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Capital Punishment 1993

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Ten States executed 38 prisoners during 1993. The number of persons executed was seven more than in 1992 and was the largest annual number since the U.S. Supreme Court upheld the constitutionality of revised State capital punishment laws in 1976. The prisoners executed during 1993 had been under sentence of death an average of 9 years and 5 months, about 1 month less than the average for inmates executed the previous year.

For the 2,716 prisoners under sentence of death at yearend, 55% were held by States in the South. Western States had an additional 22%; Midwestern States, 16%; and the Northeastern States of Connecticut, New Jersey, and Pennsylvania, 7%. California held the largest number of death row inmates (363), followed by Texas (357), Florida (324), and Pennsylvania (169). Six prisoners were in Federal custody under a death sentence on December 31, 1993.

Between January 1 and December 31, 1993, 30 State prison systems and the Federal prison system received 282 prisoners under sentence of death. California (33 admissions), Florida (32), North Carolina (32), and Texas (27) accounted for 44% of the inmates entering prison under a death sentence in 1993.

Ten States executed 38 persons in 1993 — 17 in Texas; 5 in Virginia; 4 in Missouri; 3 in Florida; 2 each in Arizona, Delaware, and Georgia; and 1 each in California, Louisiana, and Washington. All were men.

Highlights

Status of the death penalty, December 31, 1993

Executions during 1993		Number of prisoners under sentence of death		Jurisdictions without a death penalty
Texas	17	California	363	Alaska
Virginia	5	Texas	357	District of Columbia
Missouri	4	Florida	324	Hawaii
Florida	3	Pennsylvania	169	Iowa
Arizona	2	Illinois	152	Kansas
Delaware	2	Ohio	129	Maine
Georgia	2	Oklahoma	122	Massachusetts
California	1	Alabama	120	Michigan
Louisiana	1	Arizona	112	Minnesota
Washington	1	North Carolina	99	New York
		Tennessee	98	North Dakota
		Georgia	96	Rhode Island
		23 other jurisdictions	575	Vermont
				West Virginia
				Wisconsin
Total	38	Total	2,716	

- At yearend 1993, 34 States and the Federal prison system held 2,716 prisoners under sentence of death, 5.3% more than at yearend 1992. All had committed murder.
- During 1993, 38 men were executed:
  18 were non-Hispanic and white
  13 were non-Hispanic and black
  1 was Native American
  4 were white and Hispanic
  2 had an unknown Hispanic origin (1 white and 1 black).
- The average time between sentencing and yearend 1993 for the 2,716 inmates was 6 years and 1 month.
- During 1993, 282 prisoners under a sentence of death were received by State prison systems from the courts.
- 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.
- About 2 in 5 inmates sentenced to death had a criminal justice status when they committed their capital offense: About half of these were on parole and half included persons with charges pending, on probation, in prison or escaped from prison, and others.
- Almost 1 in 7 persons sentenced to death between 1988 and 1993 had received two or more death sentences.
- Of persons under sentence of death —
  1,566 (57.7%) were white
  1,109 (40.8%) were black
  22 (0.8%) were Native American
  16 (0.6%) were Asian American
  3 were classified as "other race."
- The 206 Hispanic inmates under sentence of death accounted for 8.1% of inmates with a known ethnicity.
- Thirty-five (1.3%) of the persons under a death sentence were women.
- Half of the inmates sentenced to death had been sentenced at age 29 or older.

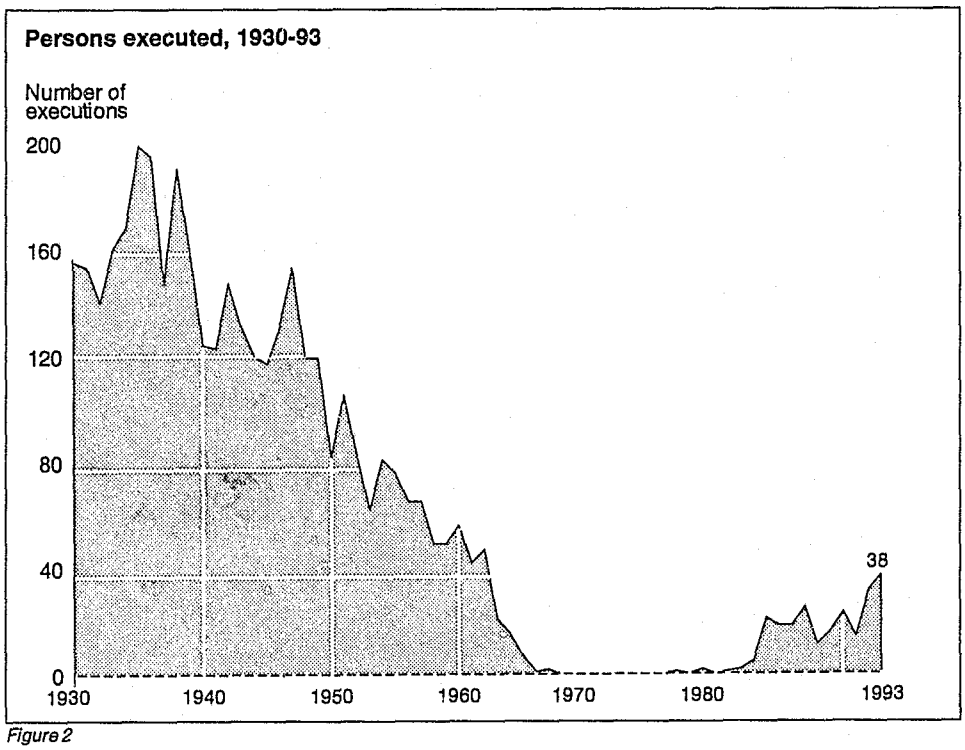

Figure 2

Eighteen of the executed prisoners were non-Hispanic whites; 13 were non-Hispanic blacks; 4, white Hispanics; 1, white with unknown Hispanic origin; 1, black with unknown Hispanic origin; and 1, Native American. Twenty-six of the executions were carried out by lethal injection, 10 by electrocution, 1 by lethal gas, and 1 by hanging.

From January 1, 1977, to December 31, 1993, a total of 226 executions took place in 21 States. Of these 121 (53.5%) were white, 87 (38.5%) were black, 16 (7.1%) were Hispanic, and 2 (0.9%) were Native American. During 1977-93, a total of 4,259 persons entered State prisons under sentences of death, among whom 2,468 (57.9%) were white, 1,724 (40.5%) were black, and 67 (1.6%) were of other races. Also during 1977-93, 1,789 removals from a death sentence occurred as a result of dispositions other than execution (resentencing, retrial, commutation, or death while awaiting execution). Of those removed from under a death sentence, 937 (52.4%) were white, 747 (41.7%) were black, 17 (0.9%) were Native American, 8 (0.5%) were Asian American, and 80 (4.5%) were Hispanic.

Capital punishment in the courts

Dobbs v. Zant, January 19, 1993 Without dissent, the Supreme Court held that the Court of Appeals for the Eleventh Circuit erred in refusing to consider a newly discovered transcript of the sentencing hearing which was unavailable during the original sentencing proceeding. The defendant sought habeas corpus relief, charging that he received ineffective assistance from his court-appointed counsel at sentencing. The High Court emphasized the importance of reviewing capital sentences on a complete record and remanded the case for further proceedings.

Graham v. Collins, January 25, 1993 This case involved a petitioner who claimed that Texas' sentencing instructions to the jury prevented the jury from adequately considering certain mitigating evidence. When the Court of Appeals of the Fifth Circuit affirmed the district court's denial of Federal habeas corpus relief, the Supreme Court agreed to consider the appeal. Because this case came before the Supreme Court on collateral review, the Court, consistent with the principles established in **Teague v. Lane (1990)**, had first to determine whether the relief sought by the petitioner would require the creation of a new rule of constitutional law. The Court held that petitioner's claim would require a new rule; therefore, his claim was barred.

