 Capital Punishment 1982

Two persons were executed during 1982, one each in Virginia and Texas, bringing to six the total executed since 1987. All six took place after the last major U.S. Supreme Court rulings on the death penalty in 1976. By year’s end, the number of inmates under sentence of death stood at 1,560, the largest ever recorded in the Nation. The number of persons sentenced to death during the year was 356—higher than in any other year except 1976—while departures from death row by means other than executions fell to 62, one of the smallest totals in recent history.

The large number of persons on death row at the end of 1982 reflected both an increase in the number of death sentences handed down over the years and lengthened stays because of long appeals. The 264 persons sentenced to death in 1982 represented an increase of 3% over the number condemned in 1981. Twenty-eight of the 37 States with death penalty laws sentenced inmates during 1982. The largest number of sentences was handed down in California and Florida, each with 39 persons, followed by Texas with 28 and Alabama with 22. Ohio and Wyoming were the only States that sentenced persons during 1982 but not 1981. A new death penalty law was passed in Ohio during 1981.

Since 1976, the number of removals from death row has dropped each year with the exception of 1980, when 49 persons were relieved of the death sentence in Alabama as the result of a major court decision. The relationship between removals and additions has varied from year to year, but by 1982 about four persons received the death sentence for every one released from death row. During 1982, only 16 States had departures from death row, 3 fewer than in 1981. The largest number of removals occurred in Texas (40) and Florida (32), each of the remaining 13 States granted 4 or fewer removals (departures prompted by legislative or judicial action).

About half of the 64 persons who left death row by means other than death had both their convictions and their sentences vacated, while the next largest group, 32, had only their sentences vacated. Six deaths occurred among the condemned population, including two executions, three murders, and one suicide. The total number of persons who have died on death row since 1972 is 33, including the six who were executed.

The capital punishment series began in 1958 with an annual report on the number of executions in each State. Several significant additions to the series have been made over the years. Beginning in 1982, statistics were published on the death-row population at yearend. In subsequent years, the series was expanded to include the number and characteristics of persons sentenced to death during the year including age, sex, race, marital status, and education. Statistics were also published on the offender’s previous history or other felony convictions and on whether the offender was in prison, on probation, or on parole at the time of the capital offense. The frequency of judicial and legislative action on capital punishment in the 1970s led to the annual collection of information on the legal status of the death penalty in each State. More recently, the Bureau of Justice Statistics began collecting information on those States that subject each death sentence to automatic appeal and on the minimum age at which an offender may be sentenced to death.

The complete series of capital punishment statistics is published in an annual report that may be obtained by request from the Bureau of Justice Statistics.

Steven R. Schlesinger
Director

July 1983
were blacks, roughly the same proportion as in recent years. Twelve members of other races were under sentence—seven American Indians and five Asians.

For over 10 years, the largest number of deaths occurred in 1978, followed by 1979. In 1977, 99 Hispanic inmates were under sentence of death. During the first 12 months of 1977, the number of Hispanic inmates increased more rapidly than the Hispanic's population as a whole—three to five times versus two.

There were 13 women on death row in eight States, including 4 in Georgia. The number was the same as in 1972. The women were under sentence of death in the same crimes, with one exception—two persons in Texas were under sentence of death for murder of a child under age 12.

"Bold discretion," laying down specific guidelines to assist the sentencing judge or jury in weighing both aggravating and mitigating circumstances to the crime. Thus the Court struck a balance between the wide discretion allowed before Furman and the rigidity of mandatory death sentences passed in response to Furman but found unconstitutional in several rulings during 1976.

The years that followed the 1976 Supreme Court decisions saw a number of refinements added to the established standards. In 1977, the death sentence was found to be a disproportionate penalty for the rape of an adult woman. Other rulings have held that the capital prisoner is to be afforded every legal right, such as the right to have all mitigating circumstances to the crime considered at the time of sentencing.

On the other hand, some States changed the language on murder committed by an adolescent under age 18, and others added to the list of crimes for which the death penalty could be imposed. Among these were Georgia, which added death by a firing squad as an alternative to lethal injection. Colorado added death by a firing squad as an alternative to lethal injection. Colorado added death by a firing squad as an alternative to lethal injection.

Inasmuch as the Furman decision pointed the way of guidelines for new legislation, the years that immediately followed saw a large number of attempts and failures by the States to meet standards acceptable to the Supreme Court. These standards emerged gradually through a series of rulings by the Court, mostly in 1976 and 1977. Most current capital punishment statutes, in fact, date from 1976 and later. They provide for the death penalty for certain crimes, and they include provisions for judicial review of the decision to impose the death penalty.

In cases of death penalty, the judge or jury must weigh both aggravating and mitigating circumstances. The judge or jury must consider whether the defendant has a history of violence, and whether the murder was committed as part of another crime. The judge or jury must also consider the defendant's age, education, and family background.

The death penalty was in effect in New Jersey as of August 4, 1983.
In 1982, the Bureau of Justice Statistics issued a bulletin titled "Death-row Prisoners 1981," which included data on the status of prisoners under sentence of death. The bulletin was published in July 1982.

The bulletin covered the following states: Arkansas, Indiana, New York, South Carolina, and Oklahoma. It included information on the age at which prisoners could be sentenced to death, and it noted that the statutory minimum age varied by state. For example, in Arkansas, the minimum age was 18, while in Indiana, it was 18.

The bulletin also reported that the death-row count on the date of the finding is applied to persons who are either in prison on the date of the finding or who have been processed and are no longer at risk. However, they are admitted to a correctional facility, the finding is applied to persons who are technically under sentence of death, but they are not considered as if in effect before the date of the crime.

In Eddings v. Oklahoma, the U.S. Supreme Court held that the imposition of the death penalty ranges from the theoretical minimum age for the jurisdiction to age 18. The court concluded that to try a defendant under such circumstances would be unconstitutional.

In Ferguson, the court determined that the removal of potentially tur­bulent family history was unconstitutional. The bureau's chief, adminis­ters their publications. The author of this bulletin is Mimi Cantwell. The bulletin is a product of the Bureau of Justice Statistics.