



# Bureau of Justice Statistics Bulletin

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# Capital Punishment, 2003

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Eleven States and the Federal Government executed 65 prisoners during 2003. The number executed was 6 fewer than in 2002. Those executed during 2003 had been under sentence of death an average of 10 years and 11 months, 4 months longer than the period for inmates executed in 2002.

At yearend 2003, 3,374 prisoners were under sentence of death. California held the largest number on death row (629), followed by Texas (453), Florida (364), and Pennsylvania (230).

During 2003, 25 States and the Federal prison system received 144 prisoners under sentence of death.

During the year, 267 inmates were removed from death row, the largest number since 1976 when the Supreme Court reinstated the death penalty. Illinois accounted for 60% of these removals. (See page 8.)

In 2003, 65 men were executed, including 41 whites, 20 blacks, 3 Hispanics (all white), and 1 American Indian. Sixty-four were carried out by lethal injection; one by electrocution.

From January 1, 1977, to December 31, 2003, 885 inmates were executed by 32 States and the Federal Bureau of Prisons. Two-thirds of the executions occurred in 5 States: Texas (313), Virginia (89), Oklahoma (68), Missouri (61), and Florida (57).

## Highlights

### Status of death penalty, December 31, 2003

Executions during 2003*		Number of prisoners under sentence of death		Jurisdictions without a death penalty
Texas	24	California	629	Alaska
Oklahoma	14	Texas	453	District of Columbia
North Carolina	7	Florida	364	Hawaii
Ohio	3	Pennsylvania	230	Iowa
Alabama	3	Ohio	209	Maine
Florida	3	North Carolina	195	Massachusetts
Georgia	3	Alabama	192	Michigan
Indiana	2	Arizona	123	Minnesota
Missouri	2	Georgia	111	North Dakota
Virginia	2	Oklahoma	102	Rhode Island
Federal	1	Tennessee	96	Vermont
Arkansas	1	Louisiana	87	West Virginia
		Nevada	84	Wisconsin
		25 other jurisdictions	499	
<b>Total</b>	<b>65</b>	<b>Total</b>	<b>3,374</b>	

- At yearend 2003, 37 States and the Federal prison system held 3,374 prisoners under sentence of death, 188 fewer than at yearend 2002.

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

#### Persons under sentence of death

	1993	2003
White	1,585	1,878
Black	1,125	1,418
American Indian	24	29
Asian	16	35
Unknown race	5	14

- The 369 Hispanic inmates under sentence of death accounted for 12% of inmates with a known ethnicity.

- Forty-seven women were under sentence of death in 2003, up from 38 in 1993.

\*For 2004 data on executions, see page 11.

- The 144 inmates received under sentence of death during 2003 represent the smallest number of admissions since 1973.

- The number of executions decreased to 65 during 2003, the lowest number since 1996 (45).

- Of the 7,061 people under sentence of death between 1977 and 2003, 12% were executed, 4% died by causes other than execution, and 36% received other dispositions.

- The number of States authorizing lethal injection increased from 25 in 1993 to 37 in 2003. In 2003, 98% of executions were by lethal injection, compared to 68% in 1993.

- Since 1977, 718 of the 885 executions (81%) were by lethal injection.

## Capital punishment laws

At yearend 2003 the death penalty was authorized by 38 States (table 1) and the Federal Government. No State enacted new legislation authorizing capital punishment in 2003.

The Missouri Supreme Court struck a portion of that State's capital statute on August 26, 2003 (State ex rel Simmons v. Roper, 112 S.W.3d 397 (Mo. banc 2003)). The Court found that evolving standards required that the minimum age for capital sentences be raised to 18 years of age rather than 16 as specified by Missouri law.

### Statutory changes

During 2003, 11 States revised statutory provisions relating to the death penalty. By State, the changes were as follows:

**Colorado** — Revised an aggravating factor to include use of chemical, biological or radiological weapons and added as an aggravating factor intentional killing of more than one person in more than one criminal episode (C.R.S. 18.1.3-1201(5)(f) and (p), respectively), effective 4/29/2003.

**Colorado** also added to its list of aggravating factors deliberately killing of a pregnant woman when the defendant knew the victim was pregnant (C.R.S. 18.1.3-1201(5)(q)), effective 7/1/2003.

**Delaware** — Amended the statute to clarify that, while juries decide the existence of aggravating circumstances, sentencing is at the judge's discretion (Del. Code Ann. 11 § 4209(d)(1)). Judges departing from a jury's recommendation must issue a written opinion specifying the reason (Del. Code Ann. 11 § 4209(d)(4)). Both changes were effective 7/15/2003.

**Idaho** — Idaho amended its code of procedure to require that sentencing proceedings be held before a jury in capital cases unless a defendant waives the jury and the prosecutor consents to this waiver (19-2515, Idaho Code), effective 2/13/2003.

**Table 1. Capital offenses, by State, 2003**

<b>Alabama.</b> Intentional murder with 18 aggravating factors (Ala. Stat. Ann. 13A-5-40(a)(1)-(18)).	<b>Nebraska*</b> . First-degree murder with a finding of at least 1 statutorily-defined aggravating circumstance.
<b>Arizona*</b> . First-degree murder accompanied by at least 1 of 10 aggravating factors (A.R.S. 13-703(F)).	<b>Nevada*</b> . First-degree murder with at least 1 of 14 aggravating circumstances (NRS 200.030, 200.033, 200.035).
<b>Arkansas*</b> . Capital murder (Ark. Code Ann. 5-10-101) with a finding of at least 1 of 10 aggravating circumstances; treason.	<b>New Hampshire.</b> Six categories of capital murder (RSA 630:1, RSA 630:5).
<b>California.</b> First-degree murder with special circumstances; train wrecking; treason; perjury causing execution.	<b>New Jersey.</b> Murder by one's own conduct, by, committed in furtherance of a narcotics conspiracy, or during the commission of the crime of terrorism (NJSA 2C:11-3c).
<b>Colorado*</b> . First-degree murder with at least 1 of 17 aggravating factors; treason.	<b>New Mexico*</b> . First-degree murder with at least 1 of 7 statutorily-defined aggravating circumstances (Section 30-2-1 A, NMSA).
<b>Connecticut*</b> . Capital felony with 8 forms of aggravated homicide (C.G.S. 53a-54b).	<b>New York*</b> . First-degree murder with 1 of 13 aggravating factors (NY Penal Law §125.27).
<b>Delaware*</b> . First-degree murder with aggravating circumstances.	<b>North Carolina*</b> . First-degree murder (NCGS §14-17).
<b>Florida*</b> . First-degree murder; felony murder; capital drug trafficking; capital sexual battery.	<b>Ohio.</b> Aggravated murder with at least 1 of 10 aggravating circumstances (O.R.C. secs. 2903.01, 2929.02, and 2929.04).
<b>Georgia*</b> . Murder; kidnaping with bodily injury or ransom when the victim dies; aircraft hijacking; treason.	<b>Oklahoma.</b> First-degree murder in conjunction with a finding of at least 1 of 8 statutorily defined aggravating circumstances.
<b>Idaho*</b> . First-degree murder with aggravating factors; aggravated kidnaping.	<b>Oregon.</b> Aggravated murder (ORS 163.095).
<b>Illinois*</b> . First-degree murder with 1 of 21 aggravating circumstances.	<b>Pennsylvania.</b> First-degree murder with 18 aggravating circumstances.
<b>Indiana*</b> . Murder with 16 aggravating circumstances (IC 35-50-2-9).	<b>South Carolina*</b> . Murder with 1 of 10 aggravating circumstances (§ 16-3-20(C)(a)).
<b>Kansas*</b> . Capital murder with 8 aggravating circumstances (KSA 21-3439).	<b>South Dakota*</b> . First-degree murder with 1 of 10 aggravating circumstances; aggravated kidnaping.
<b>Kentucky*</b> . Murder with aggravating factors; kidnaping with aggravating factors (KRS 532.025).	<b>Tennessee*</b> . First-degree murder with 1 of 15 aggravating circumstances (Tenn. Code Ann. § 39-13-204).
<b>Louisiana*</b> . First-degree murder; aggravated rape of victim under age 12; treason (La. R.S. 14:30, 14:42, and 14:113).	<b>Texas.</b> Criminal homicide with 1 of 8 aggravating circumstances (TX Penal Code 19.03).
<b>Maryland*</b> . First-degree murder, either premeditated or during the commission of a felony, provided that certain death eligibility requirements are satisfied.	<b>Utah*</b> . Aggravated murder (76-5-202, Utah Code Annotated).
<b>Mississippi.</b> Capital murder (97-3-19(2) MCA); aircraft piracy (97-25-55(1) MCA).	<b>Virginia*</b> . First-degree murder with 1 of 13 aggravating circumstances (VA Code § 18.2-31).
<b>Missouri*</b> . First-degree murder (565.020 RSMO 2000).	<b>Washington*</b> . Aggravated first-degree murder.
<b>Montana.</b> Capital murder with 1 of 9 aggravating circumstances (46-18-303 MCA); capital sexual assault (45-5-503 MCA).	<b>Wyoming.</b> First-degree murder.