After the petitioner was convicted of capital murder, a separate punishment phase was conducted to determine the sentence. For the death sentence to be imposed according to Texas' capital-sentencing statute then in effect, a jury had to answer affirmatively each of three questions: (1) Was the conduct of the defendant committed deliberately and with the reasonable expectation that death would result? (2) Is there a probability that the defendant would commit criminal acts of violence that would constitute a continuing threat to society? and (3) Was the conduct of the defendant unreasonable in response to the provocation, if any, by the deceased? After being instructed to consider all of the evidence, the jury unanimously answered *yes* to all three special issues.

Upon appeal, the defendant claimed that the three special issues did not allow the jury to consider fully the mitigating circumstances of his youth, character, and otherwise crime-free background. The Supreme Court held that the defendant's claim would require a fourth special issue that would instruct the jury to consider any mitigating evidence, independent of its relevance to the three special issues. Because the ruling that the petitioner sought would have constituted a new rule under **Teague v. Lane**, the Court denied Federal habeas corpus relief.

Herrera v. Collins, January 25, 1993 This case dealt with the issue of whether a capital defendant can seek Federal habeas corpus relief by claiming that new evidence renders him actually innocent of the murder for which he was sentenced to death.

In 1982 the defendant was sentenced to death for the murder of a police officer. Following his conviction, he pleaded guilty to the murder of a second police officer. Ten years after his conviction, the defendant filed a second petition for Federal habeas corpus relief arguing that he was innocent of the murders of the police officers and that the defendant's now-dead brother had committed the murders. The defendant offered four new affidavits in his defense. The district court dismissed most of the claims but granted a request for a stay of execution so that another appeal could be made. The Texas Court of Criminal Appeals found no evidentiary basis for petitioner's claim and vacated the stay of execution.

Affirming the findings of the court of appeals in a five-to-three decision, the Supreme Court held that a claim of actual innocence based on newly discovered evidence is not ground for Federal habeas corpus relief. The Court defended as consistent with due process the Texas statute which requires that a new trial motion based on newly discovered evidence be made within 60 days of judgment.

Lockhart v. Fretwell, January 25, 1993 The defense counsel failed to object during the sentencing phase on a matter in which the objection would have been sustained. If the objection had been made, a sentence of death would have been precluded. After the proceeding, a Supreme Court decision in **Strickland v. Washington** (1984), removed the validity of such an objection. In this case the Supreme Court decided whether the defense counsel's failure to make an objection in a State criminal proceeding deprived the defendant of a fair trial.

The defendant was convicted of capital felony murder and sentenced to death by an Arkansas jury after the jury found one aggravating circumstance and no mitigating circumstances to exist. Defendant petitioned for collateral relief to the Arkansas Supreme Court on the basis that the death sentence was unconstitutional under the then-existing precedent of **Collins v. Lockhart** (1985). The Arkansas Supreme Court declined to consider whether to follow **Collins** because defense counsel had failed to raise the issue during the sentencing phase; the court affirmed both the conviction and the death sentence.

The defendant appealed to the District Court for the Eastern District of Arkansas, arguing that trial counsel was ineffective for failing to raise the **Collins** objection, and that this failure amounted to prejudice under **Strickland**. Under **Strickland**, a defendant demonstrates prejudice by showing that counsel's errors were so serious as to render an unfair or unreliable result. Unfairness or unreliability does not result unless counsel's ineffectiveness deprives the defendant of a substantive or procedural right to which the law entitles him. The district court, in a ruling affirmed by the Court of Appeals for the Eighth Circuit, found prejudice, granted habeas corpus relief, and conditionally vacated the death sentence.

By seven to two, the Supreme Court held that the sentencing proceeding was neither unfair nor unreliable because the Court of Appeals for the Eighth Circuit overruled **Collins** in 1989. Reversing the court of appeals' decision to vacate the death sentence, the Court ruled that the defendant suffered no prejudice from counsel's deficient performance.

Delo v. Lashley, March 8, 1993 In this case the Court examined the adequacy of the trial court's instruction during the punishment phase. The defendant argued that the trial court: (1) violated the defendant's eighth amendment due process rights by refusing to instruct the jury as to the mitigating circumstance of "no significant history of prior criminal activity," and (2) failed to automatically instruct the jury that the defendant was to be presumed innocent.

Without dissent, the Supreme Court reversed the judgment of the Court of Appeals for the Eighth Circuit on both counts. On the first count, the High Court held that no evidence was offered by defense counsel to support the instruction of the mitigating circumstance. Applying a principle established in **Lockett v. Ohio** (1978), no eighth amendment violation occurred because nothing in the Constitution obligates State courts to give mitigating circumstance instructions when no evidence is offered to support them. On the second count, the Supreme Court ruled that the defendant in this case was convicted fairly in the guilt phase of the trial; therefore, the presumption of innocence disappears. The defendant was not automatically entitled to a "presumption of innocence" instruction.

Arave v. Creech, March 30, 1993 The Supreme Court considered whether Idaho's aggravating circumstance, that the defendant exhibited "utter disregard for human life," was unconstitutionally vague.

The petitioner in this case was an inmate serving life terms for several first-degree murders. He had admitted to killing or participating in the killing of at least 26 people. Bodies of 11 of his victims were recovered in 7 States. The defendant received the death penalty for the murder of a physically handicapped fellow inmate, whose skull the defendant smashed with a sock full of batteries and whom he repeatedly kicked about the throat and head.

The petitioner was sentenced to death, in part because of the aggravating circumstance that he exhibited "utter disregard for human life." Affirming the trial court's decision, the Idaho Supreme Court rejected petitioner's argument that the aggravating circumstance was unconstitutionally vague, holding that the validity of the aggravating circumstance stemmed from their finding that the petitioner was a "cold-blooded, pitiless" killer.

The Court of Appeals for the Ninth Circuit reversed the conviction in part because the aggravating circumstance was unconstitutionally vague. In a seven to two decision, the Supreme Court reversed the judgment of the court of appeals and held that the aggravating circumstance provides clear and objective standards and minimizes the risk of an arbitrary and capricious application of the death penalty.

Sullivan v. Louisiana, June 1, 1993 The Supreme Court reviewed a jury instruction that was essentially identical to an instruction held unconstitutional in **Cage v. Louisiana** (1990) to determine whether it was harmless error.

In the Louisiana trial of a defendant charged with first-degree murder in the course of committing armed robbery, the judge gave instructions to the jury that included a definition of reasonable doubt that was essentially identical to a definition previously ruled to be unconstitutional. The defendant was convicted and sentenced to death. Upon appeal, the Supreme Court of Louisiana upheld the conviction but remanded the case for a new sentencing hearing on grounds other than the erroneous jury instruction, which it ruled harmless.

In a unanimous opinion, the Supreme Court reversed the ruling of the Supreme Court of Louisiana. The Supreme Court held that in a criminal case, a jury instruction which is constitutionally deficient in the definition of reasonable doubt would always invalidate a conviction. The Court concluded that reliance on an unconstitutional definition of reasonable doubt violates the defendant's sixth amendment right to jury trial.

Godinez v. Moran, June 24, 1993 The Supreme Court considered whether the competency standard for pleading guilty or waiving the right to counsel is higher than the competency standard for standing trial.

The petitioner was sentenced to death by a Nevada jury for using an automatic pistol to fatally shoot a bartender and patron four times each and his former wife five times. Two psychiatrists examined the defendant and concluded that he was competent to stand trial. Approximately 10 weeks after the evaluations, the defendant decided to discharge his attorneys and change his pleas to guilty. After review of the defendant's mental condition, the trial court accepted the waiver of counsel and guilty pleas. The defendant was then sentenced to death. The defendant appealed to the Court of Appeals for the Ninth Circuit, claiming that he had been mentally incompetent to represent himself. The court of appeals reversed the conviction, ruling that the conviction was based upon a legal standard for competency that was too low.

In a seven-to-two decision, the Supreme Court reversed the judgment of the court of appeals, holding that the decision to waive the right to counsel does not require a higher level of mental functioning than the decision to waive other constitutional rights. The Court held that the standard for measuring a criminal defendant's competency to plead guilty or to waive the right to counsel is not higher than the standard for standing trial.

