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# Capital Punishment 1998

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Eighteen States executed 68 prisoners during 1998. The number executed was 6 fewer than in 1997. The prisoners executed during 1998 had been under sentence of death an average of 10 years and 10 months, 3 months less than that for inmates executed in 1997.

At yearend 1998, 3,452 prisoners were under sentence of death. California held the largest number on death row (512), followed by Texas (451), Florida (372), and Pennsylvania (224). Nineteen prisoners were under a Federal sentence of death.

During 1998, 30 States and the Federal prison system received 285 prisoners under sentence of death. Texas (39 admissions), California (31), Alabama and Florida (25 each) accounted for 42% of those sentenced to death.

During 1998, 66 men and 2 women were executed. Of those executed, 35 were non-Hispanic whites; 18 were non-Hispanic blacks; 8, white Hispanics; 5, whites with unknown Hispanic origin; 1, American Indian; and 1, Asian. Sixty of the executions were carried out by lethal injection, 7 by electrocution, and 1 by lethal gas.

From January 1, 1977, to December 31, 1998, 500 executions took place in 29 States. Nearly two-thirds of the executions occurred in 5 States: Texas (164), Virginia (59), Florida (43), Missouri (32), and Louisiana (24).

## Highlights

### Status of the death penalty, December 31, 1998

Executions during 1998*	Number of prisoners under sentence of death	Jurisdictions without a death penalty		
Texas	20	California	512	Alaska
Virginia	13	Texas	451	District of Columbia
South Carolina	7	Florida	372	Hawaii
Arizona	4	Pennsylvania	224	Iowa
Florida	4	Ohio	191	Maine
Oklahoma	4	North Carolina	187	Massachusetts
Missouri	3	Alabama	178	Michigan
North Carolina	3	Illinois	157	Minnesota
Alabama	1	Oklahoma	144	North Dakota
Arkansas	1	Arizona	120	Rhode Island
California	1	Georgia	109	Vermont
Georgia	1	Tennessee	97	West Virginia
Illinois	1	Missouri	90	Wisconsin
Indiana	1	Nevada	84	
Maryland	1	Louisiana	75	
Montana	1	South Carolina	68	
Nevada	1	Mississippi	65	
Washington	1	21 other jurisdictions	328	
<b>Total</b>	<b>68</b>	<b>Total</b>	<b>3,452</b>	

• At yearend 1998, 37 States and the Federal prison system held 3,452 prisoners under sentence of death, 4% more than in 1997.

Persons under sentence of death, by race

	1990	1998
White	1,381	1,906
Black	942	1,486
American Indian	25	29
Asian	14	18
Other	1	13

• The 314 Hispanic inmates under sentence of death accounted for 10% of inmates with a known ethnicity.

• Forty-eight women were under a sentence of death in 1998, up from 35 in 1990.

• Among persons for whom arrest information was available, the average age at time of arrest was 28; 2% of inmates were age 17 or younger.

• At yearend the youngest inmate was 18; the oldest was 83.

• Of the 6,089 people under sentence of death between 1977 and 1998, 8.2% were executed, 2.9% died by causes other than execution, and 32.2% received other dispositions.

• The number of States authorizing lethal injection increased from 21 in 1990 to 34 in 1998. In 1998, 88% of all executions were by lethal injection, compared to 52% in 1990.

\*For preliminary 1999 data on executions, see page 12.

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## Capital punishment laws

At yearend 1998 the death penalty was authorized by 38 States and the Federal Government (tables 1 and 2). During 1998 no State enacted new legislation authorizing capital punishment.

The New York Court of Appeals struck portions of the New York death penalty provision in December 1998 (*Hynes v. Tomei*). The affected portions of the statute barred imposition of a death sentence in cases where a guilty plea was entered by a defendant while a defendant pleading not guilty would have to stand trial and face the possibility of a death sentence (CPL 220.10(5)(e) and 220.30(3)(b)(vii)). These provisions were ruled to violate defendants' fifth amendment right against self-incrimination and sixth amendment right to a jury trial.

### *Statutory changes*

During 1998, 13 States revised statutory provisions relating to the death penalty. Most of the changes involved additional aggravating or mitigating circumstances, procedural amendments, and revisions to capital offenses.

By State, the changes were as follows:

Delaware — Amended an aggravating circumstance to include murder of a person in retaliation for providing testimony in any court proceeding (11 Del. c. § 4209(e)(1)g), effective 7/13/98.

Indiana — Added to its penal code as an aggravating factor killing a pregnant woman (Indiana code 35-20-2-9(b)(16)), effective 1/22/98.

Kansas — Revised its penal code to add as a mitigating factor consideration of whether “a term of imprisonment is sufficient to defend and protect the people’s safety from the defendant,” (KSA 21-2646), effective 7/1/98.

Kentucky — Revised its penal code to authorize lethal injection as the method of execution for all inmates sentenced to death on or after March 31, 1998. Inmates sentenced prior to that date must choose between lethal injection

and electrocution at least 20 days before the scheduled date of execution; if this option is waived, the method shall be lethal injection (KRS § 431.220), effective 3/31/98.

Kentucky also added as a mitigating factor that the victim was a participant in the criminal actions (KRS § 532.025(2)(b)(3)).

Kentucky legislators amended the code of criminal procedure to establish, upon jury conviction of a defendant, a pre-sentencing hearing to take place before the jury (KRS § 532.025(1)(b)).

Another procedural amendment established responsibility of the Kentucky Supreme Court for automatic review of all death sentences. The review includes weighing of all facts and evidence submitted in the case, determining if aggravating factors outweigh mitigating factors in the case, and considering the proportionality of the death sentence compared to similar cases (KRS § 532.075).

Lawmakers also enacted the Kentucky Racial Justice Act which prohibits seeking a death sentence against a defendant on the basis of race and establishes procedures for dealing with claims made under this act (KRS § 532.300), effective 7/15/98.

Mississippi — Revised its penal code. The first revision eliminated lethal gas as an authorized method of execution (Miss. Code Ann. § 99-19-51), effective 3/18/98. Lethal injection is now the sole method of execution authorized in Mississippi.