\*Twenty-five States excluded mentally retarded persons from capital sentencing as of December 31, 2003: Arizona, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Missouri, Nebraska, Nevada, New Mexico, New York, North Carolina, South Dakota, Tennessee, Utah, Virginia, and Washington. Mental retardation is a mitigating factor in South Carolina.

The Idaho legislature also added to its statute a definition of and procedures for determining if a defendant is mentally retarded, an exemption from the death penalty for any defendants who are deemed to be mentally retarded, and alternate sentencing procedures to be used under these circumstances (19-2515A, Idaho Code), effective 3/27/2003.

Illinois — Amended sections of its criminal and procedural codes relating to the death penalty. These changes became effective 11/19/2003.

Illinois established procedures for courts to follow when a death sentence is deemed inappropriate in light of the facts of the case (720 ILCS 5/9-1(g) and (l)).

A new law prohibited imposition of a death sentence on any defendant found to be mentally retarded and setting forth procedures for such a determination (725 ILCS 5/114-15).

The Illinois legislature also added sections regarding admissibility rules for testimony from informants (725 ILCS 5/115-21), written disclosure of any information potentially relevant to witness credibility (725 ILCS 5/115-22), and criteria for a court to decertify a case as a capital case (720 ILCS 5/9-1(h-5)).

Indiana — Revised the procedural code to require the State Supreme Court to consider during sentence review claims that the sentence is "erroneous" (IC 35-5-2-9(j)(3)(B)). This law was passed in 2003, but was retroactively effective 7/1/2002.

Indiana also amended the statute to allow for post-conviction consideration of new evidence challenging the defendant's guilt or the appropriateness of the death sentence (IC 35-5-2-9(k)), effective 7/1/2003.

Louisiana — Amended the code of criminal procedure to prohibit capital sentencing of mentally retarded persons (La. C.Cr.P. Art. 905.5.1).

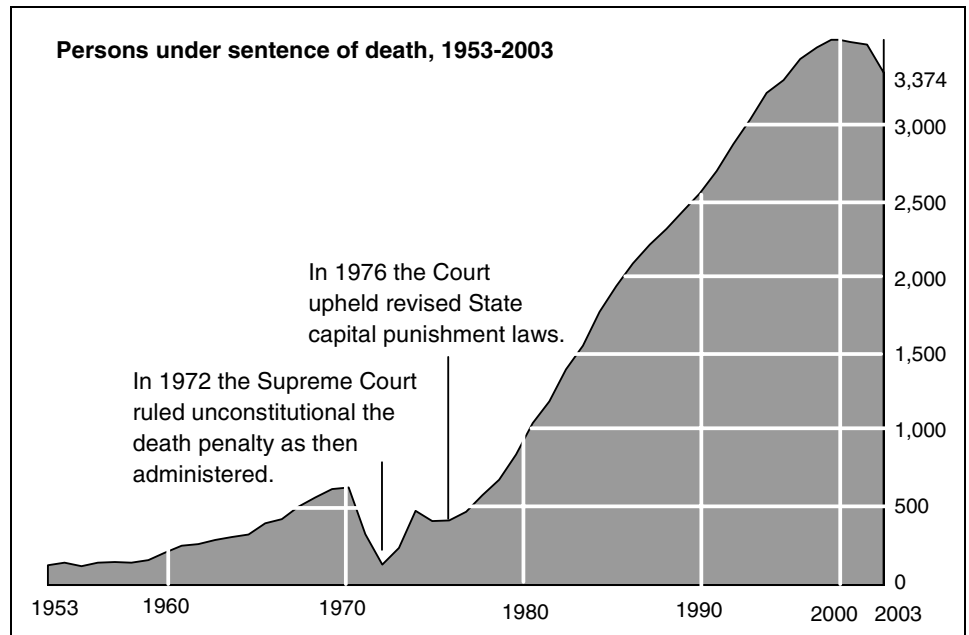


Figure 1

Montana — Modified the code of criminal procedure to require that a defendant either admit to or be found guilty beyond a reasonable doubt of aggravating factors in order to be sentenced to death (46-1-401 MCA; 46-18-302, 305, and 310 MCA), effective 10/1/2003.

Nevada — Revised its law to allow juries rather than 3-judge panels to determine death sentences (NRS § 175.552(1)(b)), effective 6/9/2003; and to set alternatives to a death sentence in cases where a defendant has been found to be mentally retarded by the court (NRS §175.552(2), (3), and (4)), effective 10/1/2003.

Texas — Expanded its definition of criminal homicide to include murder during the commission of a terroristic threat (TX Penal Code 19.03(a)(2)), effective 9/1/2003.

Utah — Amended its statute to exempt mentally retarded persons from capital sentences and to specify pre-trial procedures for determining the mental retardation of defendants (Utah Code Ann. § 77-15a-101); and creating post-conviction procedures for defendants to prove mental retardation (Utah Code Ann. § 76-3-207(8)), effective 3/15/2003.

Virginia — Excluded mentally retarded defendants from capital sentences (Va. Code § 19.2-264.3), effective 7/1/2003.

#### 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 automatic review of both the conviction and sentence, Idaho, Oklahoma, South Dakota, and Tennessee required review of the sentence only. In Idaho review of the conviction had to be filed through appeal or forfeited. In Indiana and Kentucky a defendant could waive review of the conviction.

**Table 2. Method of execution, by State, 2003**

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

<sup>a</sup>Authorizes 2 methods of execution.

<sup>b</sup>Authorizes lethal injection for persons sentenced after 11/15/92; the condemned sentenced before that date may select lethal injection or gas.

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

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

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

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

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

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

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

**Table 3. Minimum age authorized for capital punishment, 2003**

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

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

<sup>a</sup>See Ark. Code Ann. 9-27-318(c)(2)(Supp. 2001).

<sup>b</sup>See Conn. Gen. Stat. 53a-46a(g)(1).