Johnson v. Texas, June 24, 1993 In this case the High Court again examined the death penalty as applied in Texas. The Court upheld Texas' capital sentencing system as consistent with the 8th and 14th amendments. Because this case came to the Supreme Court on direct review of the petitioner's conviction and sentence, the restraints established in **Teague v. Lane** did not apply.

The case involved a 19 year-old drug abuser who robbed and murdered a convenience store clerk. After the jury determined that the defendant was guilty of capital murder, the separate punishment phase was conducted. Upon appeal, defense counsel argued that the special issues did not specifically instruct the jury to consider the defendant's age as a mitigating factor. In a five-to-four decision, the Supreme Court ruled that there was no reason to believe that the jury was precluded from considering the defendant's youth in its determinations.

Focusing on the special issue that the defendant would continue to threaten the community, the High Court concluded that the jury was able to make a determination on a defendant's future dangerousness by asking the extent to which youth influenced the defendant's conduct.

Statutory changes

During 1993, 12 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. By State, these statutory changes were as follows:

Arizona — Added new sections to and revised an act relating to death sentences. These revisions became effective 7/21/93.

In specifying conditions of a sentence to life in prison without the possibility of release, the revision eliminates a previous stipulation of release. The stipulation was that the defendant could be released after 25 years if the victim was at least age 15 and after 35 years if the victim was less than 15 (13-703).

Arizona lawmakers also provided that persons sentenced to death shall not be executed if they are mentally ill or incompetent and cannot understand the nature of the punishment or the reasons for the execution (13-4021).

Arkansas — Added teachers and other school employees to its capital murder victims list that includes law enforcement officers, prison officials, probation and parole officers, fire fighters and court officials (5-10-101), effective 8/13/93.

California — Revised its penal code to allow persons sentenced to death to choose between lethal gas and lethal injection as the method of execution (paragraph 3604), effective 1/1/93.

Colorado — Revised a statute to prohibit sentencing mentally retarded persons to death (16- 9-403), effective 4/29/93.

Connecticut — Added to its penal code as an aggravating factor the defendant's use of an assault weapon in a capital felony (53a-46a), effective 10/1/93.

Illinois — Added paramedics, ambulance drivers, and other medical assistance or first aid personnel killed in the course of duty to its capital murder victims list (720-ILCS 5/9 1(b)(2)), effective 1/1/93.

Indiana — Added probation and parole officers, community corrections officers, and home detention officers to its capital murder victims list, and added carjacking murder as an aggravating circumstance (3-50-2-9), effective 7/1/93.

Louisiana — Amended its code of criminal procedure to provide for a 12 hour delay between the verdict and the sentencing hearing in a capital case (LA C. Cr. P. Art 905).

Nevada — Enacted a law expanding the number of aggravating circumstances under which the death penalty may be imposed to include conviction of more than one offense of murder in the first or second degree (AB-58), effective 10/1/93.

New Jersey — Added "leader of a narcotics-trafficking network" as an aggravating circumstance (NJS.A.ZC:11-3(:)), effective 5/5/93; and amended the State's death penalty statute to state that the term "homicidal act" means conduct that causes death or serious bodily injury resulting in death (NJS.A.2C:11-3(c) and -3(c)(4)(i), effective 1/26/93.

Ohio — Amended its penal code to permit persons sentenced to death to elect to be executed by means of a lethal injection instead of by electrocution (O.R.C. 2949.22), effective 10/1/93.

Texas — Added to its list of capital offenses the following: murder of more than one person during the same criminal transaction, murder of more than one during different criminal transactions but according to the same scheme or course of conduct, and murder of an individual under age 6 (19.03 (a)(z)), effective 9/1/93.

Table 1. Capital offenses, by State, 1993

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 from outside the dwelling; murder in which a victim is killed while in a motor vehicle by a deadly weapon fired from outside that vehicle; murder in which a victim is killed by a deadly weapon fired 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; kidnaping with death of victim; felony murder. 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.

Federal prison system. See *Appendix II.*

Florida. First-degree murder; capital felonies (FS 921.141); capital drug trafficking felonies (FS 921.142).

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 12 aggravating factors.

Indiana. Murder with 13 aggravating circumstances.

Kentucky. Aggravated murder; kidnaping when victim is killed.

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.

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 homicide, aggravated assault, or aggravated 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. 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. 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. 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 statutory aggravating circumstances.

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 by a State prison inmate; murder of an individual under 6 years of age.

Utah. Aggravated murder (76-5-202, Utah Code annotated).

Virginia. Murder during the commission or attempts to commit specified felonies (abduction, armed robbery, rape, 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. First-degree murder, including both premeditated and felony murder.

Method of execution

As of December 31, 1993, lethal injection was the predominant method of execution (25 States) (table 2). Twelve States authorized electrocution; 8 States, lethal gas; 3 States, hanging; and 2 States, 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, 3 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.

Federal executions, effective February 18, 1993, are to be carried out by lethal injection.

Automatic review

Of the 36 States with capital punishment statutes at yearend 1993, 35 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 35 States authorized an automatic review of both the conviction and sentence, Idaho, Indiana, Montana, 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 Maryland 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.

Table 2. Method of execution, by State, 1993

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

Note: Effective 2/18/93, Federal executions are to be carried out by lethal injection.
[a]Authorizes 2 methods of execution.
[b]Arkansas authorizes lethal injection for those whose capital offense occurred after 7/4/83; for those whose offense occurred before that date, the condemned prisoner may select lethal injection or electrocution.
[c]Colorado authorizes lethal gas for those whose crimes occurred before 7/1/88 and lethal injection for those those crimes occurred on or after 7/1/88.
[d]New Hampshire authorizes hanging only if lethal injection cannot be given.
[e]Mississippi authorizes lethal injection for those convicted after 7/1/84; execution of those convicted prior to that date is to be carried out with lethal gas.
[f]Arizona authorizes lethal injection for persons whose capital sentence was received after 11/15/92; for those who were sentenced before that date, the condemned prisoner may select lethal injection or lethal gas.
[g]Wyoming authorizes lethal gas, if lethal injection is ever held unconstitutional.

Table 3. Minimum age authorized for capital punishment, 1993

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

Note: Reporting by States reflects interpretations by State attorney general offices and may differ from previously reported ages.
[a]See Arkansas Code Ann. 9-27-318(b)(1)(Repl. 1991).
[b]See Conn. Gen. Stat. 53a-46a(g)(1).
[c]Minimum age defined by statute is 13, but effective age is 16 based on an interpretation of U.S. Supreme Court decisions by the State attorney general's office.
[d]Age required is 17 unless the murderer was incarcerated for murder when a subsequent murder occurred; the age then may be 14.
[e]Juveniles may be transferred to adult court. Age may be a mitigating circumstance.

Minimum age

According to State attorney general offices, in 1993 nine 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. Eleven States and the Federal prison system required a minimum age of 18. Sixteen States indicated an age of eligibility between 14 and 17.

Characteristics of prisoners under sentence of death at yearend 1993

Thirty-four States and the Federal prison system held a total of 2,716 prisoners under sentence of death on December 31, 1993, a gain of 136 or 5.3% more than at the end of 1992 (table 4). The Federal prison system count rose from 1 inmate at yearend 1992 to 6 at yearend 1993. Three States, which had 24% of the adult resident population reported 38% of the Nation's death row population: California (363), Texas (357), and Florida (324).

Of the 35 jurisdictions with statutes authorizing the death penalty, New Hampshire and Wyoming had no one under a capital sentence and South Dakota, New Mexico, and Colorado had 3 or fewer.

Fifty-five percent of all inmates under sentence of death were in Southern States — a region that contained 35% of the Nation's adults. For the West the percentages of all persons under sentence of death and of all adults in the residential population were about the same, whereas for the Northeast and Midwest the percentages of the population sentenced to execution were smaller than the percentages of the total adult population.

	U.S. resident population age 18 or older	Population of persons under death sentence
U.S. total	100%	100%
Northeast*	20	7
Midwest*	24	16
South	35	55
West	21	22

*Four of the nine States in the Northeast and 6 of the 12 States in the Midwest do not authorize capital sentences.