Another revision eliminated capital rape from Mississippi’s offense codes. The statute that created the offense was rewritten as a statutory rape provision which no longer carries the death penalty (Miss Code Ann § 97-3-65), effective 7/1/98.

Mississippi amended the code of criminal procedure. Executions, which had previously taken place at midnight, will now take place at 6:00 pm or within 24 hours of the time for which the death warrant has been signed. The same statute was also amended to allow two members of the victim’s family to be

present at the execution (Miss. Code Ann. § 99-19-55), effective 7/1/98.

Nebraska — Revised an aggravating circumstance from the defendant having a substantial history of violent behavior to a substantial “prior” history (Neb. § 29-2523(1)(a)) and added as an aggravating circumstance murder of a law enforcement officer engaged in the performance of official duties where the defendant had knowledge of the victim’s occupation (Neb. § 29-2523(1)(i)), effective 7/15/98.

Ohio — Amended its definition of aggravated murder to eliminate the condition of specific intent by the defendant to cause death (O.R.C. § 2903.01), effective 6/30/98.

Ohio lawmakers also revised the mechanism for vacating a death sentence against a person who was under age 18 at the time of the offense and for suspending the execution of a pregnant or insane offender (O.R.C. § 2929.02), effective 7/29/98.

Pennsylvania — Revised provisions of the capital statute which specified time limits for transmission of court records to the governor and issuance of death warrants, terms of confinement upon receipt of the warrant, persons allowed to witness executions, and certification and postmortem procedures following the executions (42 Pa.C.S. § 9711(i), (j), (k), (l), (m), (n), and (o)), effective 8/17/98.

South Dakota — Amended its code of criminal procedure to establish a procedure of re-issuance of death warrants that have expired due to stays granted for appellate review or other remedial writs issued by the State supreme court (SDCL 23A-27A-31), effective 7/1/98.

Tennessee — Authorized lethal injection as a method of execution for all persons whose offense occurred on or after January 1, 1999. Persons who committed offenses prior to that date may elect lethal injection by requesting in writing a waiver of the authorized method at the time of their offense (Tenn. Code Ann. § 40-23-114(b-e)), effective 5/18/98.

Tennessee legislators expanded the definition of felony murder to include aggravated child neglect (Tenn. Code Ann. § 39-13-202(a)), effective 5/18/98.

An aggravating factor, murder of a person with a significant handicap, was revised to specifically include persons 70 years of age or older (Tenn. Code Ann. § 39-13-204(i)(14)), effective 7/1/98.

Tennessee revised the code of criminal procedure (Tenn. Code Ann. § 39-13-204(c)) to allow facts and circumstances regarding a defendant's prior criminal history of violence to be entered into evidence by either the prosecution or the defense for consideration by the jury when weighing aggravating and mitigating factors, effective 5/7/98, and to allow evidence concerning the victim and the effect of the crime on the victim's family to be heard and considered during the sentencing hearing, effective 7/1/98.

Utah — Revised the code of criminal procedure to require that a defendant attain the prior consent of both the prosecutor and the court in requesting a waiver of a jury in the sentencing phase of the trial (Utah 76-3-207(1)), effective 5/4/98.

Virginia — Amended the definition of capital murder to include the intentional killing of a person under age 14 by a person age 21 or older (Va. Code § 18.2-31(12)), effective 7/1/98.

Washington — Added as aggravating factors murder of a person who had a protective order filed against the defendant and murder of a person with whom the defendant shared a household when the defendant also had a history of 3 or more prior harassment or criminal assault offenses against the victim (WA ST 10.95.020(13) and (14)).

### Table 1. Capital offenses, by State, 1998

**Alabama.** Capital murder with a finding of at least 1 of 9 aggravating circumstances (Ala. Code § 13A-5-40 and § 13A-5-49).

**Arizona.** First-degree murder accompanied by at least 1 of 10 aggravating factors.

**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 13 aggravating factors; treason. Capital sentencing excludes persons determined to be mentally retarded.

**Connecticut.** Capital felony with 9 categories of aggravated homicide (C.G.S. 53a-54b).

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

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

**Georgia.** Murder; kidnaping with bodily injury or ransom where the victim dies; aircraft hijacking; treason.

**Idaho.** First-degree murder; aggravated kidnaping.

**Illinois.** First-degree murder with 1 of 15 aggravating circumstances.

**Indiana.** Murder with 16 aggravating circumstances (IC 35-50-2-9). Capital sentencing excludes persons determined to be mentally retarded.

**Kansas.** Capital murder with 7 aggravating circumstances (KSA 21-3439). Capital sentencing excludes persons determined to be mentally retarded.

**Kentucky.** Murder with aggravating factors; kidnaping with aggravating factors.

**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).

**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 13 aggravating circumstances.

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

**New Jersey.** Purposeful or knowing murder by one's own conduct; contract murder; solicitation by command or threat in furtherance of a narcotics conspiracy (NJSA 2C:11-3C).

**New Mexico.** First-degree murder in conjunction with a finding of at least 1 of 7 aggravating circumstances (Section 30-2-1 A, NMSA).

**New York.** First-degree murder with 1 of 12 aggravating factors. Capital sentencing excludes persons determined to be mentally retarded.

**North Carolina.** First-degree murder (N.C.G.S. 14-17).

**Ohio.** Aggravated murder with at least 1 of 8 aggravating circumstances. (O.R.C. secs. 2903.01, 2929.01, 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 10 aggravating circumstances (§ 16-3-20(C)(a)). Mental retardation is a mitigating factor.

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

**Tennessee.** First-degree murder.

**Texas.** Criminal homicide with 1 of 8 aggravating circumstances (TX Penal Code 19.03).

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

**Virginia.** First-degree murder with 1 of 12 aggravating circumstances (VA Code § 18.2-31).

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

**Wyoming.** First-degree murder.

**Table 2. Federal laws providing for the death penalty, 1998**

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

*Method of execution*

As of December 31, 1998, lethal injection was the predominant method of execution (34 States) (table 3).

Eleven States authorized electrocution; 5 States, lethal gas; 3 States, hanging; and 3 States, a 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 unconstitutional, 1 authorized lethal gas, and 1 authorized electrocution.