<sup>c</sup>Age required is 17 unless the murderer was incarcerated for murder when a subsequent murder occurred; then the age may be 14.

<sup>d</sup>Montana law specifies that offenders tried under the capital sexual assault statute be 18 or older. Age may be a mitigating factor for other capital crimes.

<sup>e</sup>The minimum age defined by statute is 13, but the effective age is 16 based on interpretation of U.S. Supreme Court decisions by the Mississippi Supreme Court.

<sup>f</sup>Juveniles may be transferred to adult court. Age can be a mitigating factor.

<sup>g</sup>The minimum age for transfer to adult court by statute is 14, but the effective age is 16 based on interpretation of U.S. Supreme Court decisions by the State attorney general's office.

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

In Virginia a defendant could waive an appeal of trial court error but could not waive review of the death sentence for arbitrariness and proportionality.

In Mississippi the question of whether the defendant could waive the right to automatic review had not been addressed. In Wyoming neither statute nor case law precluded a waiver of appeal.

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

### Method of execution

As of December 31, 2003, lethal injection was the predominant method of execution (37 States) (table 2).

Nine States authorized electrocution; four States, lethal gas; three States, hanging; and three States, firing squad.

Seventeen States authorized more than 1 method — lethal injection and an alternative method — generally at the election of the condemned prisoner; however, 5 of these 17 stipulated which method must be used depending on the date of sentencing; 1 authorized hanging only if lethal injection could not be given; and if lethal injection is ever ruled to be unconstitutional, 1 authorized lethal gas, 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 (18 U.S.C. 3596).

### Minimum age

In 2003 seven jurisdictions did not specify a minimum age for which the death penalty could be imposed (table 3).

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

**Table 4. Prisoners under sentence of death, by region, State, and race, 2002 and 2003**

Region and State	Prisoners under sentence of death, 12/31/02			Received under sentence of death			Removed from death row (excluding executions) <sup>a</sup>			Executed			Prisoners under sentence of death, 12/31/03		
	Total <sup>b</sup>	White <sup>c</sup>	Black <sup>c</sup>	Total <sup>b</sup>	White	Black	Total <sup>b</sup>	White	Black	Total <sup>b</sup>	White	Black	Total <sup>b</sup>	White	Black
<b>U.S. total</b>	3,562	1,939	1,551	144	92	44	267	109	157	65	44	20	3,374	1,878	1,418
Federal <sup>d</sup>	23	6	17	2	0	1	1	0	1	1	0	1	23	6	16
State	3,539	1,933	1,534	142	92	43	266	109	156	64	44	19	3,351	1,872	1,402
<b>Northeast</b>	266	97	158	7	4	3	17	7	10	0	0	0	256	94	151
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	14	8	6	0	0	0	0	0	0	0	0	0	14	8	6
New York	5	4	1	1	0	1	1	1	0	0	0	0	5	3	2
Pennsylvania	240	81	148	6	4	2	16	6	10	0	0	0	230	79	140
<b>Midwest</b>	486	230	253	14	11	3	178	65	113	7	6	1	315	170	142
Illinois	159	57	102	2	2	0	159	57	102	0	0	0	2	2	0
Indiana	37	26	11	1	1	0	1	0	1	2	2	0	35	25	10
Kansas	5	3	2	1	1	0	0	0	0	0	0	0	6	4	2
Missouri	66	34	32	3	1	2	15	6	9	2	2	0	52	27	25
Nebraska	7	6	1	0	0	0	0	0	0	0	0	0	7	6	1
Ohio	207	99	105	7	6	1	2	1	1	3	2	1	209	102	104
South Dakota	5	5	0	0	0	0	1	1	0	0	0	0	4	4	0
<b>South</b>	1,892	1,020	848	85	58	24	54	25	29	57	38	18	1,866	1,015	825
Alabama	191	100	90	6	5	1	2	1	1	3	3	0	192	101	90
Arkansas	42	17	25	0	0	0	1	0	1	1	0	1	40	17	23
Delaware	14	10	4	2	2	0	0	0	0	0	0	0	16	12	4
Florida <sup>e</sup>	366	234	132	11	11	0	10	5	5	3	2	1	364	238	126
Georgia	115	58	56	1	1	0	2	0	2	3	3	0	111	56	54
Kentucky	36	28	8	0	0	0	1	0	1	0	0	0	35	28	7
Louisiana	90	27	62	1	0	1	4	0	4	0	0	0	87	27	59
Maryland	15	5	10	0	0	0	4	1	3	0	0	0	11	4	7
Mississippi	65	29	35	3	2	1	2	0	2	0	0	0	66	31	34
North Carolina	206	80	118	6	2	4	10	4	6	7	3	3	195	75	113
Oklahoma	112	64	42	9	4	3	5	4	1	14	8	6	102	56	38
South Carolina <sup>e</sup>	72	38	34	5	3	2	6	3	3	0	0	0	71	38	33
Tennessee	96	57	38	6	4	1	6	6	0	0	0	0	96	55	39
Texas	449	260	184	29	20	9	1	1	0	24	17	7	453	262	186
Virginia	23	13	10	6	4	2	0	0	0	2	2	0	27	15	12
<b>West</b>	895	586	275	36	19	13	17	12	4	0	0	0	914	593	284
Arizona	117	100	12	9	5	2	3	2	1	0	0	0	123	103	13
California	613	369	220	19	6	11	3	2	1	0	0	0	629	373	230
Colorado	5	2	2	1	1	0	3	2	0	0	0	0	3	1	2
Idaho	20	20	0	1	1	0	2	2	0	0	0	0	19	19	0
Montana	6	5	0	0	0	0	1	1	0	0	0	0	5	4	0
Nevada	82	48	33	4	4	0	2	0	2	0	0	0	84	52	31
New Mexico	2	2	0	0	0	0	0	0	0	0	0	0	2	2	0
Oregon	27	25	1	2	2	0	1	1	0	0	0	0	28	26	1
Utah	11	8	2	0	0	0	1	1	0	0	0	0	10	7	2
Washington	10	5	5	0	0	0	0	0	0	0	0	0	10	5	5
Wyoming	2	2	0	0	0	0	1	1	0	0	0	0	1	1	0

Note: Some figures shown for yearend 2002 are revised from those reported in *Capital Punishment, 2002*, NCJ 201848. The revised figures include 15 inmates who were either reported late to the National Prisoner Statistics program or were not in custody of State correctional authorities on 12/31/02 (3 each in Louisiana and Pennsylvania; 2 each in Arkansas and Ohio; and 1 each in Florida, Georgia, Indiana, Oregon, and Tennessee) and exclude 13 inmates who were relieved of a death sentence before 12/31/02 (4 in Pennsylvania;

3 in Arizona; and 1 each in Florida, Mississippi, Texas, California, Nevada, and the Federal system). Data for 12/31/02 also include 2 inmates in Georgia and 1 inmate in Louisiana who were erroneously reported as being removed from under sentence of death.  
<sup>a</sup>Includes 6 deaths from natural causes (2 each in Tennessee and California; and 1 each in Ohio and Utah); and 4 deaths from suicide (1 each in South Dakota, Georgia, Tennessee, and Montana).

<sup>b</sup>Totals include persons of races other than white and black.  
<sup>c</sup>The reporting of race and Hispanic origin differs from that presented in tables 8 and 10. In this table white and black inmates include Hispanics.  
<sup>d</sup>Excludes persons held under Armed Forces jurisdiction with a military death sentence for murder.  
<sup>e</sup>Race has been changed from black to white for 1 inmate.