Table 4. Prisoners under sentence of death, by region, State, and race, 1992 and 1993

Region and State	Prisoners under sentence of death, 12/31/92			Received under sentence of death			Removed from death row (excluding executions)[a]			Executed			Prisoners under sentence of death, 12/31/93		
	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	2,580	1,511	1,031	282	146	130	108	68	38	38	23	14	2,716	1,566	1,109
Federal[d]	1	1	0	5	2	3	0	0	0	0	0	0	6	3	3
State	2,579	1,510	1,031	277	144	127	108	68	38	38	23	14	2,710	1,563	1,106
Northeast	160	60	98	22	10	9	1	1	0	0	0	0	181	69	107
Connecticut	4	2	2	1	1	0	0	0	0	0	0	0	5	3	2
New Hampshire	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
New Jersey	3	2	1	4	2	2	0	0	0	0	0	0	7	4	3
Pennsylvania	153	56	95	17	7	7	1	1	0	0	0	0	169	62	102
Midwest	410	202	206	32	18	14	17	10	7	4	1	3	421	209	210
Illinois	144	54	90	12	7	5	4	2	2	0	0	0	152	59	93
Indiana	49	34	15	2	0	2	4	3	1	0	0	0	47	31	16
Missouri	82	47	35	6	4	2	4	3	1	4	1	3	80	47	33
Nebraska	12	8	3	0	0	0	1	1	0	0	0	0	11	7	3
Ohio	122	58	63	11	6	5	4	1	3	0	0	0	129	63	65
South Dakota	1	1	0	1	1	0	0	0	0	0	0	0	2	2	0
South	1,444	853	570	165	81	82	79	46	31	30	18	11	1,500	870	610
Alabama	124	62	60	8	8	0	12	6	6	0	0	0	120	64	54
Arkansas	32	22	10	7	3	4	6	5	1	0	0	0	33	20	13
Delaware	11	2	8	6	5	1	0	0	0	2	0	1	15	7	8
Florida	313	201	112	32	16	16	18	9	9	3	3	0	324	205	119
Georgia	97	51	46	8	4	4	7	5	2	2	2	0	96	48	48
Kentucky	29	22	7	2	2	0	1	1	0	0	0	0	30	23	7
Louisiana	44	18	26	7	2	5	5	3	2	1	1	0	45	16	29
Maryland[e]	15	2	13	1	1	0	1	0	1	0	0	0	15	3	12
Mississippi	42	17	25	12	4	8	4	1	3	0	0	0	50	20	30
North Carolina	76	43	31	32	16	16	9	4	5	0	0	0	99	55	42
Oklahoma	120	78	33	8	4	2	6	2	2	0	0	0	122	80	33
South Carolina[e]	41	21	20	7	3	4	1	1	0	0	0	0	47	23	24
Tennessee[f]	99	68	29	2	1	1	3	3	0	0	0	0	98	66	30
Texas	352	219	128	27	11	16	5	5	0	17	10	7	357	215	137
Virginia[f]	49	27	22	6	1	5	1	1	0	5	2	3	49	25	24
West	565	395	157	58	35	22	11	11	0	4	4	0	608	415	179
Arizona	103	90	10	13	10	3	2	2	0	2	2	0	112	96	13
California[f]	333	203	122	33	17	16	2	2	0	1	1	0	363	217	138
Colorado	3	3	0	0	0	0	0	0	0	0	0	0	3	3	0
Idaho	22	22	0	2	2	0	2	2	0	0	0	0	22	22	0
Montana	8	6	0	0	0	0	0	0	0	0	0	0	8	6	0
Nevada	63	42	21	3	1	2	1	1	0	0	0	0	65	42	23
New Mexico	1	1	0	0	0	0	0	0	0	0	0	0	1	1	0
Oregon	11	11	0	4	3	0	2	2	0	0	0	0	13	12	0
Utah[e]	10	8	2	1	1	0	0	0	0	0	0	0	11	9	2
Washington	11	9	2	2	1	1	2	2	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 12/31/92. Some figures shown for yearend 1992 are revised from those reported in *Capital Punishment 1992* NCJ-145031. The revised figures include 17 inmates who were either reported late to the National Prisoner Statistics Program or were not in the custody of State correctional authorities on12/31/92 (7 in Texas, 3 in Ohio, 3 in Florida, and 1 each in Nevada, Georgia, Tennessee, and California), and exclude 13 inmates who were relieved of the death sentence on or before 12/31/92 (5 in Georgia, 2 each in Ohio and Florida, and 1 each in Idaho, Illinois, Indiana, and Tennessee).

[a]Includes 8 deaths due to natural causes (2 in Oklahoma, and 1 each in California, Georgia, Illinois, Missouri, Pennsylvania, and Texas), and 3 suicides (1each in California, Ohio, and Virginia).

[b]Totals include persons of other races.

[c]The accounting of race and Hispanic origin differs from that presented in tables 8, 9, and 11. In this table white and black inmates include Hispanics.

[d]Excludes persons held under Armed Forces jurisdiction with a military death sentence for murder.

[e]Preliminary numbers, subject to revision.

[f]Race has been changed from that originally reported for 3 inmates: In California, 1 black to white; in Tennessee, 1 black to white; and in Virginia, 1 white to black.

Table 5. Hispanics and women under sentence of death, by State, 1992 and 1993

	Under sentence of death, 12/31/92		Received under sentence of death		Death sentence removed[a]		Under sentence of death, 12/31/93	
	Hispanics	Women	Hispanics	Women	Hispanics	Women	Hispanics	Women
U.S. total	199	34	16	6	9	5	206	35
Alabama	0	5	0	0	0	1	0	4
Arizona	21	1	0	0	1	0	20	1
Arkansas	1	0	0	0	0	0	1	0
California	46	3	5	1	0	0	51	4
Colorado	1	0	0	0	0	0	1	0
Florida	31	3	0	1	1	0	30	4
Georgia	1	0	0	0	0	0	1	0
Idaho	1	0	1	1	0	0	2	1
Illinois	9	3	1	1	1	0	9	4
Indiana	2	1	0	0	0	1	2	0
Kentucky	0	0	0	0	0	0	0	0
Mississippi	1	0	0	1	0	0	1	1
Missouri	1	3	0	0	1	1	0	2
Nevada	7	1	0	0	0	0	7	1
New Jersey	0	0	1	0	0	0	1	0
North Carolina	2	3	0	0	0	1	2	2
Ohio	5	1	0	0	0	1	5	0
Oklahoma	5	4	1	0	0	0	6	4
Oregon	1	0	0	0	0	0	1	0
Pennsylvania	3	2	4	1	0	0	7	3
South Carolina	0	0	0	0	0	0	0	0
Tennessee	1	1	0	0	0	0	1	1
Texas	57	3	2	0	5	0	54	3
Utah[b]	2	0	0	0	0	0	2	0
Virginia	1	0	1	0	0	0	2	0

[a]No women were executed during 1993. Four Hispanics were executed in Texas in 1993.
[b]Preliminary numbers, subject to revision.

In all four regions of the country the number of prisoners under sentence of death increased during 1993. The number rose by 56, or 4.0%, in the South; by 21, or 13.1%, in the Northeast; by 43 or 7.6%, in the West; and by 11, or 2.7%, in the Midwest.

Among the 35 jurisdictions with prisoners under sentence of death at yearend 1993, 22 had more inmates than a year earlier; 7 had fewer inmates, and 6 had the same number. California had an increase of 30, followed by North Carolina (23), Pennsylvania (16), and Florida (11). Alabama had the largest decline (4).

During 1993 the number of blacks under sentence of death rose by 78 (7.6%); the number of whites rose by 55 (3.6%); and the number of persons of other races (Native Americans and Asians or Pacific Islanders) rose by 3 (7.9%).

The number of Hispanics sentenced to death rose from 199 to 206 during 1993 (table 5). Sixteen Hispanics were received under sentence of death, 9 were removed from death row, and 4 were executed. Three-fourths of the Hispanics were incarcerated in 4 States: Texas (54), California (51), Florida (30), and Arizona (20).

