



# Bureau of Justice Statistics Bulletin

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# Capital Punishment, 2005

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Sixteen States executed 60 prisoners during 2005. The number executed was 1 more than in 2004. Those executed during 2005 had been under sentence of death an average of 12 years and 3 months, or 15 months longer than the period for inmates executed in 2004.

At yearend 2005, 3,254 prisoners were under sentence of death. California held the largest number on death row (646), followed by Texas (411), Florida (372), and Pennsylvania (218). Thirty-seven people were under a Federal death sentence.

During 2005, 24 States and the Federal prison system received 128 prisoners under sentence of death. Admissions in California (23), Florida (15), Texas (14), and Alabama (12) accounted for half of those sentenced to death in 2005.

In 2005, 59 men and 1 woman were executed. The racial/ethnic distribution of those executed included 38 whites, 19 blacks, and 3 Hispanics (all white). All of the executions were carried out by lethal injection.

From January 1, 1977, to December 31, 2005, 1,004 inmates were executed by 33 States and the Federal Bureau of Prisons. Nearly two-thirds of the executions occurred in 5 States: Texas (355), Virginia (94), Oklahoma (79), Missouri (66), and Florida (60).

## Highlights

### Status of the death penalty, December 31, 2005

Executions during 2005 <sup>a</sup>		Number of prisoners under sentence of death <sup>b</sup>		Jurisdictions without a death penalty
Texas	19	California	646	Alaska
Indiana	5	Texas	411	District of Columbia
Missouri	5	Florida	372	Hawaii
North Carolina	5	Pennsylvania	218	Iowa
Ohio	4	Ohio	199	Maine
Alabama	4	Alabama	189	Massachusetts
Oklahoma	4	North Carolina	174	Michigan
Georgia	3	Arizona	109	Minnesota
South Carolina	3	Georgia	107	North Dakota
California	2	Tennessee	103	Rhode Island
Connecticut	1	Oklahoma	86	Vermont
Arkansas	1	Louisiana	83	West Virginia
Delaware	1	Nevada	82	Wisconsin
Florida	1	24 other jurisdictions	475	
Maryland	1			
Mississippi	1			
<b>Total</b>	<b>60</b>	<b>Total</b>	<b>3,254</b>	

<sup>a</sup>For 2006 data on executions, see page 11.

<sup>b</sup>See table 4 for complete list.

- At yearend 2005, 36 States and the Federal prison system held 3,254 prisoners under sentence of death, 66 fewer than at yearend 2004. This represents the fifth consecutive year that the population has decreased.
- Of those under sentence of death, 56% were white, 42% were black, and 2% were of other races.

Persons under sentence of death	1995		2005	
	White	Black	White	Black
White	1,742	1,805	1,805	1,805
Black	1,296	1,372	1,372	1,372
American Indian	24	31	31	31
Asian	19	34	34	34
Unknown race	10	12	12	12

- The 362 Hispanic inmates under sentence of death accounted for 13% of inmates with a known ethnicity.

- Fifty-two women were under sentence of death in 2005, up from 47 in 1995.
- The 128 inmates received under sentence of death during 2005 represent the smallest number of admissions since 1973.
- Of the 7,320 people under sentence of death between 1977 and 2005, 14% were executed, 4% died by causes other than execution, and 37% received other dispositions.
- The number of States authorizing lethal injection increased from 32 in 1995 to 37 in 2005. In 2005, all of the executions were by lethal injection, compared to 88% in 1995.
- Since 1977, 836 of the 1,004 executions (83%) were by lethal injection.

## Six States revised death penalty statutes in 2005

At yearend 2005 the death penalty was authorized by 38 States and the Federal Government (table 1). No State enacted new legislation authorizing capital punishment in 2005.

The United States Supreme Court struck a portion of the Missouri capital punishment statutes on March 1, 2005 (*Roper v. Simmons*, U.S. 125 S.Ct. 1183 (2005)). The Court upheld the ruling of the Missouri Supreme Court that imposition of the death penalty on persons under age 18 at the time their crimes were committed is cruel and unusual punishment and therefore prohibited by the Eighth and Fourteenth Amendments.

During 2005, 6 States revised statutory provisions relating to the death penalty. By State, the changes were as follows:

**Arizona** — Added four new aggravating factors: murder committed to promote a street gang or criminal syndicate; murder with the intent to prevent cooperation with law enforcement or to prevent or retaliate for court testimony; murder committed in a cold, calculated manner; murder committed by using a "remote stun gun" (A.R.S. §13-703 (F)(11-14)), effective 8/12/2005.

**Delaware** — Revised its code of criminal procedure to remove a requirement that alternate jurors be sequestered until conclusion of the guilt phase of capital trials (Del. Code Ann. 11 §4209(b)(1)), effective 7/12/2005.

**Nevada** — Revised the capital statute to increase the minimum age of eligibility for a death sentence from 16 to 18 years at the time the offense was committed (NRS 176.025), effective 5/3/2005.

**Table 1. Capital offenses, by State, 2005**

**Alabama**. Intentional murder with 18 aggravating factors (Ala. Stat. Ann. 13A-5-40(a)(1)-(18)).

**Arizona**\*. First-degree murder accompanied by at least 1 of 14 aggravating factors (A.R.S. § 13-703(F)).

**Arkansas**\*. Capital murder (Ark. Code Ann. 5-10-101) with a finding of at least 1 of 10 aggravating circumstances; treason.

**California**\*. First-degree murder with special circumstances; train wrecking; treason; perjury causing execution.

**Colorado**\*. First-degree murder with at least 1 of 17 aggravating factors; treason.

**Connecticut**\*. Capital felony with 8 forms of aggravated homicide (C.G.S. 53a-54b).

**Delaware**\*. First-degree murder with aggravating circumstances.

**Florida**\*. First-degree murder; felony murder; capital drug trafficking; capital sexual battery.

**Georgia**\*. Murder; kidnapping with bodily injury or ransom when the victim dies; aircraft hijacking; treason.

**Idaho**\*. First-degree murder with aggravating factors; aggravated kidnapping; perjury resulting in death.

**Illinois**\*. First-degree murder with 1 of 21 aggravating circumstances.

**Indiana**\*. Murder with 16 aggravating circumstances (IC 35-50-2-9).

**Kansas**\*. Capital murder with 8 aggravating circumstances (KSA 21-3439).

**Kentucky**\*. Murder with aggravating factors; kidnapping with aggravating factors (KRS 32.025).

**Louisiana**\*. First-degree murder; aggravated rape of victim under age 12; treason (La. R.S. 14:30, 14:42, and 14:113).

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

**Mississippi**. Capital murder (97-3-19(2) MCA); aircraft piracy (97-25-55(1) MCA).

**Missouri**\*. First-degree murder (565.020 RSMO 2000).

**Montana**. Capital murder with 1 of 9 aggravating circumstances (46-18-303 MCA); capital sexual assault (45-5-503 MCA).