## Characteristics of prisoners under sentence of death at yearend 2003

Thirty-seven States and the Federal prison system held a total of 3,374 prisoners under sentence of death on December 31, 2003, a decrease of 188 since the end of 2002 (table 4). Illinois accounted for 84% of this decline with a net decrease of 157 prisoners. Other jurisdictions accounted for a decrease of 31 prisoners during 2003. This was the third consecutive year that the number of prisoners under a sentence of death declined, down from 3,601 on December 31, 2000.

Three States reported 43% of the Nation's death row population: California (629), Texas (453), and Florida (364). The Federal Bureau of Prisons held 23 inmates at yearend. Of the 39 jurisdictions authorizing the death penalty in 2003, New Hampshire had no one under a capital sentence, and New York, Illinois, South Dakota, Colorado, Montana, New Mexico, and Wyoming had 5 or fewer.

Among the 38 jurisdictions with prisoners under sentence of death at yearend 2003, 11 had more inmates than a year earlier, 19 had fewer inmates, and 8 had the same number. California had an increase of 16, followed by Arizona (6), and Texas and Virginia (4 each). Following Illinois, the largest decreases were in Missouri (14), North Carolina (11), and Oklahoma and Pennsylvania (10 each).

During 2003 the number of both white and black inmates under sentence of death declined (by 61 and 133, respectively) while the number of persons of other races (including American Indians, Asians, and self-identified Hispanics) rose from 72 to 78.

Men were 99% (3,327) of all prisoners under sentence of death (table 5). Whites accounted for 56%; blacks accounted for 42%; and other races (2%) included 29 American Indians, 35 Asians, and 14 persons whose race was unknown. Among those for whom ethnicity was known, 12% were Hispanic.

Persons under sentence of death, by race, 1968-2003

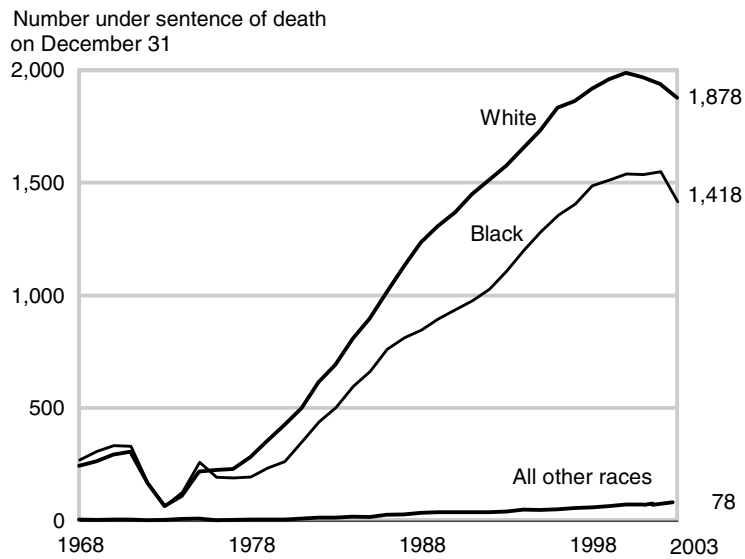


Figure 2

Table 5. Demographic characteristics of prisoners under sentence of death, 2003

Characteristic	Prisoners under sentence of death, 2003		
	Yearend	Admissions	Removals
<b>Total number under sentence of death</b>	3,374	144	332
<b>Gender</b>			
Male	98.6%	98.6%	98.2%
Female	1.4	1.4	1.8
<b>Race</b>			
White	55.7%	63.9%	46.1%
Black	42.0	30.6	53.3
All other races*	2.3	5.5	0.6
<b>Hispanic origin</b>			
Hispanic	12.5%	27.0%	6.2%
Non-Hispanic	87.5	73.0	93.8
<b>Education</b>			
8th grade or less	15.2%	18.3%	11.6%
9th-11th grade	37.1	41.7	40.4
High school graduate/GED	38.3	35.0	37.2
Any college	9.3	5.0	10.8
Median	11th	11th	11th
<b>Marital status</b>			
Married	22.5%	29.1%	21.9%
Divorced/separated	20.7	17.1	20.2
Widowed	2.8	4.3	3.1
Never married	54.0	49.6	54.8

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

	Yearend	Admissions	Removals
Hispanic origin	416	55	44
Education	483	24	55
Marital status	333	27	40

\*At yearend 2002, other races consisted of 29 American Indians, 35 Asians, and 14 self-identified Hispanics. During 2003, 3 American Indians, 3 Asians, and 2 self-identified Hispanics were admitted; 1 Asian was removed; and 1 American Indian was executed.

During 2003 the number of women sentenced to be executed decreased from 51 to 47 (table 6). Two women were received under sentence of death, and six were removed from death row. Women were under sentence of death in 17 States. Two-thirds of the women on death row at yearend were being held in four States: California, Texas, Pennsylvania, and North Carolina.

State	Women under sentence of death, 12/31/03		
	All races*	White	Black
Total	47	29	15
California	14	10	2
Texas	8	4	4
Pennsylvania	5	2	3
North Carolina	4	2	1
Alabama	3	1	2
Tennessee	2	2	0
Ohio	1	1	0
Florida	1	1	0
Georgia	1	1	0
Kentucky	1	1	0
Mississippi	1	1	0
Virginia	1	1	0
Arizona	1	1	0
Idaho	1	1	0
Indiana	1	0	1
Louisiana	1	0	1
Nevada	1	0	1

\*Includes races other than white and black.

The number of Hispanics under sentence of death rose from 363 to 369 during 2003. Twenty-four Hispanics were received under sentence of death, 15 were removed from death row, and 3 were executed. More than three-quarters of the Hispanics were held in 3 States: California (130), Texas (121), and Florida (30).

The gender, race, and Hispanic origin of those under sentence of death at yearend 2003 were as follows:

	Persons under sentence of death, 12/31/03		
	White	Black	Other races
Male	1,849	1,403	75
Hispanic	335	14	16
Female	29	15	3
Hispanic	2	0	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 7). The average age at time of arrest was 28 years.

**Table 6. Hispanics and women under sentence of death, by State, 2002 and 2003**

Region and State	Under sentence of death, 12/31/02 <sup>a</sup>		Received under sentence of death		Death sentence removed <sup>b</sup>		Under sentence of death, 12/31/03	
	Hispanics	Women	Hispanics	Women	Hispanics	Women	Hispanics	Women
U.S. total	363	51	24	2	18	6	369	47
Federal system	2	0	0	0	0	0	2	0
Alabama	1	3	0	0	0	0	1	3
Arizona	17	1	3	0	0	0	20	1
Arkansas	1	0	0	0	0	0	1	0
California	126	14	4	0	0	0	130	14
Colorado	1	0	1	0	1	0	1	0
Connecticut	1	0	0	0	0	0	1	0
Delaware	2	0	0	0	0	0	2	0
Florida	29	1	1	0	0	0	30	1
Georgia	2	1	0	0	0	0	2	1
Idaho	0	1	0	0	0	0	0	1
Illinois	11	4	0	0	11	4	0	0
Indiana	1	1	0	0	0	0	1	1
Kentucky	1	1	0	0	0	0	1	1
Louisiana	1	1	0	0	0	0	1	1
Mississippi	0	1	0	0	0	0	0	1
Nebraska	1	0	0	0	0	0	1	0
Nevada	10	1	0	0	0	0	10	1
New Mexico	1	0	0	0	0	0	1	0
New York	1	0	0	0	0	0	1	0
North Carolina	4	6	0	0	0	2	4	4
Ohio	5	0	0	1	0	0	5	1
Oklahoma	5	0	1	0	1	0	5	0
Oregon	2	0	0	0	0	0	2	0
Pennsylvania	20	5	4	0	1	0	23	5
Tennessee	1	2	0	0	0	0	1	2
Texas	114	8	10	0	3	0	121	8
Utah	3	0	0	0	1	0	2	0
Virginia	0	0	0	1	0	0	0	1

<sup>a</sup>The count of Hispanics under sentence of death at yearend 2002 has been revised.