During 1993 the number of women sentenced to be executed increased from 34 to 35. Six women were received under sentence of death, 5 were removed from death row, and none was executed. Women were under sentence of death in 14 States, with Alabama, California, Florida, Illinois, and Oklahoma together holding over 57%.

State	Women under sentence of death 12/31/93 Total	White	Black
Total	35	24	11
Alabama	4	2	2
California	4	3	1
Florida	4	3	1
Illinois	4	2	2
Oklahoma	4	3	1
Pennsylvania	3	1	2
Texas	3	2	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 98.7% (2,681) of all prisoners under sentence of death (table 6). Whites predominated (57.7%); blacks comprised 40.8%; and other races (1.5%) included 22 Native Americans, 16 Asian Americans, and 3 self-identified Hispanics. Among those for whom ethnicity was known, 7.6% were Hispanic.

The race, sex, and Hispanic origin of those under sentence of death at yearend 1993 were as follows:

	White	Black	Other
Male	1,542	1,098	41
Hispanic	187	11	5
Female	24	11	0
Hispanic	2	1	0

Among inmates under sentence of death on December 31, 1993, for whom information on education was available, more than three-fourths had either completed high school (38.1%) or finished 9th, 10th, or 11th grade (38.1%). The percentage who had not gone beyond eighth grade (15.8%) was about twice as large as that of inmates who had attended some college (8.0%). The median level of education was the 11th 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 a fourth were divorced, separated, or widowed.

Among all inmates under sentence of death, 45.0% were age 30 to 39 on December 31, 1993, and 60.5% were age 25 to 39 (table 7). The median age was 35 years. Less than 1% were younger than 20 and about 3.5% were age 55 or older. The youngest offender under sentence of death was age 18 (born September 1975); the oldest was 78 (born September 1915). More than half of all inmates under sentence of death at yearend 1993 were age 20 to 29 at the time of their sentencing; about 3.9% were age 19 or younger; and 1.4% were age 55 or older.

Entries and removals of persons under sentence of death

Between January 1 and December 31, 1993, 30 State prison systems and the Federal prison system reported receiving 282 prisoners under sentence of death. Forty-four percent of the inmates were received in 4 States: California (33), Florida (32), North Carolina (32), and Texas (27).

All 282 prisoners who had been received under sentence of death had been convicted of murder. By sex and race, 141 were white men, 129 were black men, 2 were Native American men, 1 was an Asian man, 3 were Hispanic men classified as "Other race" in Pennsylvania, 5 were white women, and 1 was a black woman.

Of 282 new admissions, 15 were Hispanic men, and 1 was a Hispanic woman.

Twenty-three States reported a total of 97 persons whose sentence of death was overturned or removed. Appeals courts vacated 50 sentences while upholding the convictions and vacated 39 sentences while overturning the convictions. Florida (12 exits) had the largest number of vacated capital sentences. Indiana reported one removal by post-conviction relief. Ohio reported two, and Missouri, Georgia, and Texas each reported one commutation of a death sentence. Louisiana and Idaho each removed one inmate from under sentence of death as the result of amendments to capital statutes.

As of December 31, 1993, 49 of the 97 persons who were formerly under sentence of death were serving a reduced sentence (36 to life imprisonment, 12 to a sentence of more than 20 years, and 1 to 20 years or less), 23 were awaiting a new trial, 23 were awaiting resentencing, 1 had further prosecution dropped, and 1 was removed by an unspecified method.

In addition, 11 persons died while under sentence of death in 1993. Eight of these deaths were from natural causes — two in Oklahoma, and one each in California, Georgia, Illinois, Missouri, Pennsylvania, and Texas. Three suicides occurred — one each in California, Ohio, and Virginia.

From 1977, the year after the Supreme Court upheld the constitutionality of revised State capital punishment laws, to 1993, a total of 4,259 persons entered prison under sentence of death. During the 17 years, 226 persons were executed, and 1,789 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 1993, 2,468 (57.9%) were white, 1,724 (40.5%) were black, and 67 (1.6%) were of other races. The distribution by race and Hispanic origin of the 1,789 inmates who were removed from death row between 1977 and 1993 was as follows: whites 937 (52.3%), blacks 747 (41.7%), Native Americans 17 (0.9%), Asians 8 (0.5%), and Hispanics 80 (4.5%). Of the 226 who were executed, 121 (53.5%) were white, 87 (38.5%) were black, 16 (7.1%) were Hispanic, and 2 (0.9%) were Native American.

[1]The same individual may have received and been relieved of the death penalty several times.

Table 6. Demographic characteristics of prisoners under sentence of death, 1993

Characteristic	Prisoners under sentence of death, 1993		
	Yearend	Admissions	Removals
Total number under sentence of death	2,716	282	145
Sex			
Male	98.7%	97.9%	96.6%
Female	1.3	2.1	3.4
Race			
White	57.7%	51.8%	62.3%
Black	40.8	46.1	35.6
Other*	1.5	2.2	2.1
Hispanic origin			
Hispanic	7.6%	6.9%	6.7%
Non-Hispanic	92.4	93.1	93.3
Education			
8th grade or less	15.8%	14.6%	19.7%
9th-11th	38.1	36.6	35.4
High school graduate/GED	38.1	42.1	37.0
Any college	8.0	6.7	7.9
Median	11th grade	12th grade	11th grade
Marital status			
Married	26.8%	18.3%	28.5%
Divorced/separated	21.8	21.4	25.5
Widowed	2.7	3.6	2.2
Never married	48.7	56.7	43.8

Note: Percentage and median calculations are based on those cases for which data were reported. Missing data by category were as follows:

	1993		
	Yearend	Admissions	Removals
Hispanic origin	182	50	10
Education	391	42	19
Marital status	208	30	8

*Consists of 22 American Indians, 16 Asians, and in Pennsylvania 3 self-identified Hispanics present at yearend 1992; 2 Native Americans and 1 Asian admitted during 1993, and 3 Native Americans removed during 1992.

Table 7. Age at time of capital sentencing and current age of prisoners under sentence of death, yearend 1993

Age	Prisoners under sentence of death			
	At time of sentencing		On December 31, 1993	
	Number	Percent	Number	Percent
Total under sentence of death on 12/31/93	2,716	100%	2,716	100.0%
17 or younger	7	.2	0	...
18-19	102	3.7	13	.5
20-24	684	25.2	211	7.7
25-29	708	26.1	420	15.5
30-34	508	18.7	646	23.8
35-39	343	12.6	577	21.2
40-44	198	7.3	370	13.7
45-49	87	3.1	268	9.9
50-54	41	1.5	115	4.3
55-59	24	.8	49	1.7
60 or older	14	.4	47	1.5
Mean age	30		36	
Median age	29		35	

Note: The youngest person under sentence of death was a white male in South Carolina born in September 1975 and sentenced to death in July 1993. The oldest person under sentence of death was a white male in Arizona born in September 1915 and sentenced to death in June 1983.
...Not applicable.

Criminal history of inmates under sentence of death in 1993

Among inmates under death sentences on December 31, 1993, for whom criminal history information was available, 67.9% had a history of felony convictions, including 9.1% with at least one previous homicide conviction (table 8).

Among those for whom legal status at the time of the capital offense was reported, 42.3% had an active criminal justice status. Nearly half of these were on parole, while the others had charges pending, were on probation, were in prison or escapees, or had some other criminal justice status.

Excluding those who had charges pending, nearly 1 in 3 were already under sentence for another crime when their capital offense occurred. In a number of States, being under sentence for another crime is considered an aggravating factor in capital sentencing.

Criminal history patterns varied slightly by race and Hispanic origin. For example, 73.2% of blacks had prior felony conviction records compared to 64.8% of whites, and 60.9% of Hispanics. Relatively more blacks (10.2%) than whites (8.4%) or Hispanics (9.0%) had a prior homicide conviction; and a slightly higher proportion of whites (7.2%) and blacks (6.3%) than Hispanics (5.5%) had a charge pending at the time of their capital offense.

The median time between the imposition of a death sentence and yearend 1993 was 67 months, and the mean time was 73 months. Overall, the average time for women was 4.3 years — about 70% as long as for men (6.1 years). On average, whites, blacks, and Hispanics had spent about the same amount of time under a sentence of death.

