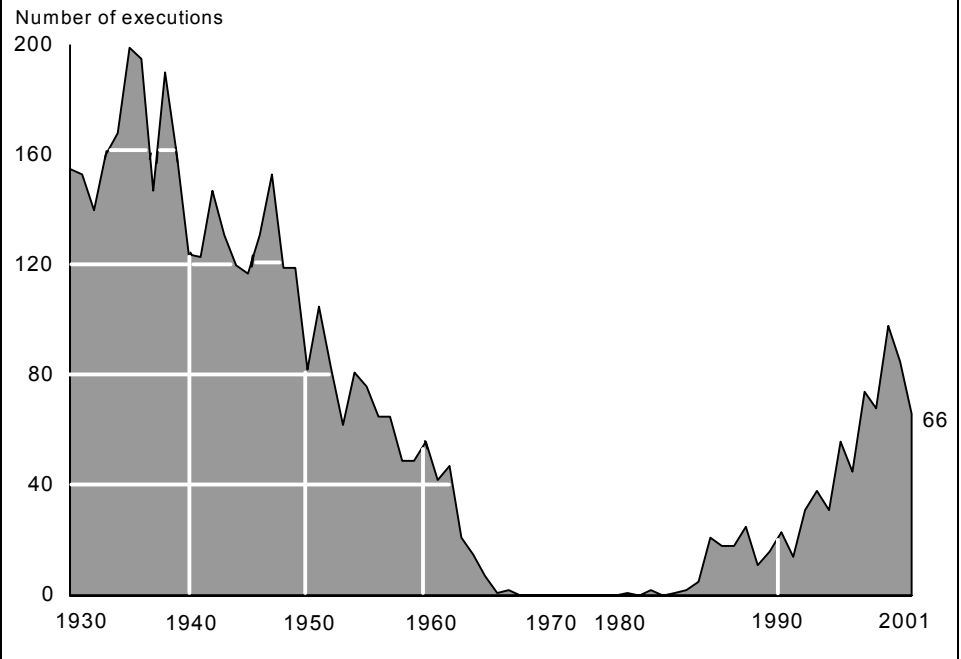


Figure 3

Table 11. Executions and other dispositions of inmates sentenced to death, by race and Hispanic origin, 1977-2001

Race/Hispanic origin ^b	Total under sentence of death 1977-2001 ^c	Prisoners executed		Prisoners who received other dispositions ^a	
		Number	Percent of total	Number	Percent of total
Total	6,754	749	11.1%	2,424	35.9%
White	3,316	422	12.7%	1,250	37.7%
Black	2,784	263	9.4	1,000	35.9
Hispanic	550	52	9.5	140	25.5
All other races ^d	104	12	11.5	34	32.7

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

^bWhite, black, and other race categories exclude Hispanics.

^cIncludes persons sentenced to death prior to 1977 who were still under sentence of death on 12/31/01 (8), persons sentenced to death prior to 1977 whose death sentence was removed between 1977 and 12/31/01 (372), and persons sentenced to death between 1977 and 12/31/01 (6,374).

^dIncludes American Indians and Asians.

Among prisoners executed from 1977 to 2001, the average time spent between the imposition of the most recent sentence received and execution was more than 10 years (table 12). White prisoners had spent an average of 9 years and 10 months, and black prisoners, 10 years and 10 months. The 66 prisoners executed in 2000 were under sentence of death an average of 11 years and 10 months.

For the 749 prisoners executed between 1977 and 2001, the most common method of execution was lethal injection (584). Other methods were electrocution (149), lethal gas (11), hanging (3), and firing squad (2).

Method of execution	Executions, 1977-2001				
	White	Black	Hispanic	American Indian	Asian
Total	422	263	52	7	5
Lethal injection	332	191	50	6	5
Electrocution	77	69	2	1	0
Lethal gas	8	3	0	0	0
Hanging	3	0	0	0	0
Firing squad	2	0	0	0	0

Among prisoners under sentence of death at yearend 2001, the average time spent in prison was 8 years and 7 months, up 7 months from that in 2000.