**Nebraska**\*. First-degree murder with a finding of at least 1 statutorily-defined aggravating circumstance.

**Nevada**\*. First-degree murder with at least 1 of 15 aggravating circumstances (NRS 200.030, 200.033, 200.035).

**New Hampshire**. Six categories of capital murder (RSA 630:1, RSA 630:5).

**New Jersey**. Murder by one's own conduct, by solicitation, committed in furtherance of a narcotics conspiracy, or during commission of a crime of terrorism (NJSA 2C:11-3c).

**New Mexico**\*. First-degree murder with at least 1 of 7 statutorily-defined aggravating circumstances (Section 30-2-1 A, NMSA).

**New York**\*. First-degree murder with 1 of 13 aggravating factors (NY Penal Law §125.27).

**North Carolina**\*. First-degree murder (NCGS §14-17).

**Ohio**\*. Aggravated murder with at least 1 of 10 aggravating circumstances (O.R.C. secs. 2903.01, 2929.02, and 2929.04).

**Oklahoma**. First-degree murder in conjunction with a finding of at least 1 of 8 statutorily-defined aggravating circumstances.

**Oregon**. Aggravated murder (ORS 163.095).

**Pennsylvania**. First-degree murder with 18 aggravating circumstances.

**South Carolina**\*. Murder with 1 of 11 aggravating circumstances (§ 16-3-20(C)(a)).

**South Dakota**\*. First-degree murder with 1 of 10 aggravating circumstances; aggravated kidnapping.

**Tennessee**\*. First-degree murder with 1 of 15 aggravating circumstances (Tenn. Code Ann. § 39-13-204).

**Texas**. Criminal homicide with 1 of 9 aggravating circumstances (TX Penal Code 19.03).

**Utah**\*. Aggravated murder (76-5-202, Utah Code Annotated).

**Virginia**\*. First-degree murder with 1 of 13 aggravating circumstances (VA Code § 18.2-31).

**Washington**\*. Aggravated first-degree murder.

**Wyoming**. First-degree murder.

\*As of December 31, 2005, 27 States excluded mentally retarded persons from capital sentencing: Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Missouri, Nebraska, Nevada, New Mexico, New York, North Carolina, Ohio, South Dakota, Tennessee, Utah, Virginia, and Washington. Mental retardation is a mitigating factor in South Carolina.

Ohio — Amended the code of criminal procedure to exempt mentally retarded persons from capital sentences (O.R.C. 2929.06(A)) and to allow imposition of the death penalty in cases where an appeals court previously vacated a death sentence (O.R.C. 2929.06(E)), effective 3/23/2005.

Texas — Added as an aggravating factor murder of an officer of the court (Tex. Penal Code §19.03(a)(9), effective 9/1/2005).

Utah — Added to the definition of aggravated murder homicide involving desecration of a dead human body (Utah Code Ann. §76-5-202(e)) or dismembering, mutilation, or disfiguring of the victim's body, either before or after death (§76-5-202(s)), effective 5/2/2005.

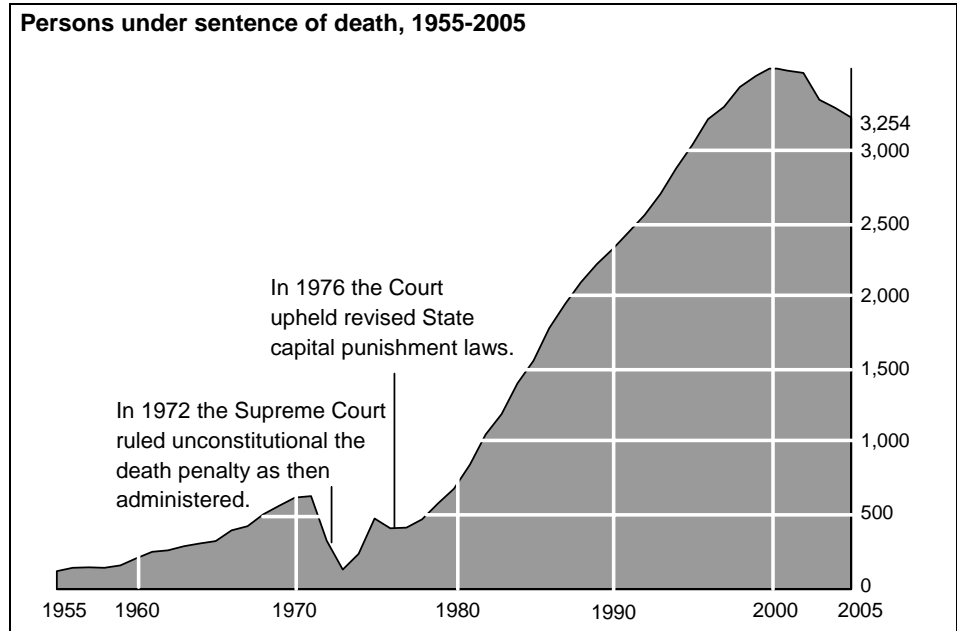


Figure 1

### Most States provide for automatic review of capital sentences

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 was 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, Montana, Okla-

homa, 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.

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)).

### Lethal injection was authorized by most States with capital statutes

As of December 31, 2005, lethal injection was the predominant method of execution, authorized by 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. Five of these 17 States stipulated which method must be used depending on the date of sentencing. One State authorized hanging only if lethal injection could not be given. Three States authorized alternative methods if lethal injection is ever ruled to be unconstitutional: 1 authorized lethal gas, 1 authorized electrocution or firing squad, and 1 authorized 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).

### Most jurisdictions had set 18 as minimum age for capital sentences

As of December 31, 2005, 18 States and the Federal system required a minimum age of 18 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. While the ruling in *Roper v. Simmons* effectively makes the minimum age 18 for capital punishment, 14 States had statutes that specified an age of eligibility between 14 and 17.

Six jurisdictions did not specify a minimum age for which the death penalty could be imposed.

### Number under sentence of death declines for fifth straight year

Thirty-six States and the Federal prison system held a total of 3,254 prisoners under sentence of death on December 31, 2005, a decrease of 66 since the end of 2004 (table 4). This was the fifth consecutive year that the number of prisoners under a sentence of death declined, down from 3,601 on December 31, 2000.

Three States reported 44% of the Nation's death row population: California (646), Texas (411), and Florida (372). The Federal Bureau of Prisons held 37 inmates at yearend. Of the 39 jurisdictions authorizing the death penalty during 2005, New Hampshire and Kansas had no one under a capital sentence, and New York, South Dakota, Colorado, Montana, New Mexico, and Wyoming had 4 or fewer.

Among the 37 jurisdictions with prisoners under sentence of death at yearend 2005, 9 had more inmates than a year earlier, 21 had fewer inmates, and 7 had the same number.

**Table 2. Method of execution, by State, 2005**

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

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

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

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

<sup>d</sup>Authorizes lethal injection for those whose offense occurred on or after 7/4/83; inmates whose offense occurred 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 by written waiver.

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

<sup>j</sup>Authorizes firing squad if lethal injection is held unconstitutional. Inmates who selected execution by firing squad prior to May 3, 2004, may still be entitled to execution by that method.