	Elapsed time since sentencing	
	Mean	Median
Total	73 mos	67 mos
Male	73	67
Female	51	37
White	74	68
Black	72	63
Hispanic	69	64

Since 1988 data have been collected on the number of death sentences imposed on each person entering prison under sentence of death. Among the 1,669 individuals received under sentence of death, about 1 in every 7 entered with 2 or more death sentences. Whites, blacks, and Hispanics had similar proportions of those with single or multiple death sentences.

Table 8. Criminal history profile of prisoners under sentence of death, by race, 1993

	Prisoners under sentence of death							
	Number				Percent[a]			
	All races[b]	White	Black	Hispanic	All races[b]	White	Black	Hispanic
U.S. total	2,716	1,566	1,109	206	100.0%	100.0%	100.0%	100.0%
Prior felony convictions								
Yes	1,740	963	760	120	67.9%	64.8%	73.2%	60.9%
No	822	522	278	77	32.1	35.2	26.8	39.1
Not reported	154	81	71	9				
Prior homicide convictions								
Yes	240	128	110	18	9.1%	8.4%	10.2%	9.0%
No	2,403	1,399	966	183	90.9	91.6	89.8	91.0
Not reported	73	39	33	5				
Legal status at time of capital offense								
Charges pending	167	101	61	10	6.9%	7.3%	6.3%	5.5%
Probation	230	130	98	16	9.5	9.2	10.1	8.8
Parole	491	255	232	51	20.3	18.1	23.7	28.0
Prison escapee	42	28	13	3	1.7	2.0	1.3	1.6
Prison inmate	60	33	27	4	2.5	2.3	2.8	2.2
Other status[c]	33	17	15	1	1.4	1.2	1.5	.6
None	1,395	841	529	97	57.7	59.9	54.3	53.3
Not reported	298	161	134	24	...	...	...	...

[a]Percentages are based on those offenders for whom data were reported.
[b]Includes whites, blacks, Hispanics, and persons of other races.
[c]Includes 9 persons on work release, 4 persons on mandatory conditional release, 4 persons on bail, 1 person on temporary leave, 2 persons in a halfway house, 1 absconder from bail, 1 person on accelerated rehabilitation, 1 person AWOL from the U.S. Army, 1 person on work furlough, 2 persons in jail, 1 person under house arrest, 1 person in a pre-release treatment center, 1 person in a community diversion program, 1 person in a supervised road gang, 2 persons in a community diversion program, and 1 person on conditional release.
...Not applicable.

Table 9. Number of death sentences received by those sentenced to death between January 1, 1988, and December 31, 1993, by race or Hispanic origin

Number of death sentences received	Race or Hispanic origin			
	Total*	White	Black	Hispanic
Total	100.0%	100.0%	100.0%	100.0%
1	86.3	86.4	86.0	87.1
2	9.4	9.7	9.0	9.1
3 or more	4.3	3.9	5.0	3.8
Number admitted under sentence of death 1988-93	1,669	836	676	132

Note: Totals may not add to 100% because of rounding.
All 1,669 recevied their death sentence for murder.
*Includes 25 persons of other races.

Executions

According to data collected by the Federal Government since 1930, during the 64 years ending in 1993, a total of 4,085 persons were executed under civil authority (table 10). [2]

[2]Military authorities carried out an additional 160 executions between 1930 and 1993.

Table 10. Number of persons executed, by jurisdiction in rank order, 1930-93

State	Number executed Since 1930	Number executed Since 1977
U.S. total	4,085	226
Georgia	383	17
Texas	368	71
New York	329	
California	294	2
North Carolina	268	5
Florida	202	32
Ohio	172	
South Carolina	166	4
Mississippi	158	4
Louisiana	154	21
Pennsylvania	152	
Alabama	145	10
Arkansas	122	4
Virginia	114	22
Kentucky	103	
Tennessee	93	
Illinois	91	1
New Jersey	74	
Missouri	73	11
Maryland	68	
Oklahoma	63	3
Washington	48	1
Colorado	47	
Indiana	43	2
Arizona	41	3
West Virginia	40	
District of Columbia	40	
Nevada	34	5
Federal system	33	
Massachusetts	27	
Connecticut	21	
Oregon	19	
Iowa	18	
Utah	17	4
Kansas	15	
Delaware	15	3
New Mexico	8	
Wyoming	8	1
Montana	6	
Vermont	4	
Nebraska	4	
Idaho	3	
South Dakota	1	
New Hampshire	1	
Wisconsin	0	
Rhode Island	0	
North Dakota	0	
Minnesota	0	
Michigan	0	
Maine	0	
Hawaii	0	
Alaska	0	

After the Supreme Court reinstated the death penalty in 1976, 21 States executed 226 prisoners:

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

During this 17-year period, 5 States executed 163 prisoners: Texas (71), Florida (32), Virginia (22), Louisiana (21), and Georgia (17). These States acccounted for 72% of all executions.

Between 1977 and 1993, 106 white non-Hispanic men, 72 black non-Hispanic men, 15 white Hispanic men, 1 black Hispanic man, 14 white men with Hispanic origin unknown, 15 black men with Hispanic origin unknown, 2 Native American men, and 1 white non- Hispanic woman were executed.

During 1993 Texas carried out 17 executions; Virginia executed 5 persons; Missouri 4; Florida 3; Arizona, Delaware, and Georgia, 2 each; and California, Louisiana, and Washington State, 1 each. All persons executed in 1993 were male. Eighteen were non-Hispanic whites; 13 were non-Hispanic blacks; 4 were white Hispanics; 1 was white with Hispanic origin unknown; 1 was black with Hispanic origin unknown; and 1 was Native American.

From 1977 to 1993 4,641 prisoners were under death sentences for varying lengths of time (table 11). The 226 executions accounted for 4.9% of all exits from sentences of death during the period. A total of 1,699 prisoners, or 36.6% of those at risk, received other dispositions. Relatively more whites (5.1%) and Hispanics (5.3%) than blacks (4.6%) were executed. However, a slightly larger proportion of blacks (37.4%) and whites (37.2%) than Hispanics (26.5%) were

Table 11. Prisoners under sentence of death who were executed or who received other dispositions, by race and Hispanic origin, 1977-93

Race and Hispanic origin[b]	Total under sentence of death, 1977-93[c]	Prisoners executed: Number	Prisoners executed: Percent of total	Prisoners who received other dispositions[a]: Number	Prisoners who received other dispositions[a]: Percent of total
All races or ethnic groups	4,641	226	4.9%	1,699	36.6%
White	2,387	121	5.1	889	37.2
Black	1,890	87	4.6	706	37.4
Hispanic	302	16	5.3	80	26.5
Other[d]	62	2	3.2	24	38.8

[a]Includes 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.
[b]White, black, and other categories exclude Hispanics.
[c]Includes those persons sentenced to death prior to 1977 who were still under sentence of death on 12/31/93 (19), those persons sentenced to death prior to 1977 whose death sentence was removed between 1977 and 12/31/93 (363), and those persons sentenced to death between 1977 and 12/31/93 (4,259).
[d]Includes Native Americans, Alaska Natives, Asians, and Pacific Islanders.

Table 12. Time between imposition of death sentence and execution, by race, 1977-93

Year of execution	Number executed: All races*	Number executed: White	Number executed: Black	Average elapsed time from sentence to execution for: All races*	White	Black
Total	226	136	88	94 mo.	89 mo.	102 mo.
1977-83	11	9	2	51 mo.	49 mo.	58 mo.
1984	21	13	8	74	76	71
1985	18	11	7	71	65	80
1986	18	11	7	87	78	102
1987	25	13	12	86	78	96
1988	11	6	5	80	72	89
1989	16	8	8	95	78	112
1990	23	16	7	95	97	91
1991	14	7	7	116	124	107
1992	31	19	11	114	104	135
1993	38	23	14	113	112	121

Note: Average time was calculated from the most recent sentencing date. The range for elapsed time for the 226 executions was from 3 months to 212 months. Some numbers have been revised from those previously reported.
*Includes Native Americans.

removed from under a death sentence by means other than execution.