Inmates under sentence of death	Elapsed time since sentencing	
	Mean	Median
Total	103 mo	89 mo
Male	103	90
Female	79	79
White	106	93
Black	103	90
Hispanic	90	73

The median time between the imposition of a death sentence and yearend 2001 was 89 months. Overall, the average time for women was 6.6 years, 2 years less than that for men (8.6 years). On average, whites, blacks, and Hispanics had spent from 90 to 106 months under a sentence of death.

Table 12. Time under sentence of death and execution, by race, 1977-2001

Year of execution	Number executed			Average elapsed time from sentence to execution for:		
	All races ^a	White ^b	Black ^b	All races ^a	White ^b	Black ^b
Total	749	471	265	123 mo	118 mo	130 mo
1977-83	11	9	2	51 mo	49 mo	58 mo
1984	21	13	8	74	76	71
1985	18	11	7	71	65	80
1986	18	11	7	87	78	102
1987	25	13	12	86	78	96
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
1998	68	48	18	130	128	132
1999	98	61	33	143	143	141
2000	85	49	35	137	134	142
2001	66	48	17	142	134	166

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

^aIncludes American Indians and Asians.

^bIncludes Hispanics.

Advance count of executions: January 1, 2002 — December 11, 2002

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

As of December 11, 2002, 13 States executed 68 inmates. This is three more than the number executed as of the same date in 2001.

Three States accounted for two-thirds of the executions carried out during this period: Texas carried out 33, Missouri, 6, and Oklahoma, 5.

Lethal injection accounted for 67 of the executions; 1 was carried out by electrocution.

Fifty-one of those executed were white, and 17 were black. Two women were executed (one each in Alabama and Florida).

Jurisdiction	Number of executions	Method used
Texas	33	Lethal Injection
Missouri	6	Lethal Injection
Oklahoma	5	Lethal Injection
Georgia	4	Lethal Injection
Virginia	4	Lethal Injection
Florida	3	Lethal Injection
South Carolina	3	Lethal Injection
Ohio	3	Lethal Injection
Mississippi	2	Lethal Injection
North Carolina	2	Lethal Injection
Alabama	1	Electrocution
Louisiana	1	Lethal Injection
California	1	Lethal Injection
Total	68	

Final counts for 2002 will appear in *Capital Punishment 2002*, released in late 2003. This annual report will comprise data collected from State and Federal correctional agencies. The report will cover all persons under sentence of death on December 31, 2002, as well as those 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 corrections in each jurisdiction currently authorizing capital punishment; and information on the status of death penalty statutes is obtained from the Office of the Attorney General in each of the 50 States, the District of Columbia, and the Federal Government. Data collection forms and more detailed tables are available on the BJS website, *Correctional Populations in the United States* —

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

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

sentencing but at the time they are admitted to a State or Federal correctional facility; (2) If inmates entered prison under a death sentence or were reported as being relieved of a death sentence in one year but the court had acted in the previous year, the counts are adjusted to reflect the dates of court decisions (see the note on table 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, 1973-2001