**Table 3. Minimum age authorized for capital punishment, 2005**

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	Louisiana
Kentucky (16)	North Carolina	Federal system	Montana <sup>b</sup>
Mississippi (16)	Texas	Illinois	Pennsylvania
Missouri (16)		Indiana	South Carolina
Oklahoma (13)		Kansas	
Utah (14) <sup>c</sup>		Maryland	
Virginia (14) <sup>c</sup>		Nebraska	
		Nevada	
		New Jersey	
		New Mexico	
		New York	
		Ohio	
		Oregon	
		South Dakota	
		Tennessee	
		Washington	
		Wyoming	

Note: Information reported in this table reflects the minimum age as defined by statute as of 12/31/2005. The United States Supreme Court ruling in *Roper v. Simmons* (2005) declared unconstitutional imposition of the death penalty on persons under age 18.

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

<sup>b</sup>Montana law specifies that offenders tried under the sexual assault statute be 18 or older. No statutory minimum age is specified for other capital offenses.

<sup>c</sup>Age for transfer to adult court is 14.

**Table 4. Prisoners under sentence of death, by region, State, and race, 2004 and 2005**

Region and State	Prisoners under sentence of death, 12/31/04			Received under sentence of death			Removed from death row (excluding executions) <sup>a</sup>			Executed			Prisoners under sentence of death, 12/31/05		
	Total <sup>b</sup>	White <sup>c</sup>	Black <sup>c</sup>	Total <sup>b</sup>	White <sup>c</sup>	Black <sup>c</sup>	Total <sup>b</sup>	White <sup>c</sup>	Black <sup>c</sup>	Total <sup>b</sup>	White <sup>c</sup>	Black <sup>c</sup>	Total <sup>b</sup>	White <sup>c</sup>	Black <sup>c</sup>
<b>U.S. total</b>	3,320	1,856	1,390	128	70	52	134	80	51	60	41	19	3,254	1,805	1,372
Federal <sup>d</sup>	32	11	20	6	5	1	1	0	1	0	0	0	37	16	20
State	3,288	1,845	1,370	122	65	51	133	80	50	60	41	19	3,217	1,789	1,352
<b>Northeast</b>	240	86	143	8	2	6	11	4	7	1	1	0	236	83	142
Connecticut	7	4	3	1	1	0	0	0	0	1	1	0	7	4	3
New Hampshire	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
New Jersey	11	4	7	0	0	0	1	0	1	0	0	0	10	4	6
New York	2	1	1	0	0	0	1	1	0	0	0	0	1	0	1
Pennsylvania	220	77	132	7	1	6	9	3	6	0	0	0	218	75	132
<b>Midwest</b>	298	161	134	11	7	4	9	7	2	14	7	7	286	154	129
Illinois	6	5	1	1	0	1	0	0	0	0	0	0	7	5	2
Indiana	27	21	6	1	1	0	3	2	1	5	5	0	20	15	5
Kansas	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Missouri	51	26	25	2	1	1	2	2	0	5	1	4	46	24	22
Nebraska	8	7	1	2	2	0	0	0	0	0	0	0	10	9	1
Ohio <sup>e</sup>	202	98	101	5	3	2	4	3	1	4	1	3	199	97	99
South Dakota	4	4	0	0	0	0	0	0	0	0	0	0	4	4	0
<b>South</b>	1,840	1,010	807	70	34	33	87	51	35	43	32	11	1,780	961	794
Alabama	193	101	92	12	6	6	12	8	4	4	4	0	189	95	94
Arkansas	38	16	22	2	0	2	1	1	0	1	1	0	38	14	24
Delaware	17	13	4	0	0	0	0	0	0	1	1	0	16	12	4
Florida	367	242	125	15	7	8	9	8	1	1	1	0	372	240	132
Georgia	110	57	52	3	1	2	3	1	2	3	3	0	107	54	52
Kentucky	35	28	7	1	0	1	0	0	0	0	0	0	36	28	8
Louisiana	87	30	56	4	1	3	8	2	6	0	0	0	83	29	53
Maryland	8	2	6	0	0	0	0	0	0	1	0	1	7	2	5
Mississippi	70	33	36	2	2	0	3	2	1	1	1	0	68	32	35
North Carolina	180	72	101	6	3	1	7	3	4	5	4	1	174	68	97
Oklahoma	92	48	38	5	4	0	7	3	4	4	1	3	86	48	31
South Carolina	71	35	36	3	0	3	3	1	2	3	2	1	68	32	36
Tennessee	101	59	40	2	1	1	0	0	0	0	0	0	103	60	41
Texas	448	264	179	14	9	5	32	22	9	19	14	5	411	237	170
Virginia	23	10	13	1	0	1	2	0	2	0	0	0	22	10	12
<b>West</b>	910	588	286	33	22	8	26	18	6	2	1	1	915	591	287
Arizona	107	91	10	8	6	2	6	4	0	0	0	0	109	93	12
California	637	379	232	23	15	5	12	10	2	2	1	1	646	383	234
Colorado	3	1	2	0	0	0	1	0	1	0	0	0	2	1	1
Idaho <sup>e</sup>	22	22	0	0	0	0	4	4	0	0	0	0	18	18	0
Montana	4	3	0	0	0	0	0	0	0	0	0	0	4	3	0
Nevada	83	49	33	1	1	0	2	0	2	0	0	0	82	50	31
New Mexico	2	2	0	0	0	0	0	0	0	0	0	0	2	2	0
Oregon	30	27	2	1	0	1	0	0	0	0	0	0	31	27	3
Utah	10	7	2	0	0	0	1	0	1	0	0	0	9	7	1
Washington	10	5	5	0	0	0	0	0	0	0	0	0	10	5	5
Wyoming	2	2	0	0	0	0	0	0	0	0	0	0	2	2	0

Note: Some figures shown for yearend 2004 are revised from those reported in Capital Punishment, 2004, NCJ 211349. The revised figures include 14 inmates who were either reported late to the National Prisoner Statistics program or were not in custody of State correctional authorities on 12/31/04 (3 each in Florida and Arizona; 2 each in Tennessee and Texas; and 1 each in Georgia, Kentucky, Oklahoma, and Idaho). The revised figures also exclude 8 inmates who were relieved of a death sentence before 12/31/04 (2 in Pennsylvania; and 1 each in Missouri, Nebraska, Arkansas, Maryland, and North Carolina). Data for 12/31/2004 have been revised to exclude 1 inmate in the Federal Bureau of Prisons who was erroneously reported.

<sup>a</sup>Includes 21 deaths from natural causes (6 in California; 3 in Florida; 2 each in Ohio, Alabama, and Georgia; and 1 each in Arkansas, Louisiana, North Carolina, Oklahoma, Idaho, and Nevada); 3 deaths from suicide (1 each in Ohio, Mississippi, and Texas); and 1 death from a drug overdose (California).

<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>One inmate under sentence of death in Ohio was erroneously reported as being under sentence of death in Idaho in the 2004 report.

The largest increase occurred in the California (9), followed by Florida and the Federal Bureau of Prisons

(5 each). The largest decreases were in Texas (37), Indiana (7), and North Carolina and Oklahoma (6 each).

During 2005 the number of white and black inmates under sentence of death declined (by 51 and 18, respectively). The number of persons of other races (including American Indians, Asians, and self-identified Hispanics) increased from 74 to 77.