<sup>b</sup>Includes 3 Hispanic men in Texas who were executed in 2003.

**Table 7. Age at time of arrest for capital offense and age of prisoners under sentence of death at yearend 2003**

Age	Prisoners under sentence of death			
	At time of arrest		On December 31, 2003	
	Number*	Percent	Number	Percent
Total number under sentence of death on 12/31/03	3,117	100%	3,374	100%
17 or younger	67	2.1	0	--
18-19	341	10.9	1	--
20-24	843	27.0	133	3.9
25-29	687	22.0	400	11.9
30-34	512	16.4	565	16.7
35-39	333	10.7	582	17.2
40-44	177	5.7	613	18.2
45-49	97	3.1	477	14.1
50-54	38	1.2	297	8.8
55-59	16	0.5	196	5.8
60-64	3	0.1	67	2.0
65 or older	3	0.1	43	1.3
Mean age	28 yrs.		40 yrs.	
Median age	27 yrs.		40 yrs.	

Note: The youngest person under sentence of death was a white male in Texas, born in April 1984 and sentenced to death in August 2002. The oldest person under sentence of death was a white male in Arizona, born in September 1915 and sentenced to death in June 1983. Detail may not add to total due to rounding.

--Less than 0.05%.

\*Excludes 257 inmates for whom the date of arrest for capital offense was not available.

On December 31, 2003, 34% of all inmates were age 30 to 39, and 64% were age 25 to 44. The youngest offender under sentence of death was 19; the oldest was 88.

### Criminal history of inmates under sentence of death in 2003

Among inmates under a death sentence on December 31, 2003, for whom criminal history information was available, 64% had prior felony convictions, including 8% with at least one previous homicide conviction (table 8).

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

Criminal history patterns differed by race and Hispanic origin. More blacks (70%) than whites (62%) or Hispanics (59%) had a prior felony conviction. About the same percentage of whites, blacks, and Hispanics had a prior homicide conviction (8%). A slightly higher percentage of Hispanics (22%) or blacks (18%) than whites (14%) were on parole when arrested for their capital offense.

Since 1988, data have been collected on the number of death sentences imposed on entering inmates. Among the 4,156 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	4
Number admitted under sentence of death, 1988-2003	4,156

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

Between January 1 and December 31, 2003, 25 State prison systems reported receiving 142 inmates under sentence of death; the Federal Bureau of Prisons received 2 inmates. More than half of the inmates were received in 5 States: Texas (29), California (19), Florida (11), and Arizona and Oklahoma (9 each).

Year	Inmates received under sentence of death
1994	327
1995	327
1996	323
1997	281
1998	307
1999	282
2000	234
2001	165
2002	168
2003	144

Of 144 prisoners who were received under sentence of death, 143 had been convicted of murder and 1 of rape (Louisiana). Two of those admitted were female. By race, 92 were white, 44 were black, 3 were American Indian, 3 were Asian, and 2 were of unknown race. Of the 144 new admissions, 24 were Hispanic.

The 144 admissions to death row in 2003 marked a decline of 24 from the 168 admissions recorded in 2002, and represented the smallest number received in a year since 44 persons were admitted in 1973. Between 1994 and 2000, in contrast, an average 297 inmates per year were admitted.

During 2003 a total of 267 inmates were removed from under a sentence of death by means other than execution. Illinois accounted for 60% of these removals: the governor removed all inmates from under sentence of death when he commuted 155 death sentences and granted 4 pardons.

**Table 8. Criminal history profile of prisoners under sentence of death, by race and Hispanic origin, 2003**

	Number of prisoners under sentence of death				Percent of prisoners under sentence of death <sup>a</sup>			
	All <sup>b</sup>	White <sup>c</sup>	Black <sup>c</sup>	Hispanic	All <sup>b</sup>	White <sup>c</sup>	Black <sup>c</sup>	Hispanic
<b>U.S. total</b>	3,374	1,541	1,404	369	100%	100%	100%	100%
<b>Prior felony convictions</b>								
Yes	2,007	879	899	200	64.5%	61.8%	69.8%	58.7%
No	1,103	544	389	141	35.5	38.2	30.2	41.3
Not reported	264							
<b>Prior homicide convictions</b>								
Yes	272	125	117	25	8.2%	8.3%	8.5%	6.9%
No	3,032	1,387	1,252	339	91.8	91.7	91.5	93.1
Not reported	70							
<b>Legal status at time of capital offense</b>								
Charges pending	239	120	101	17	7.9%	8.7%	8.0%	5.1%
Probation	327	132	151	38	10.8	9.5	12.0	11.4
Parole	501	199	222	72	16.5	14.4	17.7	21.6
Prison escapee	42	23	12	6	1.4	1.7	1.0	1.8
Incarcerated	95	52	33	8	3.1	3.8	2.6	2.4
Other status	17	7	7	2	0.6	0.5	0.6	0.6
None	1,809	850	730	191	59.7	61.5	58.1	57.2
Not reported	344							

<sup>a</sup>Percentages are based on those offenders for whom data were reported.

Detail may not add to total because of rounding.

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

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



Twenty-six States and the Federal Bureau of Prisons reported 257 persons whose death sentences were removed or overturned. In addition to the 159 inmates removed in Illinois, appeals courts vacated 78 sentences while upholding the convictions and vacated 15 sentences while overturning the convictions. Pennsylvania (16 exits) had the largest number of vacated sentences. Louisiana and Ohio each reported one commutation of a death sentence. Colorado removed three inmates when the Colorado Supreme Court declared their death sentences unconstitutional.

As of December 31, 2003, 224 of 257 persons who were formerly under sentence of death were serving a reduced sentence, 11 were awaiting a new trial, 12 were awaiting resentencing, 7 had all capital charges dropped, and 1 had no action taken after being removed from under sentence of death. The current status of 2 inmates was not available.

In addition, 10 persons died while under sentence of death in 2003. Six of these deaths were from natural causes — 2 each in Tennessee and California; and 1 each in Ohio and Utah. Four deaths were suicides — one each in

Georgia, Montana, South Dakota, and Tennessee.

From 1977, the year after the Supreme Court upheld the constitutionality of revised State capital punishment laws, to 2003, a total of 6,681 persons entered prison under sentence of death. During these 27 years, 885 persons were executed, and 2,802 were removed from under a death sentence by appellate court decisions and reviews, commutations, or death.<sup>1</sup>

Among individuals who received a death sentence between 1977 and 2003, 3,266 (49%) were white, 2,723 (41%) were black, 582 (9%) were Hispanic, and 110 (2%) were other races. The distribution by race and Hispanic origin of the 3,687 inmates who were removed from death row between 1977 and 2003 was as follows: 1,910 whites (52%), 1,499 blacks (41%), 228 Hispanics (6%), and 50 persons of other races (1%). Of the 885 who were executed, 510 (58%) were white, 301 (34%) were black, 61 (7%) were Hispanic, and 13 (1%) were of other races.