The Federal Government authorizes the method of execution under two different laws. Offenses prosecuted under 28 CFR, Part 26, mandate lethal injection, while those prosecuted under the Violent Crime Control act of 1994 (18 U.S.C. 3596) call for the method of the State in which the conviction took place.

*Minimum age*

In 1998 eight jurisdictions did not specify a minimum age for which the death penalty could be imposed (table 4).

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

**Table 3. Method of execution, by State, 1998**

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

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

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

<sup>b</sup>Arizona authorizes lethal injection for persons whose capital sentence was received after 11/15/92; for those sentenced before that date, the condemned may select lethal injection or lethal gas.

<sup>c</sup>Delaware authorizes lethal injection for those whose capital offense occurred after 6/13/86; for those whose offense occurred before that date, the condemned may select lethal injection or hanging.

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

<sup>e</sup>New Hampshire authorizes hanging only if lethal injection cannot be given.

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

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

<sup>h</sup>Wyoming authorizes lethal gas if lethal injection is ever held to be unconstitutional.

<sup>i</sup>Tennessee authorizes lethal injection for those whose capital offense occurred after 12/31/98; those whose offense occurred before that date may select lethal injection or electrocution.

**Table 4. Minimum age authorized for capital punishment, 1998**

Age 16 or less	Age 17	Age 18	None specified
Alabama (16)	Georgia	California	Arizona
Arkansas (14) <sup>a</sup>	New Hampshire	Colorado	Idaho
Delaware (16)	North Carolina <sup>b</sup>	Connecticut <sup>c</sup>	Louisiana
Florida (16)	Texas	Federal system	Montana
Indiana (16)		Illinois	Pennsylvania
Kentucky (16)		Kansas	South Carolina
Mississippi (16) <sup>d</sup>		Maryland	South Dakota <sup>e</sup>
Missouri (16)		Nebraska	Utah
Nevada (16)		New Jersey	
Oklahoma (16)		New Mexico	
Virginia (14) <sup>f</sup>		New York	
Wyoming (16)		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(b)(2)(Repl. 1991).

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

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

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

<sup>f</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.

**Table 5. Prisoners under sentence of death, by region, State, and race, 1997 and 1998**

Region and State <sup>b</sup>	Prisoners under sentence of death, 12/31/97			Received under sentence of death			Removed from death row (excluding executions) <sup>a</sup>			Executed			Prisoners under sentence of death, 12/31/98		
	Total <sup>c</sup>	White <sup>d</sup>	Black <sup>d</sup>	Total <sup>c</sup>	White	Black	Total <sup>c</sup>	White	Black	Total <sup>c</sup>	White	Black	Total <sup>e</sup>	White	Black
<b>U.S. total</b>	3,328	1,864	1,408	285	145	132	93	55	36	68	48	18	3,452	1,906	1,486
Federal <sup>e</sup>	14	5	9	5	1	4	0	0	0	0	0	0	19	6	13
State	3,314	1,859	1,399	280	144	128	93	55	36	68	48	18	3,433	1,900	1,473
<b>Northeast</b>	234	84	140	14	4	9	4	3	1	0	0	0	244	85	148
Connecticut	5	2	3	0	0	0	0	0	0	0	0	0	5	2	3
New Hampshire	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
New Jersey	14	8	6	1	1	0	1	1	0	0	0	0	14	8	6
New York	0	0	0	1	0	1	0	0	0	0	0	0	1	0	1
Pennsylvania <sup>f</sup>	215	74	131	12	3	8	3	2	1	0	0	0	224	75	138
<b>Midwest</b>	482	236	244	33	12	21	13	6	7	5	3	2	497	239	256
Illinois	161	62	99	7	1	6	10	4	6	1	1	0	157	58	99
Indiana	44	30	14	3	1	2	1	0	1	1	1	0	45	30	15
Kansas	0	0	0	1	1	0	0	0	0	0	0	0	1	1	0
Missouri <sup>g</sup>	89	46	43	6	3	3	2	2	0	3	1	2	90	46	44
Nebraska	11	9	1	0	0	0	0	0	0	0	0	0	11	9	1
Ohio	175	87	87	16	6	10	0	0	0	0	0	0	191	93	97
South Dakota	2	2	0	0	0	0	0	0	0	0	0	0	2	2	0
<b>South</b>	1,828	1,025	781	186	94	88	64	37	26	55	37	16	1,895	1,045	827
Alabama	159	89	69	25	8	17	5	1	4	1	1	0	178	95	82
Arkansas	38	19	19	4	3	1	1	1	0	1	1	0	40	20	20
Delaware <sup>h</sup>	15	7	8	2	0	2	0	0	0	0	0	0	17	7	10
Florida	367	236	130	25	16	9	16	9	7	4	2	1	372	241	131
Georgia	108	58	49	11	5	6	9	6	3	1	1	0	109	56	52
Kentucky	31	24	7	5	4	1	0	0	0	0	0	0	36	28	8
Louisiana	70	22	48	9	2	7	4	1	3	0	0	0	75	23	52
Maryland	17	3	14	2	2	0	1	0	1	1	0	1	17	5	12
Mississippi	62	29	33	8	2	6	5	3	2	0	0	0	65	28	37
North Carolina <sup>h</sup>	176	77	95	20	9	9	6	4	2	3	3	0	187	79	102
Oklahoma <sup>i</sup>	136	81	45	15	12	3	3	1	1	4	3	0	144	89	47
South Carolina	68	30	38	8	6	2	1	0	1	7	3	4	68	33	35
Tennessee <sup>j</sup>	99	67	30	4	1	3	6	6	0	0	0	0	97	62	33
Texas <sup>h</sup>	439	262	174	39	18	19	7	5	2	20	18	2	451	257	189
Virginia	43	21	22	9	6	3	0	0	0	13	5	8	39	22	17
<b>West</b>	770	514	234	47	34	10	12	9	2	8	8	0	797	531	242
Arizona <sup>h</sup>	120	102	11	6	6	0	2	1	0	4	4	0	120	103	11
California <sup>g</sup>	487	296	180	31	19	9	5	4	1	1	1	0	512	310	188
Colorado	4	2	2	0	0	0	1	1	0	0	0	0	3	1	2
Idaho	19	19	0	1	1	0	1	1	0	0	0	0	19	19	0
Montana	7	6	0	0	0	0	0	0	0	1	1	0	6	5	0
Nevada <sup>i</sup>	86	49	36	2	2	0	3	2	1	1	1	0	84	48	35
New Mexico	4	4	0	0	0	0	0	0	0	0	0	0	4	4	0
Oregon	20	19	0	3	3	0	0	0	0	0	0	0	23	22	0
Utah	10	7	2	0	0	0	0	0	0	0	0	0	10	7	2
Washington	12	9	3	3	2	1	0	0	0	1	1	0	14	10	4
Wyoming	1	1	0	1	1	0	0	0	0	0	0	0	2	2	0