Men made up 98% (3,202) of all prisoners under sentence of death (table 5). Whites accounted for 56%; blacks, 42%; and other races, 2%. Other races included 31 American Indians, 34 Asians, and 12 persons whose race was unknown. Among those for whom ethnicity was known, 13% were Hispanic.

**52 women on death row at yearend**

During 2005 the number of women sentenced to be executed remained unchanged at 52 (table 6). Five women were received under sentence of death, five were removed from death row, and 1 was executed. Women were under sentence of death in 18 States and the Federal system. Two-thirds of women on death row at yearend were being held in five States: California, Texas, Pennsylvania, North Carolina, and Alabama.

State	Women under sentence of death, 12/31/05		
	All races*	White	Black
Total	52	35	14
California	14	10	2
Texas	9	5	4
Pennsylvania	5	2	3
North Carolina	4	2	1
Alabama	3	1	2
Ohio	2	2	0
Tennessee	2	2	0
Arizona	2	2	0
Federal	1	1	0
Delaware	1	1	0
Florida	1	1	0
Georgia	1	1	0
Idaho	1	1	0
Kentucky	1	1	0
Mississippi	1	1	0
Oklahoma	1	1	0
Virginia	1	1	0
Indiana	1	0	1
Louisiana	1	0	1

\*Includes races other than white and black.

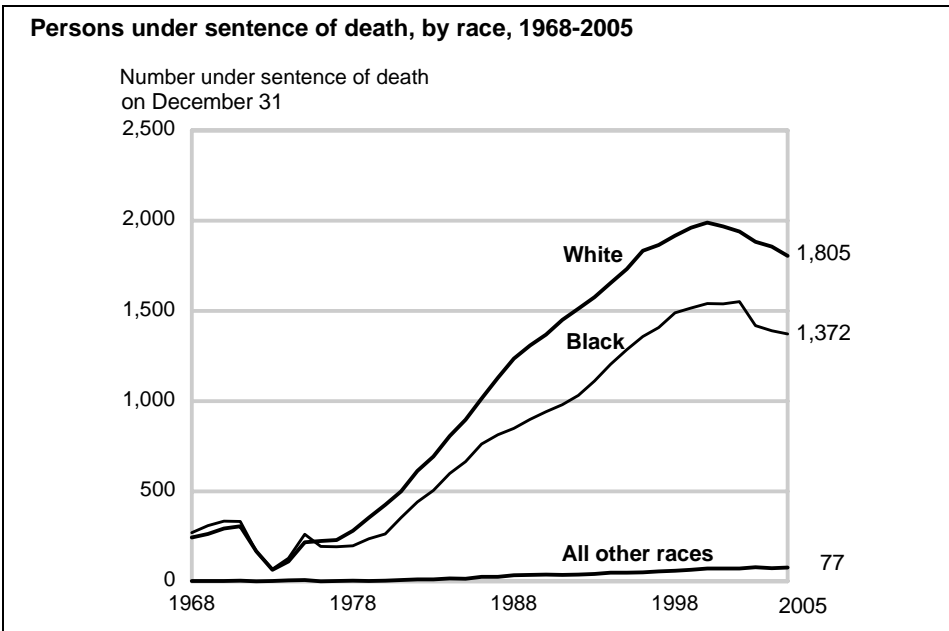


Figure 2

**Table 5. Demographic characteristics of prisoners under sentence of death, 2005**

Characteristic	Percent of prisoners under sentence of death, 2005		
	Yearend	Admissions	Removals
Total number under sentence of death	3,254	128	194
<b>Gender</b>			
Male	98.4%	96.1%	97.4%
Female	1.6	3.9	2.6
<b>Race</b>			
White	55.5%	54.7%	62.4%
Black	42.2	40.6	36.1
All other races*	2.4	4.7	1.5
<b>Hispanic origin</b>			
Hispanic	12.7%	15.5%	13.3%
Non-Hispanic	87.3	84.5	86.7
<b>Education</b>			
8th grade or less	14.3%	9.9%	24.1%
9th-11th grade	36.9	31.7	36.7
High school graduate/GED	39.6	48.5	29.5
Any college	9.2	9.9	9.6
Median	11th	12th	11th
<b>Marital status</b>			
Married	22.2%	17.6%	16.3%
Divorced/separated	20.5	19.6	22.5
Widowed	2.9	3.9	2.2
Never married	54.4	58.8	59.0

Note: Calculations are based on those cases for which data were reported. Detail may not add to total due to rounding. Missing data by category were as follows:

	Yearend	Admissions	Removals
Hispanic origin	410	18	21
Education	465	27	28
Marital status	337	26	16

\*At yearend 2004, other races consisted of 28 American Indians, 32 Asians, and 14 self-identified Hispanics. During 2005, 3 American Indians and 3 Asians were admitted; and 1 Asian and 2 self-identified Hispanic inmates were removed.

The number of Hispanics under sentence of death declined from 368 to 362 during 2005. Seventeen Hispanics were received under sentence of death; 20 were removed from death row; and 3 were executed. More than three-quarters of the Hispanics were held in 3 States: California (136), Texas (112), and Florida (31).

The gender, race, and Hispanic origin of those under sentence of death at yearend 2005 were as follows:

	Persons under sentence of death, 12/31/05	
	Male	Female
White	1,770	35
Hispanic	330	3
Black	1,358	14
Hispanic	13	0
Other races	74	3
Hispanic	14	2

Among all inmates under sentence of death for whom date of arrest was available, half were age 20 to 29 at the time of arrest for their capital offense; 11% were age 19 or younger; and fewer than 1% were age 55 or older (table 7). The average age at time of arrest was 28 years.

On December 31, 2005, 33% of all inmates were age 30 to 39, and 61% were age 25 to 44. The youngest offender under sentence of death was 20; the oldest was 90.

### 8% of inmates under sentence of death had a prior homicide conviction

Among inmates under a death sentence on December 31, 2005, for whom criminal history information was available, 65% 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. Fewer 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.

**Table 6. Hispanics and women under sentence of death, by State, 2004 and 2005**

Region and State	Under sentence of death, 12/31/04 <sup>a</sup>		Received under sentence of death		Death sentence removed <sup>b</sup>		Under sentence of death, 12/31/05	
	His-	Women	His-	Women	His-	Women	His-	Women
	panics		panics		panics		panics	
U.S. total	368	52	17	5	23	5	362	52
Federal	2	0	0	1	0	0	2	1
Alabama	1	3	0	1	0	1	1	3
Arizona	18	2	2	0	3	0	17	2
California	131	15	6	0	1	1	136	14
Colorado	1	0	0	0	0	0	1	0
Connecticut	1	0	1	0	0	0	2	0
Delaware	2	1	0	0	0	0	2	1
Florida	31	1	0	0	0	0	31	1
Georgia	3	1	0	0	0	0	3	1
Idaho	1	1	0	0	0	0	1	1
Illinois	2	0	0	0	0	0	2	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	2	0	1	0	0	0	3	0
Nevada	7	1	0	0	0	1	7	0
New Mexico	1	0	0	0	0	0	1	0
North Carolina	3	4	0	0	0	0	3	4
Ohio	5	1	1	1	0	0	6	2
Oklahoma	3	1	0	0	1	0	2	1
Oregon	2	0	0	0	0	0	2	0
Pennsylvania	22	5	0	1	0	1	22	5
Tennessee	1	2	0	0	0	0	1	2
Texas	124	9	6	1	18	1	112	9
Utah	2	0	0	0	0	0	2	0
Virginia	0	1	0	0	0	0	0	1

<sup>a</sup>The count of Hispanics under sentence of death at yearend 2004 has been revised.