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

## Executions

According to data collected by the Federal Government, from 1930 to 2003, 4,744 persons were executed under civil authority (table 9).<sup>2</sup>

<sup>2</sup>Military authorities carried out an additional 160 executions between 1930 and 1961.

**Table 9. Number of persons executed, by jurisdiction, 1930-2003**

State	Number executed	
	Since 1930	Since 1977
U.S. total	4,744	885
Texas	610	313
Georgia	400	34
New York	329	0
California	302	10
North Carolina	293	30
Florida	227	57
South Carolina	190	28
Virginia	181	89
Ohio	180	8
Alabama	163	28
Louisiana	160	27
Mississippi	160	6
Pennsylvania	155	3
Arkansas	143	25
Oklahoma	129	69
Missouri	123	61
Kentucky	105	2
Illinois	102	12
Tennessee	94	1
New Jersey	74	0
Maryland	71	3
Arizona	60	22
Indiana	52	11
Washington	51	4
Colorado	48	1
District of Columbia	40	0
West Virginia	40	0
Nevada	38	9
Federal system	36	3
Massachusetts	27	0
Delaware	25	13
Oregon	21	2
Connecticut	21	0
Utah	19	6
Iowa	18	0
Kansas	15	0
New Mexico	9	1
Montana	8	2
Wyoming	8	1
Nebraska	7	3
Idaho	4	1
Vermont	4	0
New Hampshire	1	0
South Dakota	1	0

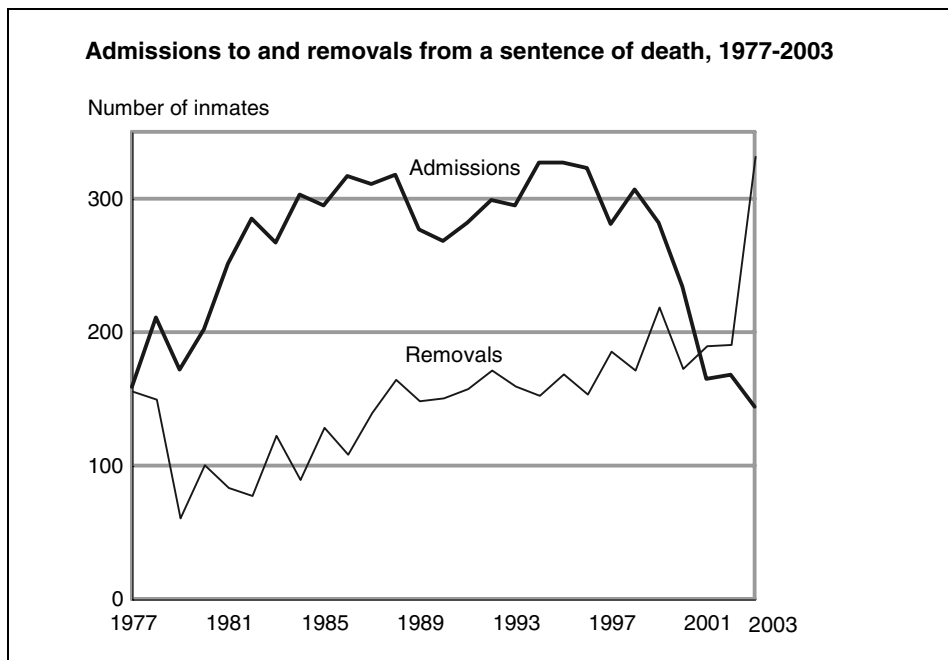


Figure 3

After the Supreme Court reinstated the death penalty in 1976, 32 States and the Federal Government executed 885 prisoners:

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

During this 27-year period, 5 States executed 589 prisoners: Texas (313), Virginia (89), Oklahoma (69), Missouri (61), and Florida (57). These States accounted for two-thirds of all executions. Between 1977 and 2003, 501 white non-Hispanic men, 300 black non-Hispanic men, 61 Hispanic men, 8 American Indian men, 5 Asian men, 9 white non-Hispanic women, and 1 black non-Hispanic woman were executed.

During 2003 Texas carried out 24 executions; Oklahoma executed 14 persons; North Carolina, 7; Alabama, Florida, Georgia, and Ohio, 3 each; Indiana, Missouri, and Virginia, 2 each; and Arkansas and the Federal prison system, 1 each. All 65 of the inmates executed in 2003 were male. Forty-one were white; 20 were black; 3 were Hispanic; and 1 was American Indian.

From 1977 to 2003, 7,061 prisoners were under death sentences for varying lengths of time (table 10). The 885 executions accounted for 12% of those at risk. A total of 2,802 prisoners (40% of those at risk) were removed by means other than execution. About the same percentage of whites (15%), blacks (10%), and Hispanics (10%) were executed. Somewhat larger percentages of whites and blacks (each 41%) than Hispanics (28%) were removed from under a death sentence by means other than execution.

**Persons executed, 1930-2003**

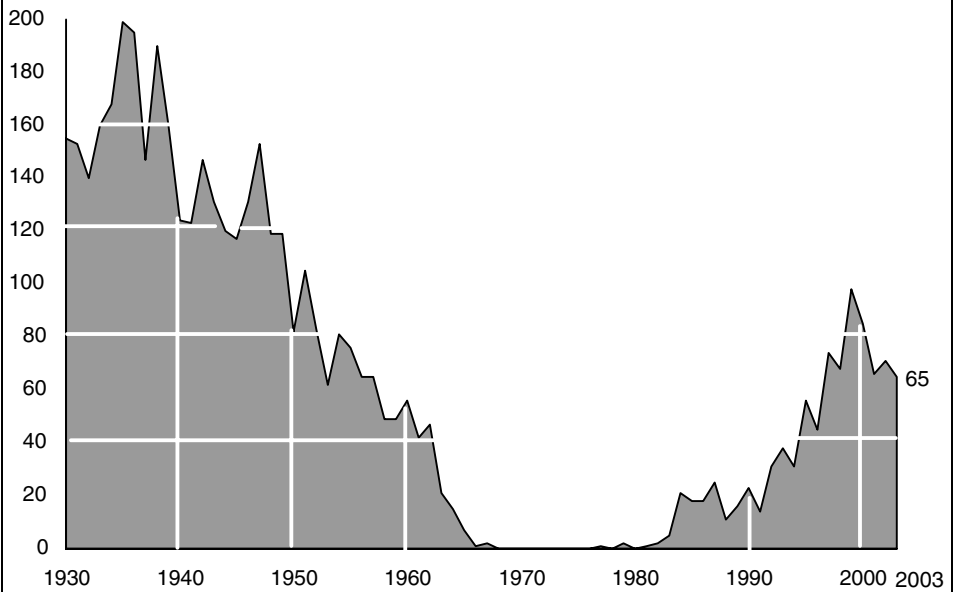


Figure 4

**Table 10. Executions and other dispositions of inmates sentenced to death, by race and Hispanic origin, 1977-2003**

Race/Hispanic origin	Total under sentence of death, 1977-2003 <sup>b</sup>	Prisoners executed		Prisoners who received other dispositions <sup>a</sup>	
		Number	Percent of total	Number	Percent of total
Total	7,061	885	12.5%	2,802	39.7%
White <sup>c</sup>	3,451	510	14.8%	1,400	40.6%
Black <sup>c</sup>	2,903	301	10.4	1,198	41.3
Hispanic	597	61	10.2	167	28.0
All other races <sup>d</sup>	110	13	11.8	37	33.6

<sup>a</sup>Includes persons removed from a sentence of death because of statutes struck down on appeal, sentences or convictions vacated, commutations, or death by other than execution.