Note: Some figures shown for yearend 1997 are revised from those reported in *Capital Punishment 1997*, NCJ 172881. The revised figures include 18 inmates who were either reported late to the National Prisoner Statistics program or were not in custody of State correctional authorities on 12/31/97 (3 in Texas; 2 each in Illinois, Ohio, California, and Nevada; and 1 each in Alabama, Florida, Kentucky, Louisiana, Mississippi, and Wyoming) and exclude 7 inmates who were relieved of the death sentence on or before 12/31/97 (7 in Georgia; and 4 each in Ohio and Florida; 3 each in Mississippi and Nevada; 2 in Texas; and 1 each in Alabama, Louisiana, Arizona, and the Federal Bureau of Prisons). The data

for 12/31/97 also include 2 inmates who were listed erroneously as being removed from death row (1 each in Connecticut and Pennsylvania).  
<sup>a</sup>Includes 10 deaths from natural causes (3 in California; 2 each in Illinois and Alabama; and 1 each in Missouri, Texas, and Nevada); 2 suicides (in North Carolina); and 1 inmate who was shot during an escape (in Texas).  
<sup>b</sup>Alaska, the District of Columbia, Hawaii, Iowa, Maine, Massachusetts, Michigan, Minnesota, North Dakota, Rhode Island, Vermont, West Virginia, and Wisconsin did not authorize the death penalty as of 12/31/97.  
<sup>c</sup>Totals include persons of other races.  
<sup>d</sup>The reporting of race and Hispanic origin differs from that presented in tables 9 and 11. In this

table white and black inmates include Hispanics.  
<sup>e</sup>Excludes persons held under Armed Forces jurisdiction with a military death sentence for murder.  
<sup>f</sup>Race has been changed from white to "other" for 3 inmates.  
<sup>g</sup>One inmate who was previously in the custody of California has been transferred to Missouri where he is under a separate sentence of death.  
<sup>h</sup>Race has been changed from black to white for 1 inmate.  
<sup>i</sup>One inmate who was previously in the custody of Oklahoma has been transferred to Tennessee where he is under a separate sentence of death.  
<sup>j</sup>Total includes one inmate whose sentence in Nevada was overturned in 1997 but is under a separate death sentence in California.

**Characteristics of prisoners under sentence of death at yearend 1998**

Thirty-seven States and the Federal prison system held a total of 3,452 prisoners under sentence of death on December 31, 1998, a gain of 124, or 3.7% more than at the end of 1997 (table 5).

The Federal prison system count rose from 14 at yearend 1997 to 19 at yearend 1998. Three States reported 39% of the Nation's death row population: California (512), Texas (451), and Florida (372). Of the 39 jurisdictions with statutes authorizing the death penalty during 1998, New Hampshire had no one under a capital sentence, and New York, Kansas, South Dakota, Colorado, New Mexico, and Wyoming had 4 or fewer.

Among the 38 jurisdictions with prisoners under sentence of death at yearend 1998, 23 had more inmates than a year earlier, 6 had fewer inmates, and 9 had the same number. California had an increase of 25, followed by Alabama (19) and Ohio (16). Illinois and Virginia had the largest decrease (4 each).

During 1998 the number of black inmates under sentence of death rose by 78; the number of whites increased by 42; and the number of persons of other races rose from 56 to 60.

The number of Hispanics sentenced to death rose from 291 to 314 during 1998 (table 6). Thirty-eight Hispanics were received under sentence of death, 7 were removed from death row, and 8 were executed. Four-fifths of the Hispanics were held in 4 States: California (97), Texas (93), Florida (43), and Arizona (20).

During 1998 the number of women sentenced to be executed increased from 44 to 48. Eight women were received under sentence of death, two were removed from death row, and two were executed.