Among prisoners executed between 1977 and 1993, the average time spent between the imposition of the most recent sentence received and execution was 7 years and 10 months (table 12). White prisoners had spent an average of 7 years and 5 months, and black prisoners, 8 years and 6 months. The 38 prisoners executed in 1993 were under sentence of death an average of 9 years and 5 months.

For the 226 prisoners executed between 1977 and 1993, the most common methods of execution were electrocution (108) and lethal injection (108). Other methods were lethal gas (8), hanging (1), and a firing squad (1).

	Executions, 1977-93				
	White	Black	Hispanic	Native American	Asian
Total	121	87	16	2	0
Lethal injection	57	34	15	2	0
Electrocution	57	50	1	0	0
Lethal gas	5	3	0	0	0
Hanging	1	0	0	0	0
Firing squad	1	0	0	0	0

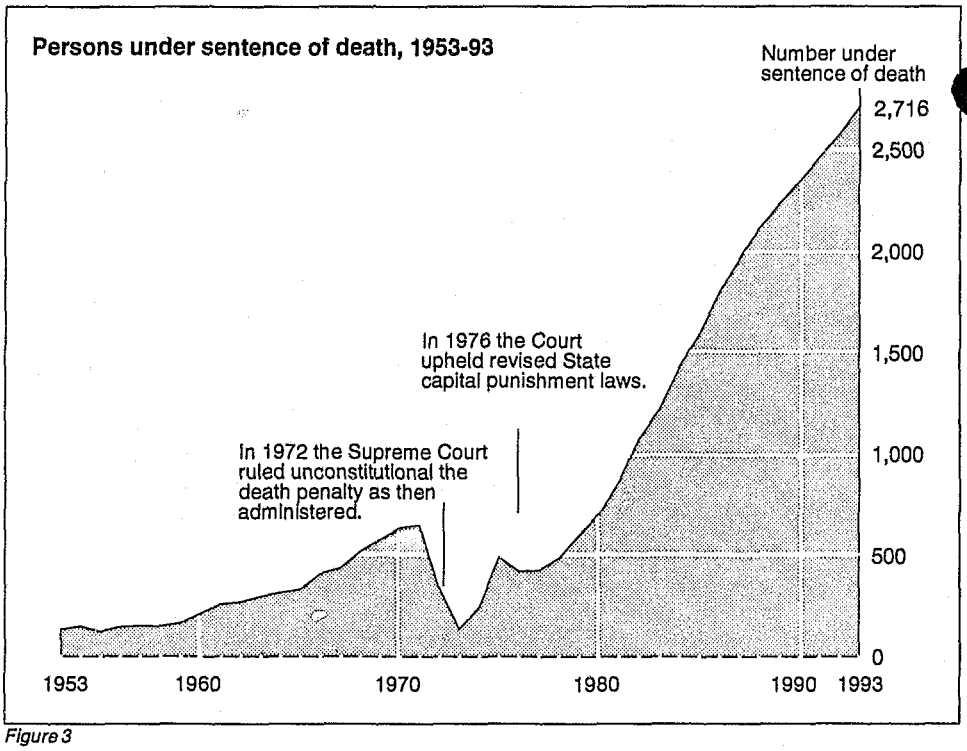

Figure 3

Appendix I. Current status of inmates under sentence of death, 1973-93

Between 1973 and 1993 a total of 4,984 persons were sentenced to death (appendix table 1). For inmates received in each year, the table shows what occurred with respect to their sentence before December 31, 1993.

For example, of the 254 persons who were sentenced to death in 1983, 23 had been executed, 10 had died while in confinement, 1 had been relieved of the death sentence because courts struck down wholly or in part the statutes under which they were sentenced, 20 had their conviction overturned on appeal, 48 had their sentence overturned on appeal, 4 had their sentence commuted, 2 were removed from under sentence of death for other

Appendix table 1. Prisoners sentenced to death and the outcome of their sentence, by year of sentencing, 1973-93

Year of sentence	Number sentenced to death	Number of prisoners removed from under sentence of death							Under sentence of death, 12/31/93
				Appeal or higher courts overturned					
		Execution	Other death	Death penalty statute	Conviction	Sentence	Sentence commuted	Other or unknown reasons	
1973	42	2	0	14	9	8	9	0	0
1974	150	9	4	65	16	29	22	1	4
1975	299	5	4	171	24	65	20	3	7
1976	234	11	5	137	16	42	15	0	8
1977	138	16	2	40	26	32	7	0	15
1978	187	27	3	21	35	60	8	0	33
1979	157	14	8	2	29	57	6	1	40
1980	183	18	11	3	32	46	6	0	67
1981	235	24	9	0	41	65	4	1	91
1982	272	29	11	0	26	61	6	0	139
1983	254	23	10	1	20	48	4	2	146
1984	285	20	10	2	33	55	4	4	157
1985	280	5	3	1	29	64	3	0	175
1986	308	8	10	0	38	49	4	5	194
1987	291	2	4	2	32	47	1	6	197
1988	298	5	6	0	25	37	1	0	224
1989	266	3	4	0	19	46	2	0	192
1990	263	2	2	0	24	16	0	0	219
1991	279	1	3	0	12	9	0	0	254
1992	281	2	0	0	2	2	0	0	275
1993	282	0	3	0	0	0	0	0	279
Total, 1973-93	4,984	226	112	459	488	838	122	23	2,716

Note: Table based upon most recent death sentence received.

Appendix table 2. Prisoners under sentence of death on December 31, 1993, by State and year of sentencing

State	Year of death sentence 1974-75	1976-77	1978-79	1980-81	1982-83	1984-85	1986-87	1988	1989	1990	1991	1992	1993	Under sentence of death 12/31/93	Average number of years under sentence of death as of 12/31/93
Total sentenced to and remaining on death row, 12/31/93															
Florida	4	7	17	16	30	36	35	26	21	25	45	30	32	324	6.3
Georgia	3	5	3	4	9	7	19	4	9	11	6	8	8	96	6.9
Texas	2	6	11	22	31	40	64	31	29	27	29	38	27	357	6.3
Montana	1				1		1	2	1			2		8	**
Nebraska	1		4	2		2	1	1						11	12.4
Arizona		2	6	11	12	11	8	10	6	11	14	8	13	112	6.4
Arkansas		1	1	4	1		6	2	4	3	1	3	7	33	5.6
Mississippi		1		5	5	2	4	3		8	6	4	12	50	5.1
Oklahoma		1	2	3	9	18	25	18	12	9	12	5	8	122	6.1
California*			11	21	55	39	49	31	30	33	24	38	32	363	6.2
Tennessee*			6	10	10	17	19	5	3	8	10	8	2	98	7.4
Illinois			3	19	17	16	21	12	9	19	8	16	12	152	6.5
Nevada			2	4	10	9	8	6	9	7	4	3	3	65	6.7
North Carolina			2	5	6	7	1	2		7	16	21	32	99	3.5
South Carolina*			2	4	5	8	6	2	3	1	7	2	7	47	6.3
Alabama			1	6	22	15	18	7	15	10	4	14	8	120	6.4
Indiana			1	6	6	11	6	6		3	2	4	2	47	7.4
Kentucky			1	2	8	3	4	2	1	1	3	3	2	30	7.2
Virginia						5	14	3	3	6	6	6	6	49	4.4
Missouri				4	4	14	16	12	2	4	11	7	6	80	5.7
Pennsylvania				6	17	21	27	21	16	10	19	16	16	169	5.6
Delaware				2	2			1				4	6	15	4.2
Idaho				1	4	5	1	3	2	1	1	2	2	22	6.7
Louisiana					5	11	9	1		1	4	7	7	45	5.4
Maryland				1	1	2	1	1	3	2	1	2	1	15	5.5
Ohio					11	29	22	10	9	9	13	16	10	129	5.5
Washington					3	1	1			1	1	1	2	10	5.6
Utah*					1	2	1	2	3		1		1	11	5.5
Colorado							2				1			3	**
Connecticut							1		1		2		1	5	**
New Jersey							1			2			4	7	**
New Mexico							1							1	**
Oregon									1		2	6	4	13	1.6
South Dakota												1	1	2	**
Federal											1		5	6	**
Total	11	23	73	158	285	331	392	224	192	219	254	275	279	2,716	6.1

*Preliminary numbers, subject to revision.
**Averages not calculated on fewer than 10 inmates.

reasons, and 146 were still under a death sentence at yearend 1993. Of the 2,716 persons under sentence of death on December 31, 1993, 107 or 3.9% were sentenced prior to 1980.