<sup>b</sup>Includes 7 persons sentenced to death prior to 1977 who were still under sentence of death on 12/31/03; 373 persons sentenced to death prior to 1977 whose death sentence was removed between 1977 and 12/31/03; and 6,681 persons sentenced to death between 1977 and 12/31/03.

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

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

Among prisoners executed from 1977 to 2003, the average time between the imposition of the most recent sentence received and execution was more than 10 years (table 11). White prisoners had spent an average of 10 years and 1 month, and black prisoners, 10 years and 9 months. The 65 prisoners executed in 2003 were under sentence of death an average of 10 years and 11 months.

For the 885 prisoners executed between 1977 and 2003, the most common method of execution was lethal injection (718). Other methods used included electrocution (151), lethal gas (11), hanging (3), and firing squad (2).

Method of execution	Executions, 1977-2003				
	White	Black	Hispanic	American Indian	Asian
Total	510	301	61	8	5
Lethal injection	418	229	59	7	5
Electrocution	79	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 2003, the average time spent in prison was 9 years and 7 months, up 6 months from that in 2002.

Inmates under sentence of death	Elapsed time since sentencing	
	Mean	Median
Total	115 mo	103 mo
Male	115	103
Female	92	93
White	118	107
Black	115	104
Hispanic	100	84

The median time between the imposition of a death sentence and yearend 2003 was 103 months. Overall, the average time for women was 7 years and 8 months, 23 months less than that for men (9 years and 7 months). On average, whites, blacks, and Hispanics had spent from 100 to 118 months under a sentence of death.

**Table 11. Time under sentence of death and execution, by race, 1977-2003**

Year of execution	Number executed			Average elapsed time from sentence to execution for:		
	All races <sup>a</sup>	White <sup>b</sup>	Black <sup>b</sup>	All races <sup>a</sup>	White <sup>b</sup>	Black <sup>b</sup>
Total	885	568	303	124 mo	121 mo	129 mo
1977-83	11	9	2	51 mo	49 mo	58 mo
1984	21	13	8	74	76	71
1985	18	11	7	71	65	80
1986	18	11	7	87	78	102
1987	25	13	12	86	78	96
1988	11	6	5	80	72	89
1989	16	8	8	95	78	112
1990	23	16	7	95	97	91
1991	14	7	7	116	124	107
1992	31	19	11	114	104	135
1993	38	23	14	113	112	121
1994	31	20	11	122	117	132
1995	56	33	22	134	128	144
1996	45	31	14	125	112	153
1997	74	45	27	133	126	147
1998	68	48	18	130	128	132
1999	98	61	33	143	143	141
2000	85	49	35	137	134	142
2001	66	48	17	142	134	166
2002	71	53	18	127	130	120
2003	65	44	20	131	135	120

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

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

<sup>b</sup>Includes Hispanics.

**Advance count of executions: January 1, 2004 — December 31, 2004**

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.

Jurisdiction	Number of executions	Method used
Texas	23	Lethal injection
Ohio	7	Lethal injection
Oklahoma	6	Lethal injection
Virginia	5	Lethal injection
North Carolina	4	Lethal injection
South Carolina	4	Lethal injection*
Alabama	2	Lethal injection
Florida	2	Lethal injection
Georgia	2	Lethal injection
Nevada	2	Lethal injection
Arkansas	1	Lethal injection
Maryland	1	Lethal injection
Total	59	

During 2004, 12 States had executed 59 inmates, 6 fewer than the number executed in 2003.

Three States accounted for more than 6 in 10 of the executions carried out during this period: Texas performed 23, Ohio carried out 7, and Oklahoma executed 6.

Lethal injection accounted for 58 of the executions; electrocution, for 1.

Thirty-nine of those executed were white, 19 were black, and 1 was Asian. No women were executed.

\*South Carolina executed 1 inmate by electrocution.

Final counts for 2004 will appear in *Capital Punishment 2004*, released in late 2005. This annual report will consist of data collected from State and Federal correctional agencies. The report will cover all persons under sentence of death on December 31, 2004, as well as those removed from under sentence of death.



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## Methodology

Capital punishment information is collected annually as part of the National Prisoner Statistics program (NPS-8). This data series has two parts: data on persons under sentence of death obtained from the department of corrections in each jurisdiction authorizing capital punishment and information on the status of death penalty statutes obtained from the office of the attorney general in 50 States, the District of Columbia, and the Federal Government. Data collection forms and more detailed tables are available on the BJS website <[www.ojp.usdoj.gov/bjs/abstract/cp03.htm](http://www.ojp.usdoj.gov/bjs/abstract/cp03.htm)>.

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

The statistics reported in this Bulletin may differ from data collected by other organizations for a variety of reasons: (1) NPS-8 adds inmates to the population under sentence of death not at sentencing but at the time they are admitted to a State or Federal correctional facility; (2) If inmates entered prison under a death sentence or were reported as being relieved of a death sentence in one year but the court had acted in the previous year, the counts are adjusted to reflect the dates of court decisions (see the note on table 4 for the affected jurisdictions); and

This report in portable document format and in ASCII and its related statistical data and tables— including five appendix tables — are available at the BJS World Wide Web Internet site: <<http://www.ojp.usdoj.gov/bjs/>>.

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(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.

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.

This Bulletin was written by Thomas P. Bonczar and Tracy L. Snell under the supervision of Allen J. Beck. Tina Dorsey edited the report. Jayne Robinson prepared the report for final printing. At the U.S. Census Bureau, Patricia A. Clark collected the data under the supervision of Steven M. Bittner and Marilyn M. Monahan.

November 2004, NCJ 206627 B

**Appendix table 1. Federal laws providing for the death penalty, 2003**

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

**Appendix table 2. Prisoners sentenced to death and outcome of the sentence, by year of sentencing, 1973-2003**

Year of sentence	Number sentenced to death	Number of prisoners removed from under sentence of death						Other or unknown reasons	Under sentence of death 12/31/2003
		Execution	Other death	Appeals or higher courts overturned— Death penalty statute		Conviction	Sentence		
1973	42	2	0	14	9	8	9	0	0
1974	149	11	4	65	15	30	22	1	1
1975	298	6	4	171	24	67	21	2	3
1976	233	14	5	136	17	43	15	0	3
1977	137	19	3	40	26	32	7	0	10
1978	185	36	6	21	36	65	8	0	13
1979	151	28	13	2	28	59	6	1	14
1980	173	45	13	3	30	50	12	0	20
1981	223	54	13	0	42	78	12	1	23
1982	266	58	18	0	38	73	12	1	66
1983	252	61	17	1	27	63	14	2	67
1984	284	59	14	2	44	65	12	8	80
1985	266	43	9	1	42	75	12	4	80
1986	299	61	20	0	46	57	13	5	97
1987	289	49	20	5	39	62	4	7	103
1988	291	47	13	1	33	61	13	0	123
1989	258	37	10	0	32	52	11	1	115
1990	251	41	9	0	35	43	15	1	107
1991	267	31	10	0	33	35	10	0	148
1992	286	32	11	0	24	43	17	0	159
1993	289	32	13	0	18	31	16	0	179
1994	314	39	10	0	24	35	11	0	195
1995	318	33	12	0	15	28	12	0	218
1996	320	19	9	0	21	39	10	0	222
1997	276	8	5	0	20	26	5	0	212
1998	302	11	7	1	17	20	8	0	238
1999	276	3	6	2	12	15	10	0	228
2000	232	5	3	1	6	13	8	0	196
2001	164	0	1	0	2	7	2	0	152
2002	168	1	1	0	0	2	6	0	158
2003	144	0	0	0	0	0	0	0	144
Total, 1973-2003	7,403	885	279	466	755	1,277	333	34	3,374