<sup>b</sup>Includes 3 Hispanic men and 1 woman in Texas who were executed in 2005.

**Table 7. Age at time of arrest for capital offense and age of prisoners under sentence of death at yearend 2005**

Age	Prisoners under sentence of death			
	At time of arrest		On December 31, 2005	
	Number*	Percent	Number	Percent
Total number under sentence of death on 12/31/05	2,985	100%	3,254	100%
17 or younger	14	0.5	0	
18-19	328	11.0	0	
20-24	825	27.6	61	1.9
25-29	669	22.4	321	9.9
30-34	510	17.1	495	15.2
35-39	320	10.7	583	17.9
40-44	174	5.8	589	18.1
45-49	89	3.0	533	16.4
50-54	36	1.2	307	9.4
55-59	14	0.5	228	7.0
60-64	4	0.1	85	2.6
65 or older	2	0.1	52	1.6
Mean age	28yrs.		42yrs.	
Median age	27yrs.		41yrs.	

Note: The youngest person under sentence of death was a black male in Alabama, born in May 1985 and sentenced to death in October 2005.

The oldest person under sentence of death was a white male in Arizona, born in September 1915 and sentenced to death in June 1983.

\*Excludes 269 inmates for whom the date of arrest for capital offense was not available.

Criminal history patterns differed by race and Hispanic origin. More blacks (70%) than whites (62%) or Hispanics (61%) had a prior felony conviction. About the same percentage of whites (8%), blacks (9%), and Hispanics (7%) had a prior homicide conviction. A slightly higher percentage of Hispanics (23%) or blacks (17%) than whites (14%) were on parole when arrested for their capital offense.

### Number of persons sentenced to death decreased for third straight year

Between January 1 and December 31, 2005, 24 State prison systems and the Federal Bureau of Prisons reported receiving 128 inmates under sentence of death. More than half of the inmates were received in 5 jurisdictions: California (23), Florida (15), Texas (14), Alabama (12), and Arizona (8).

All 128 prisoners who were received under sentence of death had been convicted of murder; 5 were female. By race, 70 were white and 52 were black. Of the 128 new admissions, 17 were Hispanic.

Year	Inmates received under sentence of death
1995	325
1996	323
1997	281
1998	306
1999	283
2000	236
2001	166
2002	168
2003	153
2004	138
2005	128

The 128 admissions to death row in 2005 marked a decline of 10 from the 138 admissions recorded in 2004, and represented the smallest number received in a year since 44 persons were admitted in 1973 (not shown in table).

### 109 persons had their death sentences removed or overturned

Twenty-two States and the Federal Bureau of Prisons reported 109 persons whose death sentences were removed or overturned. Appeals courts vacated 59 sentences while upholding

**Table 8. Criminal history profile of prisoners under sentence of death, by race and Hispanic origin, 2005**

	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>	3,254	1,472	1,359	362	100%	100%	100%	100%
<b>Prior felony convictions</b>								
Yes	1,936	833	868	204	65.0%	61.6%	70.3%	61.3%
No	1,042	520	367	129	35.0	38.4	29.7	38.7
Not reported	276							
<b>Prior homicide convictions</b>								
Yes	269	121	116	26	8.4%	8.4%	8.7%	7.3%
No	2,926	1,327	1,214	331	91.6	91.6	91.3	92.7
Not reported	59							
<b>Legal status at time of capital offense</b>								
Charges pending	227	115	92	17	7.8%	8.7%	7.6%	5.2%
Probation	307	116	148	37	10.5	8.8	12.3	11.3
Parole	471	186	202	74	16.2	14.1	16.7	22.6
On escape	42	23	12	6	1.4	1.7	1.0	1.8
Incarcerated	102	53	39	8	3.5	4.0	3.2	2.4
Other status	14	5	7	1	0.5	0.4	0.6	0.3
None	1,752	825	707	184	60.1	62.4	58.6	56.3
Not reported	339							

<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, Alaska Natives, Asians, Native Hawaiians, and other Pacific Islanders.

<sup>c</sup>White and black categories exclude Hispanics.

the convictions and vacated 8 sentences while overturning the convictions. Texas reported the largest number of inmates whose death sentences were removed (31 removals). Two States reported commutations of death sentences: Indiana (2) and Virginia (1).

Thirty-nine inmates in six States had their death sentences removed because a portion of the statute under which they were sentenced was declared unconstitutional.

As of December 31, 2005, 89 of 107 persons who were formerly under sentence of death were serving a life sentence. One inmate had been resentenced to 50 years; two to 45 years; and one to 20 years. Two inmates were awaiting a new trial, 11 were awaiting resentencing, and 1 had no action taken after being removed from under sentence of death. The current status of two inmates was not available.

### 25 persons died while under sentence of death in 2005

Twenty-one persons under sentence of death died from natural causes during 2005 — 6 in California; 3 in Florida; 2 each Ohio, Alabama, and Georgia; and 1 each in Arkansas, Louisiana, North Carolina, Oklahoma, Idaho, and Nevada. Three inmates committed suicide — one each in Ohio, Mississippi, and Texas. One died in California as the result of a drug overdose.

### 6,940 persons under sentence of death since 1977

From 1977, the year after the Supreme Court upheld the constitutionality of revised State capital punishment laws, to 2005, a total of 6,940 persons entered prison under sentence of death. During these 29 years, 1,004 persons were executed, and 3,062 were removed from under a death sentence by appellate court decisions and reviews, commutations, or death.<sup>1</sup>

<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.



**Admissions and removals from a death sentence, 1977-2005**

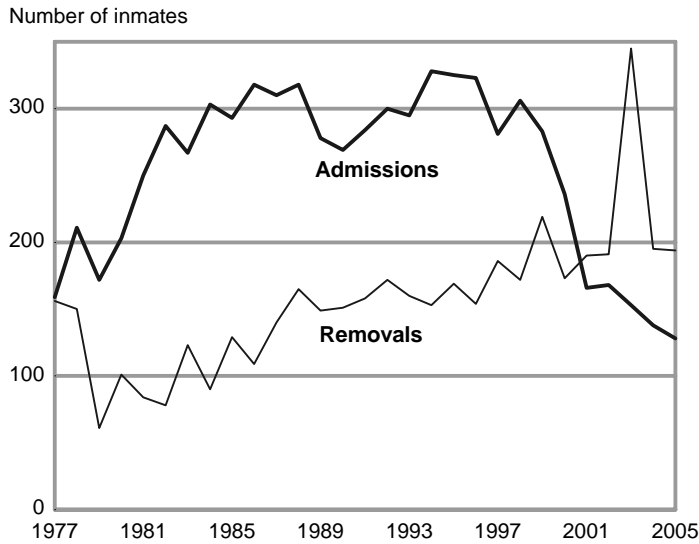


Figure 3

Among individuals who received a death sentence between 1977 and 2005, 3,388 (49%) were white, 2,825 (41%) were black, 611 (9%) were Hispanic, and 116 (2%) were other races. The distribution by race and Hispanic origin of the 4,066 inmates who were removed from death row between 1977 and 2005 was as follows: 2,101 whites (52%), 1,646 blacks (40%), 264 Hispanics (7%), and 55 persons of other races (1%). Of the 1,004 who were executed, 584 (58%) were white, 339 (34%) were black, 67 (7%) were Hispanic, and 14 (1%) were of other races.