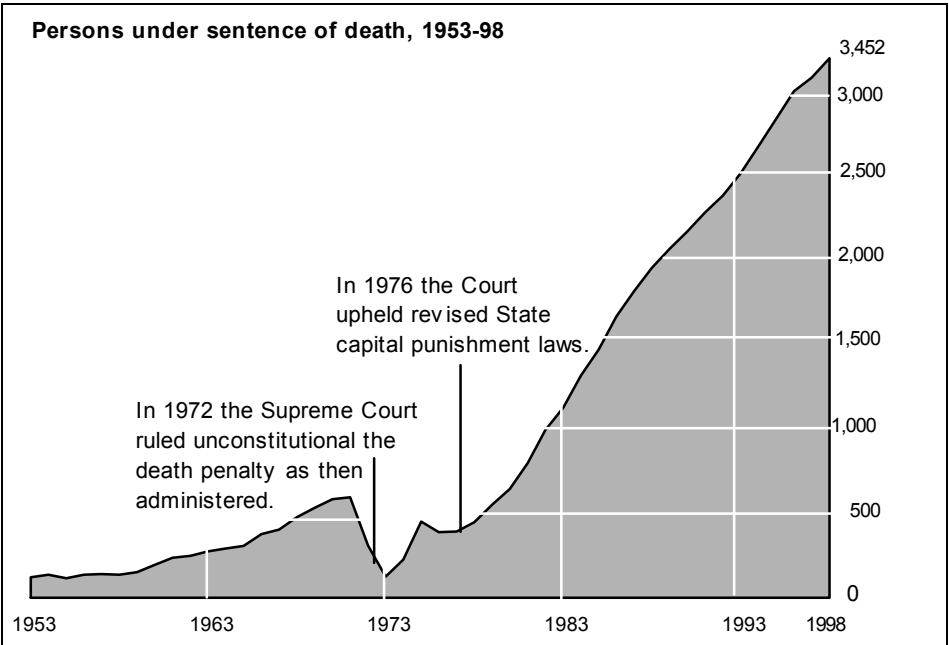


Figure 1

**Table 6. Hispanics and women under sentence of death, by State, 1997 and 1998**

Region and State	Under sentence of death, 12/31/97		Received under sentence of death		Death sentence removed*		Under sentence of death, 12/31/98	
	Hispanics	Women	Hispanics	Women	Hispanics	Women	Hispanics	Women
U.S. total	291	44	38	8	15	4	314	48
Alabama	0	3	0	0	0	0	0	3
Arizona	20	1	3	0	3	0	20	1
Arkansas	1	0	0	1	0	0	1	1
California	80	8	17	2	0	0	97	10
Colorado	1	0	0	0	0	0	1	0
Florida	41	6	4	0	2	2	43	4
Georgia	1	0	0	1	0	0	1	1
Idaho	0	1	0	0	0	0	0	1
Illinois	9	2	0	1	1	0	8	3
Indiana	2	0	0	1	0	0	2	1
Louisiana	1	0	0	0	0	0	1	0
Mississippi	1	1	0	0	0	0	1	1
Missouri	0	1	0	0	0	0	0	1
Nevada	8	1	0	0	0	0	8	1
New Jersey	0	1	0	0	0	1	0	0
New Mexico	1	0	0	0	0	0	1	0
North Carolina	4	3	0	0	1	0	3	3
Ohio	5	0	0	0	0	0	5	0
Oklahoma	7	3	0	0	0	0	7	3
Oregon	2	0	0	0	0	0	2	0
Pennsylvania	15	4	2	0	0	0	17	4
Tennessee	1	2	0	0	0	0	1	2
Texas	88	7	12	2	7	1	93	8
Utah	2	0	0	0	0	0	2	0
Virginia	1	0	0	0	1	0	1	0

\*Eight Hispanic men were executed in 1998 (5 in Texas, 2 in Arizona, and 1 in Virginia). Two women were executed during 1998 (1 each in Florida and Texas).

Women were under sentence of death in 17 States. Half of all women on death row at yearend were in California, Texas, Florida, and Pennsylvania.

State	Women under sentence of death, 12/31/98		
	Total	White	Black
Total	48	29	17
California	10	6	2
Texas	8	5	3
Florida	4	2	2
Pennsylvania	4	1	3
North Carolina	3	3	0
Alabama	3	2	1
Oklahoma	3	2	1
Illinois	3	0	3
Tennessee	2	2	0
Missouri	1	1	0
Arkansas	1	1	0
Georgia	1	1	0
Mississippi	1	1	0
Arizona	1	1	0
Idaho	1	1	0
Indiana	1	0	1
Nevada	1	0	1

Men were 99% (3,404) of all prisoners under sentence of death (table 7). Whites predominated (55%); blacks comprised 43%; and other races (1.7%) included 29 American Indians, 18 Asians, and 13 persons of unknown race. Among those for whom ethnicity was known, 10% were Hispanic.

The gender, race, and Hispanic origin of those under sentence of death at yearend 1998 were as follows:

	Persons under sentence of death, by gender, race, and Hispanic origin, 12/31/98		
	White	Black	Other
Male	1,877	1,469	58
Hispanic	284	13	13
Female	29	17	2
Hispanic	1	1	2

Among inmates under sentence of death on December 31, 1998, for whom information on education was available, three-fourths had either completed high school (38%) or finished 9th, 10th, or 11th grade (38%). The percentage who had not gone beyond eighth grade (14%) was larger than that of inmates who had attended some college (10%). The median level of education was the 11th grade.

**Table 7. Demographic characteristics of prisoners under sentence of death, 1998**

Characteristic	Prisoners under sentence of death, 1998		
	Yearend	Admissions	Removals
<b>Total number under sentence of death</b>	3,452	285	161
<b>Gender</b>			
Male	98.6%	97.2%	97.5%
Female	1.4	2.8	2.5
<b>Race</b>			
White	55.2%	50.9%	64.0%
Black	43.0	46.3	33.5
Other*	1.7	2.8	2.5
<b>Hispanic origin</b>			
Hispanic	10.0%	15.4%	10.2%
Non-Hispanic	90.0	84.6	89.8
<b>Education</b>			
8th grade or less	14.3%	15.1%	17.1%
9th-11th grade	37.6	39.3	37.1
High school graduate/GED	38.0	36.8	37.1
Any college	10.1	8.8	8.6
Median	11th	11th	11th
<b>Marital status</b>			
Married	24.0%	17.1%	23.6%
Divorced/separated	20.8	16.0	22.3
Widowed	2.7	4.7	4.1
Never married	52.5	62.3	50.0

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

	Yearend	Admissions	Removals
Hispanic origin	299	38	14
Education	501	46	21
Marital status	327	28	13

\*At yearend 1997, "other" consisted of 28 American Indians, 17 Asians, and 11 self-identified Hispanics. During 1998, 3 American Indians, 2 Asians, and 3 self-identified Hispanics were admitted; 2 American Indians, 1 Asian, and 1 self-identified Hispanic were removed.

**Persons under sentence of death, by race, 1968-98**

Number under sentence of death on December 31

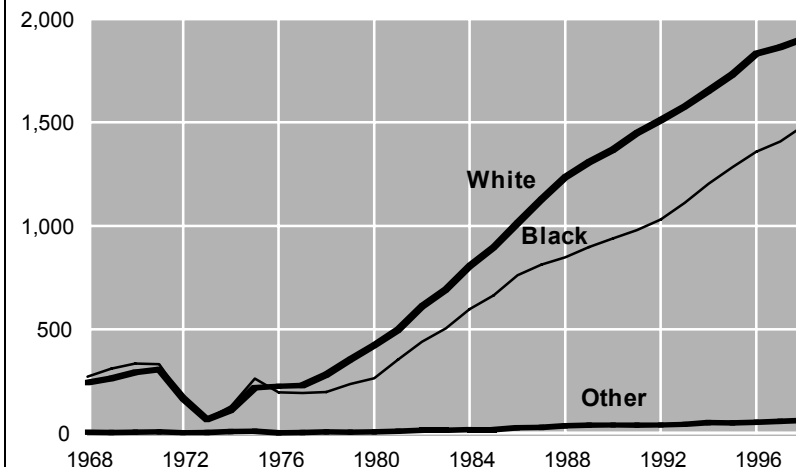


Figure 2



Of inmates under a capital sentence and with reported marital status, more than half had never married; about a fourth were married at the time of sentencing; and nearly a fourth were divorced, separated, or widowed.