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

**Appendix table 3. Prisoners under sentence of death on December 31, 2003, by jurisdiction and year of sentencing**

Jurisdiction	Year of sentence for prisoners sentenced to and remaining on death row, 12/31/2003													Under	Average
	1974-82	1983-84	1985-86	1987-88	1989-90	1991-92	1993-94	1995-96	1997-98	1999-00	2001	2002	2003	12/31/03	years
														of death,	sentence
													12/31/03	death as	12/31/03
California	46	37	35	51	63	63	55	76	70	74	26	14	19	629	10.8
Florida	34	23	21	31	28	51	44	28	28	39	15	11	11	364	11.5
Texas	15	7	13	21	17	38	52	54	64	80	26	37	29	453	7.8
Alabama	9	5	6	13	17	11	23	24	35	25	7	11	6	192	9.0
Tennessee	8	6	13	10	5	8	4	8	11	8	4	5	6	96	11.3
Georgia	8	3	6	8	11	12	11	13	21	13	1	3	1	111	10.7
Nevada	6	8	5	8	9	4	6	17	7	8	1	1	4	84	11.4
Arizona	6	5	6	14	11	13	17	9	16	9	7	1	9	123	10.3
Pennsylvania	5	11	19	26	20	22	36	23	21	24	5	12	6	230	10.5
Mississippi	4		1	1	4	6	9	10	11	9	3	5	3	66	8.1
North Carolina	3	1	3		3	12	42	45	34	28	11	7	6	195	7.5
Kentucky	2	5	4	2		4	4	1	5	5	2	1		35	11.5
Indiana	2	2	3	6	1	3	3	5	2	3		4	1	35	10.9
Idaho	2	1	1	2	2	2	2	2	1	1	1	1	1	19	11.3
Louisiana	1	1	3	5	1	3	4	17	22	20	2	7	1	87	7.2
Missouri	1	1	2	3	1	7	3	11	10	5	4	1	3	52	8.3
Arkansas	1				2	3	8	7	8	7	3	1		40	7.8
Ohio		19	27	17	15	22	18	31	25	13	7	8	7	209	10.8
Oklahoma		3	4	5	4	4	8	19	24	12	3	7	9	102	7.4
South Carolina		3	1		4	6	10	15	9	7	6	5	5	71	7.5
Maryland		3		1		2		2	1	2				11	11.6
Utah		1	2	1	1	1	1	2		1				10	12.9
Nebraska		1	1					2		2	1			7	*
Montana		1		1		1		2						5	*
New Jersey			1		2		3	5	1		1	1		14	8.8
Connecticut					1	2		1		3				7	*
Oregon						4	3	5	6	5	2	1	2	28	6.4
Delaware						2	3		2	1	4	2	2	16	5.4
Washington						1	2	1	2	3	1			10	6.1
Federal system							2	2	5	5	2	5	2	23	4.3
South Dakota							1		1		2			4	*
Colorado								2					1	3	*
New Mexico								1				1		2	*
Virginia									6	9	3	3	6	27	3.1
Kansas									1	2		2	1	6	*
Wyoming									1					1	*
New York										4			1	5	*
Illinois													2	2	*
Total	153	147	177	226	222	307	374	440	450	424	152	158	144	3,374	9.6

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 4. Number sentenced to death and number of removals, by jurisdiction and reason for removal, 1973-2003**

Jurisdiction	Total sentenced to death, 1973-2003	Number of removals, 1973-2003					Under sentence of death, 12/31/03
		Executed	Died	Sentence or conviction overturned	Sentence commuted	Other removals	
U.S. total	7,403	885	279	2,498	335	34	3,374
Federal	34	3	0	7	1	0	23
Alabama	348	28	17	109	2	0	192
Arizona	248	22	12	84	6	1	123
Arkansas	101	25	2	32	2	0	40
California	814	10	39	121	15	0	629
Colorado	20	1	2	13	1	0	3
Connecticut	8	0	0	1	0	0	7
Delaware	50	13	0	21	0	0	16
Florida	883	57	35	407	18	2	364
Georgia	301	34	10	138	7	1	111
Idaho	41	1	1	17	3	0	19
Illinois	296	12	14	98	158	12	2
Indiana	98	11	2	46	2	2	35
Kansas	7	0	0	1	0	0	6
Kentucky	75	2	3	34	1	0	35
Louisiana	218	27	4	92	7	1	87
Maryland	52	3	2	32	4	0	11
Massachusetts	4	0	0	2	2	0	0
Mississippi	176	6	3	98	0	3	66
Missouri	170	61	9	46	2	0	52
Montana	15	2	1	6	1	0	5
Nebraska	27	3	3	12	2	0	7
Nevada	139	9	11	31	4	0	84
New Jersey	51	0	3	26	0	8	14
New Mexico	28	1	1	19	5	0	2
New York	10	0	0	5	0	0	5
North Carolina	508	30	13	262	8	0	195
Ohio	376	8	12	136	11	0	209
Oklahoma	322	69	10	140	1	0	102
Oregon	53	2	1	22	0	0	28
Pennsylvania	360	3	15	107	5	0	230
Rhode Island	2	0	0	2	0	0	0
South Carolina	183	28	4	77	3	0	71
South Dakota	5	0	1	0	0	0	4
Tennessee	209	1	13	94	3	2	96
Texas	954	313	28	110	49	1	453
Utah	26	6	1	8	1	0	10
Virginia	142	89	5	11	9	1	27
Washington	38	4	1	23	0	0	10
Wyoming	11	1	1	8	0	0	1
Percent	100%	12.0%	3.8%	33.7%	4.5%	0.5%	45.6%

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



**Appendix table 5. Executions, by jurisdiction and method, 1977-2003**

State	Number executed	Lethal injection	Electrocution	Lethal gas	Hanging	Firing squad
Total	885	718	151	11	3	2
Federal system	3	3	0	0	0	0
Alabama	28	4	24	0	0	0
Arizona	22	20	0	2	0	0
Arkansas	25	24	1	0	0	0
California	10	8	0	2	0	0
Colorado	1	1	0	0	0	0
Delaware	13	12	0	0	1	0
Florida	57	13	44	0	0	0
Georgia	34	11	23	0	0	0
Idaho	1	1	0	0	0	0
Illinois	12	12	0	0	0	0
Indiana	11	8	3	0	0	0
Kentucky	2	1	1	0	0	0
Louisiana	27	7	20	0	0	0
Maryland	3	3	0	0	0	0
Mississippi	6	2	0	4	0	0
Missouri	61	61	0	0	0	0
Montana	2	2	0	0	0	0
Nebraska	3	0	3	0	0	0
Nevada	9	8	0	1	0	0
New Mexico	1	1	0	0	0	0
North Carolina	30	28	0	2	0	0
Ohio	8	8	0	0	0	0
Oklahoma	69	69	0	0	0	0
Oregon	2	2	0	0	0	0
Pennsylvania	3	3	0	0	0	0
South Carolina	28	23	5	0	0	0
Tennessee	1	1	0	0	0	0
Texas	313	313	0	0	0	0
Utah	6	4	0	0	0	2
Virginia	89	62	27	0	0	0
Washington	4	2	0	0	2	0
Wyoming	1	1	0	0	0	0