Year of sentence	Number sentenced to death	Number of prisoners removed from under sentence of death						Under sentence of death 12/31/2001	
		Execution	Other death	Appeal or higher courts overturned— Death penalty statute	Conviction	Sentence	Sentence commuted		Other or unknown reasons
1973	42	2	0	14	9	8	9	0	0
1974	149	10	4	65	15	30	22	1	2
1975	298	6	4	171	24	67	21	2	3
1976	233	14	5	136	17	43	15	0	3
1977	137	19	3	40	26	32	7	0	10
1978	185	36	6	21	36	65	8	0	13
1979	151	28	13	2	28	59	5	1	15
1980	173	45	13	3	30	49	7	0	26
1981	224	53	13	0	42	74	6	1	35
1982	266	57	16	0	37	69	7	1	79
1983	253	58	16	1	26	61	7	2	82
1984	285	57	12	2	40	63	7	8	96
1985	267	35	7	1	42	70	5	3	104
1986	300	54	19	0	45	53	6	5	118
1987	289	40	17	5	39	58	2	6	122
1988	291	42	12	1	33	55	3	0	145
1989	259	33	10	0	30	50	4	0	132
1990	253	28	8	0	34	40	2	0	141
1991	266	25	10	0	32	34	5	0	160
1992	287	26	9	0	22	38	5	0	187
1993	288	24	12	0	16	23	6	0	207
1994	317	18	8	0	21	30	2	0	238
1995	318	17	9	0	14	21	1	0	256
1996	319	11	5	0	17	33	1	0	252
1997	277	3	3	0	21	15	0	0	235
1998	303	6	4	1	8	8	1	0	275
1999	282	2	4	0	8	4	0	0	264
2000	229	0	1	0	2	0	0	0	226
2001	155	0	0	0	0	0	0	0	155
Total, 1973-2001	7,096	749	243	463	714	1,152	164	30	3,581

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, 2001, by State and year of sentencing

State	Year of sentence for prisoners sentenced to and remaining on death row, 12/31/2001												Average number of years under sentence of death, death as of	
	1974-80	1981-82	1983-84	1985-86	1987-88	1989-90	1991-92	1993-94	1995-96	1997-98	1999-00	2001	12/31/01	12/31/01
Florida	23	13	26	23	36	31	53	45	32	32	43	15	372	10.2
California	13	35	39	39	52	63	63	55	76	70	74	24	603	9.5
Texas	11	5	9	15	25	27	47	65	71	71	81	26	453	7.2
Georgia	7	5	4	9	8	11	12	12	13	21	13	1	116	9.7
Illinois	6	9	12	14	13	19	14	19	20	12	19	1	158	10.4
Tennessee	3	7	6	13	13	7	8	5	8	12	11	3	96	10.8
North Carolina	3	2	1	4		4	17	50	46	37	38	14	216	6.0
Alabama	1	8	5	9	15	18	11	24	26	37	25	7	186	8.0
Nevada	1	6	9	5	8	9	4	7	18	7	11	1	86	9.9
Arizona	1	5	6	7	15	13	15	18	9	17	13	7	126	9.1
Indiana	1	2	2	3	7	2	3	3	6	4	3		36	10.4
Kentucky	1	2	5	4	2		4	5	1	5	5	2	36	9.9
Arkansas	1					2	3	9	8	8	7	2	40	6.2
Pennsylvania		6	14	22	28	22	23	38	28	27	27	6	241	9.2
Mississippi		4		2	2	5	6	10	10	14	7	2	62	7.5
Idaho		2	2	2	2	3	2	2	2	1	1	2	21	10.6
Louisiana		2	1	5	5	1	4	8	18	23	19	2	88	6.4
Missouri		1	2	3	4	1	7	13	14	13	10	5	73	6.9
Ohio			22	29	17	17	22	18	34	25	14	5	203	9.8
Oklahoma			4	8	10	9	7	11	22	26	14	2	113	7.7
South Carolina			3	2	1	4	7	11	16	11	10	8	73	6.4
Maryland			3		1	1	2		4	2	3		16	8.4
Utah			1	2	1	1	1	1	2	1	1		11	10.3
Nebraska			1	1					2		2	1	7	*
Montana			1		1		2		2				6	*
New Jersey				1		2		3	5	3	1	1	16	6.6
Colorado					1				2		3		6	*
Connecticut						1	2		1		3		7	*
Oregon							5	3	5	6	5	2	26	5.2
Delaware							2	3		2	2	5	14	4.4
Washington							1	2	1	2		3	9	*
Federal system								3	3	6	5	2	19	4.0
Virginia								1	1	9	11	4	26	2.6
South Dakota								1		1	1	2	5	*
New Mexico									2		1		3	*
Kansas										2	2		4	*
Wyoming										2			2	*
New York										1	5		6	*
Total	72	114	178	222	267	273	347	445	508	510	490	155	3,581	8.6