Among all inmates under sentence of death for whom date of arrest information was available, half were age 20 to 29 at the time of arrest for their capital offense; 13% were age 19 or younger; and less than 1% were age 55 or older (table 8). The average age at time of arrest was 28 years. On December 31, 1998, 37% of all inmates were age 30 to 39, and 69% were age 25 to 44. The youngest offender under sentence of death was age 18; the oldest was 83.

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

Between January 1 and December 31, 1998, 30 State prison systems reported receiving 285 prisoners under sentence of death; the Federal Bureau of Prisons received 5 inmates. Forty-two percent of the inmates were received in 4 States: Texas (39), California (31), and Arkansas and Florida (25 each).

All 285 prisoners who had been received under sentence of death had been convicted of murder. By gender and race, 142 were white men, 129 were black men, 3 were American Indian men, 2 were Asian men, 1 was a self-identified Hispanic male, 3 were white women, 3 were black women, and 2 were self-identified Hispanic women. Of the 285 new admissions, 36 were Hispanic men and 2 were Hispanic women.

Twenty-two States reported a total of 80 persons whose sentence of death was overturned or removed. Appeals courts vacated 43 sentences while upholding the convictions and vacated 36 sentences while overturning the convictions. Florida (16 exits) had the largest number of vacated capital sentences. Texas reported one commutation of a death sentence.

**Table 8. Age at time of arrest for capital offense and age of prisoners under sentence of death at yearend 1998**

Age	Prisoners under sentence of death			
	At time of arrest		On December 31, 1998	
	Number*	Percent	Number	Percent
Total number under sentence of death on 12/31/98	3,158	100 %	3,452	100 %
17 or younger	72	2.3	0	
18-19	340	10.8	15	0.4
20-24	856	27.1	267	7.7
25-29	727	23.0	519	15.0
30-34	510	16.1	582	16.9
35-39	336	10.6	711	20.6
40-44	160	5.1	578	16.7
45-49	94	3.0	352	10.2
50-54	36	1.1	258	7.5
55-59	17	0.5	99	2.9
60 or older	10	0.3	71	2.1
Mean age	28 yrs		38 yrs	
Median age	26 yrs		37 yrs	

Note: The youngest person under sentence of death was a black male in Alabama, born in July 1980 and sentenced to death in December 1998. 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 294 inmates for whom the date of arrest for capital offense was not available.

As of December 31, 1998, 48 of the 80 persons who were formerly under sentence of death were serving a reduced sentence, 15 were awaiting a new trial, 10 were awaiting resentencing, 1 was resentenced to time served, and 4 had no action taken after being removed from under sentence of death. No information was available on the current status of two inmates.

In addition, 13 persons died while under sentence of death in 1998. Ten of these deaths were from natural causes — 3 in California, 2 each in Illinois and Alabama, and 1 each in Missouri, Texas, and Nevada. Two suicides occurred in North Carolina. One inmate in Texas was shot during an escape and subsequently died.

From 1977, the year after the Supreme Court upheld the constitutionality of revised State capital punishment laws, to 1998, a total of 5,709 persons entered prison under sentence of death. During these 22 years, 500 persons were executed, and 2,137 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.

Among individuals who received a death sentence between 1977 and 1998, 2,830 (50%) were white, 2,347 (41%) were black, 449 (8%) were Hispanic, and 83 (1%) were of other races. The distribution by race and Hispanic origin of the 2,137 inmates who were removed from death row between 1977 and 1998 was as follows: 1,113 whites (52%), 877 blacks (41%), 116 Hispanics (5%), and 31 persons of other races (2%). Of the 500 who were executed, 281 (56%) were white, 178 (36%) were black, 34 (7%) were Hispanic, and 7 (1%) were of other races.

## Criminal history of inmates under sentence of death in 1998

Among inmates under a death sentence on December 31, 1998, for whom criminal history information was available, 65% had past felony convictions, including 9% with at least one previous homicide conviction (table 9).

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

Criminal history patterns differed by race and Hispanic origin. More blacks (69%) than whites (63%) or Hispanics (61%) had a prior felony conviction.

About the same percentage of blacks (9%), whites (8%), and Hispanics (8%) had a prior homicide conviction. A slightly higher percentage of Hispanics (24%) or blacks (20%) than whites (15%) were on parole when arrested for their capital offense.

Since 1988, data have been collected on the number of death sentences imposed on entering inmates. Among the 3,169 individuals received under sentence of death during that time, about 1 in every 7 entered with 2 or more death sentences.

Number of death sentences received	Inmates
Total	100%
1	85
2	10
3 or more	5
Number admitted under sentence of death, 1988-98	3,169

## Executions

According to data collected by the Federal Government, from 1930 to 1998, 4,359 persons were executed under civil authority (table 10).<sup>2</sup>

<sup>2</sup>Military authorities carried out an additional 160 executions, 1930-98.