**60 inmates were executed during 2005**

During 2005 Texas carried out 19 executions; Indiana, Missouri, and North Carolina each executed 5 persons; Ohio, Alabama, and Oklahoma, 4 persons each; Georgia and South Carolina, 3 each; California, 2; and Connecticut, Arkansas, Delaware, Florida, Maryland, and Mississippi, 1 each. The inmate executed in Connecticut was the first execution in that State since 1960.

Fifty-nine of the inmates executed in 2005 were male and one was female. Thirty-eight were white; 19 were black; and 3 were Hispanic.

After the Supreme Court reinstated the death penalty in 1976, 33 States and the Federal Government executed 1,004 prisoners:

1977	1	1993	38
1979	2	1994	31
1981	1	1995	56
1982	2	1996	45
1983	5	1997	74
1984	21	1998	68
1985	18	1999	98
1986	18	2000	85
1987	25	2001	66
1988	11	2002	71
1989	16	2003	65
1990	23	2004	59
1991	14	2005	60
1992	31		

During this 29-year period, 5 States executed 654 prisoners: Texas (355), Virginia (94), Oklahoma (79), Missouri (66), and Florida (60). These States accounted for two-thirds of all executions. Between 1977 and 2005, 993 men were executed: 575 were white non-Hispanic; 337, black non-Hispanic; 67, Hispanic; 8, American Indian; and 6, Asian. Eleven women were executed: 9 white non-Hispanic and 2 black non-Hispanic.

According to data collected by the Federal Government, from 1930 to 2005, 4,863 persons were executed under civil authority (table 9). Military authorities carried out an additional 160 executions between 1930 and 1961 (not shown in table).

**Table 9. Number of persons executed, by jurisdiction, 1930-2005**

State	Number executed	
	Since 1930	Since 1977
U.S. total	4,863	1,004
Texas	652	355
Georgia	405	39
New York	329	0
California	304	12
North Carolina	302	39
Florida	230	60
South Carolina	197	35
Ohio	191	19
Virginia	186	94
Alabama	169	34
Mississippi	161	7
Louisiana	160	27
Pennsylvania	155	3
Arkansas	145	27
Oklahoma	139	79
Missouri	128	66
Kentucky	105	2
Illinois	102	12
Tennessee	94	1
New Jersey	74	0
Maryland	73	5
Arizona	60	22
Indiana	57	16
Washington	51	4
Colorado	48	1
Nevada	40	11
District of Columbia	40	0
West Virginia	40	0
Federal system	36	3
Massachusetts	27	0
Delaware	26	14
Connecticut	22	1
Oregon	21	2
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

Between 1977 and 2005, 7,320 prisoners were under death sentences for varying lengths of time (table 10). The 1,004 executions accounted for 14% of those under sentence of death. A total of 3,062 prisoners (42%) were removed by means other than execution. A higher percentage of whites (16%) were executed as compared with both blacks and Hispanics (11% each). Somewhat larger percentages of blacks (43%) and whites (42%) than Hispanics (31%) were removed from under a death sentence by means other than execution.

**Inmates executed in 2005 had been under sentence of death an average of 12 years and 3 months**

Among all prisoners executed between 1977 and 2005, 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 3 months, and black prisoners, 10 years and 11 months.

For the 1,004 prisoners executed between 1977 and 2005, the most common method of execution was lethal injection (836). Other methods used included electrocution (152), lethal gas (11), hanging (3), and firing squad (2).

Method of execution	Executions, 1977-2005				
	White	Black	Hispanic	American Indian	Asian
Total	584	339	67	8	6
Lethal injection	491	267	65	7	6
Electrocution	80	69	2	1	0
Lethal gas	8	3	0	0	0
Hanging	3	0	0	0	0
Firing squad	2	0	0	0	0

**Persons executed, 1930-2005**

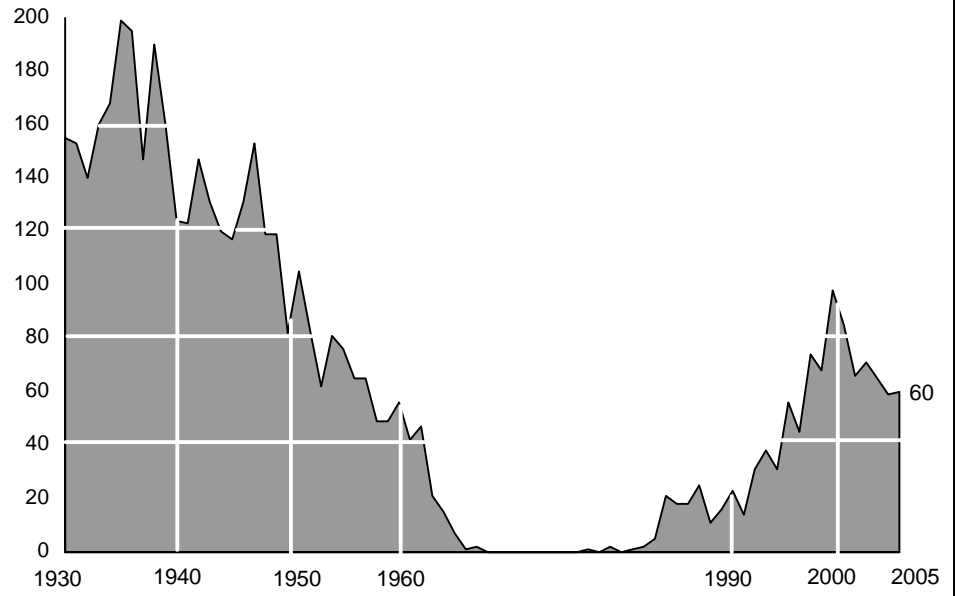


Figure 4

**Table 10. Executions and other dispositions of inmates sentenced to death, by race and Hispanic origin, 1977-2005**

Race/Hispanic origin <sup>b</sup>	Total under sentence of death 1977-2005 <sup>b</sup>	Prisoners executed		Prisoners who received other dispositions <sup>a</sup>	
		Number	Percent of total	Number	Percent of total
Total	7,320	1,004	13.7%	3,062	41.8%
White <sup>c</sup>	3,573	584	16.3%	1,517	42.5%
Black <sup>c</sup>	3,005	339	11.3%	1,307	43.5%
Hispanic	626	67	10.7%	197	31.5%
All other races <sup>c,d</sup>	116	14	12.1%	41	35.3%

<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 6 persons sentenced to death prior to 1977 who were still under sentence of death on 12/31/05; 374 persons sentenced to death prior to 1977 whose death sentence was removed between 1977 and 12/31/2005; and 6,940 persons sentenced to death between 1977 and 2005.