Of the 2,716 prisoners under sentence of death at yearend 1993, Indiana, Kentucky, Nebraska, and Tennessee had the inmates who had served the longest among all condemned inmates (appendix table 2). By contrast, Oregon had no inmates sentenced prior to 1989, the Federal prison system prior to 1991, and South Dakota prior to 1992. The average time from sentence to December 31, 1993, for the 2,716 condemned inmates was 6 years and 1 month.

Appendix II. Federal laws providing for the death penalty

Between 1972, when the Supreme Court in Furman v Georgia struck down the death penalty as then applied, and yearend 1993, Congress enacted four death penalty statutes:

- (A) Any person engaging in or working in furtherance of a continuing criminal enterprise, or any person engaging in an offense punishable under section 841(b)(1)(A) or 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 violation 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 sentenced to death (21 U.S.C. 848(e)).
- 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. 906(a)).

- Witness tampering where death results (18 U.S.C. 1512).
- Death resulting from aircraft hijacking (49 U.S.C. 1472 and 1473).

The following capital punishment provisions, which were enacted prior to the Furman decision, remain in the United States Code:

- Murder while a member of the Armed Forces (10 U.S.C. 918).
- Destruction of aircraft, motor vehicles, or related facilities resulting in death (18 U.S.C. 32-34).
- Retaliatory murder of a member of the immediate family of law enforcement officials (18 U.S.C. 115(b)(3) [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. 351 [by cross-reference to 18 U.S.C. 1111]).
- Espionage (18 U.S.C. 794).
- Destruction of government property resulting in death (18 U.S.C. 844(f)(d)(i)).
- First-degree murder (18 U.S.C. 1111).
- Mailing of injurious articles with the intent to kill or resulting in death (18 U.S.C. 1716).
- Assassination or kidnaping resulting in the death of the President or Vice President (18 U.S.C. 1751 [by cross-reference to 18 U.S.C. 1111]).
- Willful wrecking of a train resulting in death (18 U.S.C. 1992).
- Bank-robbery-related murder or kidnaping (18 U.S.C. 2113).
- Treason (18 U.S.C. 2381).
- Murder of Federal judges and officers (18 U.S.C. 1114).

Appendix table 3. Executions, by State and method, 1977-93

State	Number executed	Method of execution: Lethal injection	Electrocution	Lethal gas	Firing squad	Hanging
Total	226	108	108	8	1	1
Texas	71	71				
Florida	32		32			
Virginia	22		22			
Louisiana	21	1	20			
Georgia	17		17			
Missouri	11	11				
Alabama	10		10			
Nevada	5	4		1		
North Carolina	5	5				
Mississippi	4			4		
South Carolina	4		4			
Utah	4	3			1	
Arkansas	4	3	1			
Oklahoma	3	3				
Arizona	3	2		1		
Delaware	3	3				
California	2			2		
Indiana	2		2			
Illinois	1	1				
Wyoming	1	1				
Washington	1					1

Note: This table shows the distribution of execution methods used since 1977. Electrocution and lethal injection were each used in about 48% of the executions carried out. Five States — Arizona, Arkansas, Louisiana, Nevada, and Utah — have employed two methods.

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.

1993 Supreme Court decisions cited

Dobbs v. Zant, 113 S.Ct. 835 (1993). Decided January 19, 1993.

Graham v. Collins, 113 S.Ct. 892 (1993). Decided January 25, 1993.

Herrera v. Collins, 113 S.Ct. 853 (1993). Decided January 25, 1993.

Lockhart v. Fretwell, 113 S.Ct. 838 (1993). Decided January 25, 1993.

Delo v. Lashley, 113 S.Ct. 1222 (1993). Decided March 8, 1993.

Arave v. Creech, 113 S.Ct. 1534 (1993). Decided March 30, 1993.

Sullivan v. Louisiana, 113 S.Ct. 2078 (1993). Decided June 1, 1993.

Godinez v. Moran, 113 S.Ct. 2680 (1993). Decided June 24, 1993.

Johnson v. Texas, 113 S.Ct. 2658 (1993). Decided June 24, 1993.

Other cases cited

Lockett v. Ohio, 438 U.S. 586, 98 S.Ct. 2954, 57 L.Ed.2d 973 (1978).

Teague v. Lane, 489 U.S. 288, 109 S.Ct. 1060, 103 L.Ed.2d 334 (1989).

Cage v. Louisiana, 498 U.S. 39, 111 S.Ct. 328, 112 L.Ed.2d 339 (1990).

Collins v. Lockhart, 754 F.2d 258 (CA8), cert. denied, 474 U.S. 1013, 106 S.Ct. 546, 88 L.Ed.2d 475 (1985).

Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984).

Appendix table 4. Number sentenced to death and number of removals, by jurisdiction and reason for removal, 1973-93

State	Total sentenced to death, 1973-93	Number of removals, 1973-93: Executed	Died	Sentence or conviction overturned	Sentence commuted	Other removals	Under sentence of death, 12/31/93
U.S. total	4,984	226	112	1,785	122	23	2,716
Federal	7	0	0	1	0	0	6
Alabama	206	10	3	72	1	0	120
Arizona	176	3	3	56	1	1	112
Arkansas	67	4	1	29	0	0	33
California*	512	2	18	113	15	1	363
Colorado	14	0	1	9	1	0	3
Connecticut	5	0	0	0	0	0	5
Delaware	31	3	0	13	0	0	15
Florida	664	32	14	274	18	2	324
Georgia	240	17	7	116	4	0	96
Idaho	32	0	1	9	0	0	22
Illinois	211	1	4	47	0	7	152
Indiana	78	2	1	26	0	2	47
Kentucky	54	0	1	22	1	0	30
Louisiana	137	21	3	61	6	1	45
Maryland*	37	0	1	19	2	0	15
Massachusetts	4	0	0	2	2	0	0
Mississippi	127	4	1	69	0	3	50
Missouri	110	11	4	14	1	0	80
Montana	13	0	0	4	1	0	8
Nebraska	20	0	2	5	0	2	11
Nevada	87	5	3	12	2	0	65
New Jersey	37	0	1	28	0	1	7
New Mexico	22	0	0	16	5	0	1
New York	3	0	0	3	0	0	0
North Carolina	343	5	4	231	4	0	99
Ohio	267	0	5	125	8	0	129
Oklahoma	224	3	4	95	0	0	122
Oregon	31	0	0	18	0	0	13
Pennsylvania	223	0	6	47	1	0	169
Rhode Island	2	0	0	2	0	0	0
South Carolina*	122	4	3	68	0	0	47
South Dakota	2	0	0	0	0	0	2
Tennessee	159	0	4	55	0	2	98
Texas	576	71	12	93	43	0	357
Utah*	23	4	0	7	1	0	11
Virginia	86	22	3	6	5	1	49
Washington	23	1	1	11	0	0	10
Wyoming	9	1	1	7	0	0	0
Percent	100%	4.5	2.2	35.8	2.4	.5	54.5

Note: The numbers are based on the most recent sentence to death for those persons sentenced more than once.
*Preliminary numbers, subject to revision.

This BJS Bulletin was written by James Stephan, BJS Statistician, and Peter Brien, Statistical Assistant, under the supervision of Allen J. Beck. Tracy Snell gave computing assistance. Priscilla Middleton assisted with graphs. Tom Hester edited the report. Marilyn Marbrook supervised production, assisted by Jodi Brown, Yvonne Boston, and Jayne Robinson. At the Bureau of the Census, Rhonda Carney collected the data under the supervision of Gertrude Odom.

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