**Table 10. Number of persons executed, by jurisdiction, 1930-98**

State	Number executed	
	Since 1930	Since 1977
U.S. total	4,359	500
Texas	461	164
Georgia	389	23
New York	329	
California	297	5
North Carolina	274	11
Florida	213	43
South Carolina	182	20
Ohio	172	
Mississippi	158	4
Louisiana	157	24
Pennsylvania	154	2
Alabama	152	17
Virginia	151	59
Arkansas	135	17
Kentucky	104	1
Illinois	101	11
Missouri	94	32
Tennessee	93	
New Jersey	74	
Oklahoma	73	13
Maryland	71	3
Arizona	50	12
Washington	50	3
Colorado	48	1
Indiana	47	6
District of Columbia	40	
West Virginia	40	
Nevada	36	7
Federal system	33	
Massachusetts	27	
Oregon	21	2
Connecticut	21	
Delaware	20	8
Utah	18	5
Iowa	18	
Kansas	15	
Montana	8	2
New Mexico	8	
Wyoming	8	1
Nebraska	7	3
Idaho	4	1
Vermont	4	
New Hampshire	1	
South Dakota	1	

**Table 9. Criminal history profile of prisoners under sentence of death, by race and Hispanic origin, 1998**

	Prisoners under sentence of death							
	Number				Percent <sup>a</sup>			
	All <sup>b</sup>	White	Black	Hispanic	All <sup>b</sup>	White	Black	Hispanic
<b>U.S. total</b>	3,452	1,621	1,472	314	100%	100%	100%	100%
<b>Prior felony convictions</b>								
Yes	2,060	933	932	171	65.0%	62.6%	68.9%	60.9%
No	1,107	557	421	110	35.0	37.4	31.1	39.1
Not reported	285							
<b>Prior homicide convictions</b>								
Yes	291	132	130	23	8.6%	8.3%	9.1%	7.5%
No	3,085	1,458	1,306	283	91.4	91.7	90.9	92.5
Not reported	76							
<b>Legal status at time of capital offense</b>								
Charges pending	219	118	87	12	7.2%	8.2%	6.8%	4.6%
Probation	301	137	136	24	9.9	9.5	10.6	9.2
Parole	550	222	257	62	18.1	15.3	20.0	23.8
Prison escapee	39	24	11	3	1.3	1.7	0.9	1.2
Incarcerated	88	37	45	4	2.9	2.6	3.5	1.5
Other status	26	15	9	1	0.9	1.0	0.7	0.4
None	1,810	894	741	154	59.7	61.8	57.6	59.2
Not reported	419							

<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 persons of other races.

After the Supreme Court reinstated the death penalty in 1976, 29 States executed 500 prisoners:

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

During this 22-year period, 6 States executed 345 prisoners: Texas (164), Virginia (59), Florida (43), Missouri (32), Louisiana (24), and Georgia (23). These States accounted for more than two-thirds of all executions. Between 1977 and 1998, 278 white non-Hispanic men, 178 black non-Hispanic men, 34 Hispanic men, 4 American Indian men, 3 Asian men, and 3 white non-Hispanic women were executed.

During 1998 Texas carried out 20 executions; Virginia executed 13 persons; South Carolina, 7; Arizona, Florida, and Oklahoma, 4 each; Missouri and North Carolina, 3 each; and Alabama, Arkansas, California, Georgia, Illinois, Indiana, Maryland, Montana, Nevada, and Washington, 1 each. Sixty-six persons executed in 1998 were male and two were female. Forty were white; 18 were black; 8 were Hispanic; 1 was American Indian; and 1 was Asian.

From 1977 to 1998, 6,089 prisoners were under death sentences for varying lengths of time (table 11). The 500 executions accounted for 8% of those at risk. A total of 2,137 prisoners (35% of those at risk) received other dispositions. About the same percentage of whites (9%), blacks (7%), and Hispanics (7%) were executed. Somewhat larger percentages of whites (37%) and blacks (35%) than Hispanics (25%) were removed from under a death sentence by means other than execution.

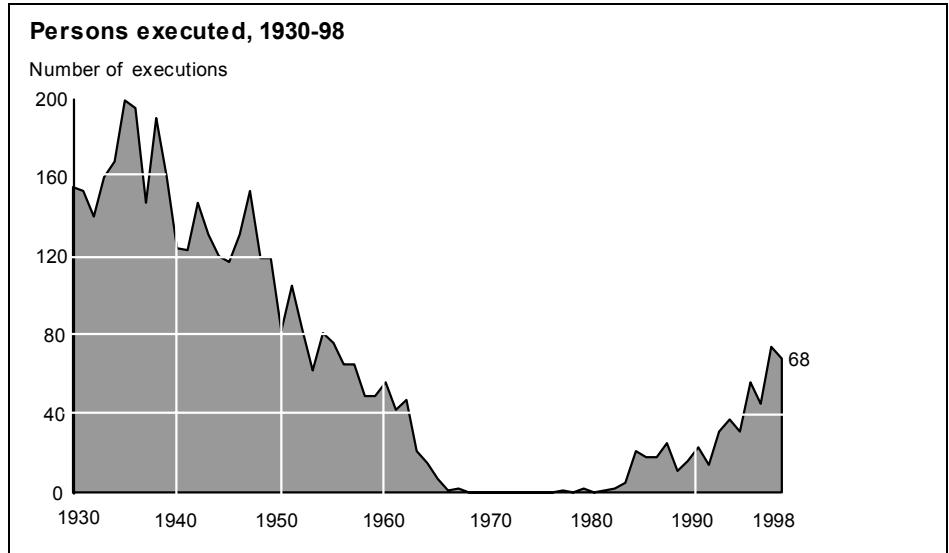


Figure 3

**Table 11. Prisoners under sentence of death who were executed or received other dispositions, by race and Hispanic origin, 1977-98**

Race/Hispanic origin <sup>b</sup>	Total under sentence of death, 1977-98 <sup>c</sup>	Prisoners executed		Prisoners who received other dispositions <sup>a</sup>	
		Number	Percent of total	Number	Percent of total
Total	6,089	500	8.2%	2,137	35.1%
White	3,015	281	9.3%	1,113	36.9%
Black	2,527	178	7.0%	877	34.7%
Hispanic	464	34	7.3%	116	25.0%
Other	83	7	8.4%	31	37.3%

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

<sup>b</sup>White, black, and other categories exclude Hispanics.

<sup>c</sup>Includes persons sentenced to death prior to 1977 who were still under sentence of death on 12/31/98

(11), persons sentenced to death prior to 1977 whose death sentence was removed between 1977 and 12/31/98 (369), and persons sentenced to death between 1977 and 12/31/98 (5,709).

Among prisoners executed from 1977 to 1998, the average time spent between the imposition of the most recent sentence received and execution was more than 9 years (table 12). White prisoners had spent an average of 9 years, and black prisoners, 10 years and 3 months. The 68 prisoners executed in 1998 were under sentence of death an average of 10 years and 10 months.

For the 500 prisoners executed between 1977 and 1998, the most common method of execution was lethal injection (344). Other methods were electrocution (141), lethal gas (10), hanging (3), and firing squad (2).