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

<sup>d</sup>Includes American Indians, Alaska Natives, Asians, Native Hawaiians, and other Pacific Islanders.

Among prisoners under sentence of death at yearend 2005, the average time spent in prison was 10 years and 8 months, up 6 months from that in 2004. The median time between the imposition of a death sentence and yearend 2005 was 9 years and 10 months.

Inmates under sentence of death	Elapsed time since sentencing	
	Mean	Median
Total	128 mo	118 mo
Male	129	118
Female	90	85
White	132	122
Black	129	121
Hispanic	114	97

Overall, the average time for women was 7 years and 6 months, 39 months less than that for men (10 years and 9 months). On average, whites, blacks, and Hispanics had spent from 114 to 132 months under a sentence of death.

**Table 11. Time under sentence of death and execution, by race, 1977-2005**

Year of execution	Number executed			Average elapse 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	1,004	648	341	125 mo	123 mo	131 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
2004	59	39	19	132	132	132
2005	60	41	19	147	144	155

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

<sup>a</sup>Includes American Indians, Alaska Natives, Asians, Native Hawaiians, and other Pacific Islanders.

<sup>b</sup>Includes Hispanics.

**Advance count of executions: January 1, 2006 – November 30, 2006**

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.

From January 1, 2006, through November 30, 2006, 14 States had executed 52 inmates, 3 fewer than the number executed during the same period in 2005.

Two States accounted for more than half of the executions carried out during this period: Texas performed 24, and Ohio executed 5.

Lethal injections accounted for 51 of the executions; electrocution, for 1.

Thirty-one of those executed were white and 21 were black. No women were executed.

Jurisdiction	Number of executions	Method used
Texas	24	Lethal injection
Ohio	5	Lethal injection
North Carolina	4	Lethal injection
Oklahoma	4	Lethal injection
Virginia*	4	Lethal injection
Florida	3	Lethal injection
Indiana	1	Lethal injection
Alabama	1	Lethal injection
Mississippi	1	Lethal injection
South Carolina	1	Lethal injection
Tennessee	1	Lethal injection
California	1	Lethal injection
Montana	1	Lethal injection
Nevada	1	Lethal injection
<b>Total</b>	<b>52</b>	

\*Virginia executed 1 prisoner by electrocution.

Final counts for 2006 will appear in Capital Punishment 2006, to be released in late 2007. 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, 2006, 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 is collected in two parts: data on persons under sentence of death are obtained from the department of corrections in each jurisdiction currently authorizing capital punishment; and information on the status of death penalty statutes is obtained from the Office of the Attorney General in each of the 50 States, the District of Columbia, and the Federal Government. Data collection forms and more detailed tables are available on the BJS website <[www.ojp.usdoj.gov/bjs/abstract/cp05.htm](http://www.ojp.usdoj.gov/bjs/abstract/cp05.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 note on table 4 for the affected jurisdictions); and (3) NPS counts are always for the last day of the calendar year and will differ from counts for more recent periods.

This report in portable document format and in ASCII and its related statistical data and tables are available at the BJS World Wide Web Internet site: <<http://www.ojp.usdoj.gov/bjs/abstract/cp05.htm>>.

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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. Jeffrey L. Sedgwick is director.

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

This bulletin was written by Tracy L. Snell under the supervision of Allen J. Beck. Thomas P. Bonczar provided statistical verification. James J. Stephen and Lyndon Diaz provided statistical review. Tina L. Dorsey and Carolyn Williams produced the report, and Jayne Robinson prepared the report for final printing under the supervision of Doris J. James. At the U.S. Census Bureau, Nicole Gist collected the data under the supervision of Steven M. Bittner and Marilyn M. Monahan.

December 2006, NCJ 215083

**Appendix table 1. Federal laws providing for the death penalty, 2005**

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

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

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

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

18 U.S.C. 115(b)(3) [by cross-reference to 18 U.S.C. 1111] — Retaliatory murder of a member of the immediate family of law enforcement officials.

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

18 U.S.C. 351 [by cross-reference to 18 U.S.C. 1111] — Murder of a member of Congress, an important executive official, or a Supreme Court Justice.

18 U.S.C. 794 — Espionage.

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

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. 930 — Murder committed in a Federal Government facility.

18 U.S.C. 1091 — Genocide.

18 U.S.C. 1111 — First-degree murder.

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

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

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

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

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

18 U.S.C. 1121 — Murder of a State or local law enforcement official or other person aiding in a Federal investigation; murder of a State correctional officer.

18 U.S.C. 1201 — Murder during a kidnapping.

18 U.S.C. 1203 — Murder during a hostage taking.

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

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

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

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

18 U.S.C. 1751 [by cross-reference to 18 U.S.C. 1111] — Assassination or kidnapping resulting in the death of the President or Vice President.

18 U.S.C. 1958 — Murder for hire.

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

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

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

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

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

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

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

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

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

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

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

18 U.S.C. 2381 — Treason.

21 U.S.C. 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 the outcome sentence, by year of sentencing, 1973-2005**

Year of sentence	Number sentenced to death	Number of prisoners removed from under sentence of death					Sentence commuted	Other or unknown reasons	Under sentence of death 12/31/2005
		Execution	Other death	Appeal or higher courts overturned		Sentence			
				Death penalty statute	Conviction				
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	6	136	17	43	15	0	2
1977	137	19	4	40	26	33	7	0	8
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	29	50	12	0	21
1981	223	55	14	0	42	78	12	1	21
1982	267	60	19	0	39	74	12	1	62
1983	252	63	20	1	27	66	14	2	59
1984	284	64	16	2	45	68	12	8	69
1985	262	46	11	1	41	80	13	4	66
1986	300	67	21	1	47	61	13	5	85
1987	287	51	21	5	40	68	7	7	88
1988	291	54	14	1	34	66	13	0	109
1989	258	40	13	0	31	54	12	1	107
1990	251	43	12	0	36	45	15	1	99
1991	268	36	10	1	35	42	10	0	134
1992	287	38	14	0	27	48	19	0	141
1993	287	47	16	1	19	31	15	0	158
1994	315	54	11	7	27	43	11	0	162
1995	315	44	16	6	15	36	12	0	186
1996	317	24	12	4	19	50	12	0	196
1997	275	16	6	3	21	35	5	0	189
1998	298	15	8	3	20	27	8	0	217
1999	277	9	8	9	16	27	10	0	198
2000	232	8	6	4	11	26	9	0	168
2001	162	6	3	3	5	16	2	0	127
2002	167	1	2	4	3	9	5	0	143
2003	153	2	3	2	0	1	0	0	145
2004	138	0	0	2	0	0	0	0	136
2005	128	0	1	0	0	0	0	0	127
Total, 1973-2005	7,662	1,004	327	512	784	1,406	341	34	3,254