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, 1973-2001

State	Total sentenced to death, 1973-2001	Number of removals, 1973-2001					Under sentence of death, 12/31/01
		Executed	Died	Sentence or conviction overturned	Sentence commuted	Other removals	
U.S. total	7,096	749	243	2,329	164	30	3,581
Federal	28	2	0	6	1	0	19
Alabama	331	23	16	104	2	0	186
Arizona	238	22	10	73	6	1	126
Arkansas	99	24	2	31	2	0	40
California	779	9	36	116	15	0	603
Colorado	19	1	1	10	1	0	6
Connecticut	8	0	0	1	0	0	7
Delaware	46	13	0	19	0	0	14
Florida	863	51	33	387	18	2	372
Georgia	296	27	9	137	6	1	116
Idaho	39	1	1	13	3	0	21
Illinois	285	12	10	94	3	8	158
Indiana	93	9	1	43	2	2	36
Kansas	4	0	0	0	0	0	4
Kentucky	76	2	2	35	1	0	36
Louisiana	207	26	3	83	6	1	88
Maryland	50	3	1	26	4	0	16
Massachusetts	4	0	0	2	2	0	0
Mississippi	167	4	3	95	0	3	62
Missouri	165	53	9	28	2	0	73
Montana	15	2	0	6	1	0	6
Nebraska	27	3	3	12	2	0	7
Nevada	134	9	9	27	3	0	86
New Jersey	50	0	3	23	0	8	16
New Mexico	27	1	1	17	5	0	3
New York	9	0	0	3	0	0	6
North Carolina	498	21	11	243	7	0	216
Ohio	359	2	10	135	9	0	203
Oklahoma	306	48	9	135	1	0	113
Oregon	51	2	1	22	0	0	26
Pennsylvania	343	3	13	86	0	0	241
Rhode Island	2	0	0	2	0	0	0
South Carolina	174	25	4	69	3	0	73
South Dakota	5	0	0	0	0	0	5
Tennessee	200	1	10	89	2	2	96
Texas	889	256	25	107	47	1	453
Utah	26	6	0	8	1	0	11
Virginia	136	83	5	12	9	1	26
Washington	37	4	1	23	0	0	9
Wyoming	11	1	1	7	0	0	2
Percent	100%	10.6%	3.4%	32.8%	2.3%	0.4%	50.5%

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

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

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

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Appendix table 4. Executions, by State and method, 1977-2001

State	Number executed	Lethal injection	Electrocution	Lethal gas	Hanging	Firing squad
Total	749	584	149	11	3	2
Federal system	2	2	0	0	0	0
Alabama	23	0	23	0	0	0
Arizona	22	20	0	2	0	0
Arkansas	24	23	1	0	0	0
California	9	7	0	2	0	0
Colorado	1	1	0	0	0	0
Delaware	13	12	0	0	1	0
Florida	51	7	44	0	0	0
Georgia	27	4	23	0	0	0
Idaho	1	1	0	0	0	0
Illinois	12	12	0	0	0	0
Indiana	9	6	3	0	0	0
Kentucky	2	1	1	0	0	0
Louisiana	26	6	20	0	0	0
Maryland	3	3	0	0	0	0
Mississippi	4	0	0	4	0	0
Missouri	53	53	0	0	0	0
Montana	2	2	0	0	0	0
Nebraska	3	0	3	0	0	0
Nevada	9	8	0	1	0	0
New Mexico	1	1	0	0	0	0
North Carolina	21	19	0	2	0	0
Ohio	2	2	0	0	0	0
Oklahoma	48	48	0	0	0	0
Oregon	2	2	0	0	0	0
Pennsylvania	3	3	0	0	0	0
South Carolina	25	20	5	0	0	0
Tennessee	1	1	0	0	0	0
Texas	256	256	0	0	0	0
Utah	6	4	0	0	0	2
Virginia	83	57	26	0	0	0
Washington	4	2	0	0	2	0
Wyoming	1	1	0	0	0	0

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