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, 2005, by State and year of sentencing**

State	Year of sentence for prisoners sentenced to and remaining on death row, 12/31/2005														Average number of years Under sentence of death, 12/31/05	
	1974-82	1983-84	1985-86	1987-88	1989-90	1991-92	1993-94	1995-96	1997-98	1999-00	2001-02	2003	2004	2005	12/31/05	12/31/05
California	44	34	33	49	60	60	55	74	69	74	39	22	11	22	646	12.0
Florida	34	20	20	30	26	48	42	28	27	37	23	10	12	15	372	12.7
Texas	15	6	8	15	15	32	34	40	54	67	57	31	23	14	411	8.8
Tennessee	9	6	12	9	6	8	4	7	11	8	10	6	5	2	103	12.5
Alabama	8	4	5	11	16	10	21	21	31	20	17	6	7	12	189	9.9
Arizona	6	5	4	14	10	13	15	8	8	1	2	8	7	8	109	11.9
Pennsylvania	5	8	18	20	19	19	33	21	20	22	15	6	5	7	218	11.7
Nevada	5	8	5	8	9	4	6	16	7	7	1	4	1	1	82	13.2
Georgia	5	1	5	8	9	11	9	13	21	13	4	1	4	3	107	11.2
Mississippi	5			1	4	5	9	8	11	9	9	3	2	2	68	9.5
North Carolina	3	1	1		2	9	34	39	31	26	12	6	4	6	174	8.9
Idaho	2	1	2	2	3	1	1	2			2		2		18	13.7
Kentucky	1	4	4	2		4	4	1	5	5	3		2	1	36	11.9
Indiana	1	2	1	1		3	1	3	2	2	2	1		1	20	11.5
Missouri	1	1	2	2	1	5	1	10	8	3	5	3	2	2	46	9.5
Arkansas	1				1	3	7	5	8	6	3		2	2	38	8.9
Ohio		16	22	15	15	20	15	28	24	12	14	8	5	5	199	11.9
Oklahoma		3	2	3	1	1	4	11	21	12	8	9	6	5	86	7.5
South Carolina		3	1		4	5	6	11	8	7	10	5	5	3	68	8.4
Maryland		3						1	1	1			1		7	*
Montana		1		1		1		1							4	*
Nebraska		1	1					2		2	1	1	2		10	7.9
Louisiana			3	5	1	3	4	16	19	14	7	1	6	4	83	8.3
Utah			2	1	1	1	1	2		1					9	*
New Jersey					2		3	3	1				1		10	10.5
Connecticut					1	2		1		1			1	1	7	*
Oregon						4	3	5	6	5	3	2	2	1	31	7.7
Delaware						2	3		1	1	5	2	2		16	6.7
Washington						1	2	1	2	4	4				10	8.1
Federal system							2	2	5	4	6	2	10	6	37	4.1
South Dakota							1		1		2				4	*
New Mexico								1			1				2	*
Colorado								1				1			2	*
Virginia									3	6	5	5	2	1	22	4.3
Wyoming									1				1		2	*
Illinois												2	4	1	7	*
New York												1			1	*
Total	145	128	151	197	206	275	320	382	406	366	270	145	136	127	3,254	10.7

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, 1973-2005**

State	Total sentenced to death, 1973-2005	Number of removals, 1973-2005					Under sentence of death, 12/31/05
		Executed	Died	Sentence or conviction overturned	Sentence commuted	Other removals	
U.S. total	7,662	1,004	327	2,702	341	34	3,254
Federal	47	3	0	6	1	0	37
Alabama	368	34	20	123	2	0	189
Arizona	261	22	12	111	6	1	109
Arkansas	105	27	3	35	2	0	38
California	851	12	50	128	15	0	646
Colorado	20	1	2	14	1	0	2
Connecticut	10	1	0	2	0	0	7
Delaware	52	14	0	22	0	0	16
Florida	907	60	41	414	18	2	372
Georgia	308	39	12	141	8	1	107
Idaho	42	1	3	17	3	0	18
Illinois	298	12	14	97	156	12	7
Indiana	99	16	2	53	6	2	20
Kansas	8	0	0	8	0	0	0
Kentucky	77	2	4	34	1	0	36
Louisiana	228	27	6	104	7	1	83
Maryland	53	5	2	35	4	0	7
Massachusetts	4	0	0	2	2	0	0
Mississippi	182	7	4	100	0	3	68
Missouri	174	66	9	51	2	0	46
Montana	15	2	2	6	1	0	4
Nebraska	30	3	3	12	2	0	10
Nevada	141	11	12	32	4	0	82
New Jersey	52	0	3	31	0	8	10
New Mexico	28	1	1	19	5	0	2
New York	10	0	0	9	0	0	1
North Carolina	517	39	15	281	8	0	174
Ohio	388	19	19	140	11	0	199
Oklahoma	332	79	12	153	2	0	86
Oregon	56	2	1	22	0	0	31
Pennsylvania	371	3	16	128	6	0	218
Rhode Island	2	0	0	2	0	0	0
South Carolina	190	35	4	80	3	0	68
South Dakota	5	0	1	0	0	0	4
Tennessee	216	1	13	94	3	2	103
Texas	994	355	32	144	51	1	411
Utah	26	6	1	9	1	0	9
Virginia	145	94	6	12	10	1	22
Washington	38	4	1	23	0	0	10
Wyoming	12	1	1	8	0	0	2
Percent	100%	13.1%	4.3%	35.3%	4.4%	0.4%	42.5%

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 State and method, 1977-2005**

State	Number executed	Lethal injection	Electrocution	Lethal gas	Hanging	Firing squad
U.S. total	1,004	836	152	11	3	2
Federal	3	3	0	0	0	0
Alabama	34	10	24	0	0	0
Arizona	22	20	0	2	0	0
Arkansas	27	26	1	0	0	0
California	12	10	0	2	0	0
Colorado	1	1	0	0	0	0
Connecticut	1	1	0	0	0	0
Delaware	14	13	0	0	1	0
Florida	60	16	44	0	0	0
Georgia	39	16	23	0	0	0
Idaho	1	1	0	0	0	0
Illinois	12	12	0	0	0	0
Indiana	16	13	3	0	0	0
Kentucky	2	1	1	0	0	0
Louisiana	27	7	20	0	0	0
Maryland	5	5	0	0	0	0
Mississippi	7	3	0	4	0	0
Missouri	66	66	0	0	0	0
Montana	2	2	0	0	0	0
Nebraska	3	0	3	0	0	0
Nevada	11	10	0	1	0	0
New Mexico	1	1	0	0	0	0
North Carolina	39	37	0	2	0	0
Ohio	19	19	0	0	0	0
Oklahoma	79	79	0	0	0	0
Oregon	2	2	0	0	0	0
Pennsylvania	3	3	0	0	0	0
South Carolina	35	29	6	0	0	0
Tennessee	1	1	0	0	0	0
Texas	355	355	0	0	0	0
Utah	6	4	0	0	0	2
Virginia	94	67	27	0	0	0
Washington	4	2	0	0	2	0
Wyoming	1	1	0	0	0	0