Method of execution	Executions, 1977-98				
	White	Black	Hispanic	American Indian	Asian
Total	281	178	34	4	3
Lethal injection	195	111	32	3	3
Electrocution	74	64	2	1	0
Lethal gas	7	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 1998, the average time spent in prison was 7 years and 4 months, up 3 months from that of 1997.

Inmates under sentence of death	Elapsed time since sentencing	
	Mean	Median
Total	88 mo	75 mo
Male	89	76
Female	74	68
White	92	81
Black	86	72
Hispanic	80	66

The median time between the imposition of a death sentence and yearend 1998 was 75 months. Overall, the average time for women was 6.2 years, slightly less than that for men (7.4 years). On average, whites, blacks, and Hispanics had spent from 80 to 92 months under a sentence of death.

**Table 12. Time under sentence of death and execution, by race, 1977-98**

Year of execution	Number executed			Average elapsed time from sentence to execution for:		
	All races*	White	Black	All races*	White	Black
Total	500	313	180	113 mo	108 mo	123 mo
1977-83	11	9	2	51 mo	49 mo	58 mo
1984	21	13	8	74	76	71
1985	18	11	7	71	65	80
1986	18	11	7	87	78	102
1987	25	13	12	86	78	96
1888	11	6	5	80	72	89
1989	16	8	8	95	78	112
1990	23	16	7	95	97	91
1991	14	7	7	116	124	107
1992	31	19	11	114	104	135
1993	38	23	14	113	112	121
1994	31	20	11	122	117	132
1995	56	33	22	134	128	144
1996	45	31	14	125	112	153
1997	74	45	27	133	126	147
1998	68	48	18	130	128	132

Note: Average time was calculated from the most recent sentencing date.  
\*Includes American Indians and Asians.

**Advance count of executions: January 1, 1999 - December 31, 1999**

To provide the latest data on capital punishment, BJS initiated an ongoing collection effort in 1997 that gathers information following each execution. The data include the date of execution, the jurisdiction, the method used, and the name, race, and gender of each person executed.

During 1999, 20 States executed 98 prisoners, a 44% increase over the 68 executed in 1998. This is the most inmates executed in a single year since the 105 inmates executed in 1951.

Texas carried out 35, 36% of all executions in 1999. Virginia executed 14 inmates, the most in that State since the Federal Government began tracking executions on an annual basis.

Lethal injection accounted for 94 of the executions; 3 were carried out by electrocution; and 1, by lethal gas.

Sixty-one of those executed were white, 33 black, 2 American Indian, and 2 Asian.

State	Number of executions	Method used
Texas	35	Lethal injection
Virginia	14	Lethal injection
Missouri	9	Lethal injection
Arizona	7	Lethal injection <sup>a</sup>
Oklahoma	6	Lethal injection
Arkansas	4	Lethal injection
North Carolina	4	Lethal injection
South Carolina	4	Lethal injection
Alabama	2	Electrocution
Delaware	2	Lethal injection
California	2	Lethal injection
Pennsylvania	1	Lethal injection
Illinois	1	Lethal injection
Indiana	1	Lethal injection
Ohio	1	Lethal injection
Florida	1	Electrocution
Kentucky	1	Lethal injection
Louisiana	1	Lethal injection
Nevada	1	Lethal injection
Utah	1	Lethal injection
<b>Total</b>	<b>98</b>	

<sup>a</sup>Arizona executed 1 person by lethal gas.

Final counts for all of 1999 will appear in *Capital Punishment 1999*, a BJS Bulletin, released in late 2000. This annual report will comprise data collected from State and Federal departments of correction. The report will cover all persons under sentence of death on December 31, 2000, as well as those received from court and removed from under sentence of death.

## Methodology

Capital punishment information is collected annually as part of the National Prisoner Statistics program (NPS-8). This data series is collected in two parts: data on persons under sentence of death are obtained from the department of correction in each jurisdiction currently authorizing capital punishment and are updated annually; information on the status of death penalty statutes is obtained from the Office of the Attorney General in each of the 50 States, the District of Columbia, and the Federal Government. Data collection forms and more detailed tables are available in *Correctional Populations in the United States*,

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

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

admitted to a State or Federal correctional facility. (2) If in one year inmates entered prison under a death sentence or were reported as being relieved of a death sentence but the court had acted in the previous year, the counts are adjusted to reflect the dates of court decisions. (See the note on table 5 for the affected jurisdictions.) (3) NPS counts are always for the last day of the calendar year and will differ from counts for more recent periods.

All data in this report have been reviewed for accuracy by the data providers in each jurisdiction prior to publication.

**Appendix table 1. Prisoners sentenced to death and the outcome sentence, by year of sentencing, 1973-98**

Year of sentence	Number sentenced to death	Number of prisoners removed from under sentence of death						Other or unknown reasons	Under sentence of death, 12/31/98
		Execution	Other death	Appeal or higher courts overturned		Sentence commuted			
				Death penalty statute	Conviction	Sentence			
1973	42	2	0	14	9	8	9	0	0
1974	149	9	4	65	15	30	22	1	3
1975	298	6	4	171	24	67	21	2	3
1976	233	12	5	136	17	43	15	0	5
1977	137	18	3	40	26	32	7	0	11
1978	187	33	5	21	36	61	8	0	23
1979	152	24	10	2	28	58	5	1	24
1980	174	36	11	3	28	48	7	0	41
1981	229	46	12	0	42	76	4	1	48
1982	268	48	13	0	35	67	7	1	97
1983	254	45	14	1	24	60	6	1	103
1984	283	38	10	2	37	58	6	8	124
1985	268	25	4	1	42	66	4	3	123
1986	299	35	15	0	42	50	6	5	146
1987	289	25	12	4	35	54	2	6	151
1988	291	26	11	0	33	48	3	0	170
1989	263	13	9	0	29	49	3	0	160
1990	252	12	6	0	32	36	1	0	165
1991	264	8	7	0	28	27	3	0	191
1992	289	12	3	0	19	34	3	0	218
1993	291	10	7	0	15	18	3	0	238
1994	321	6	5	0	20	18	1	0	271
1995	322	5	6	0	12	12	0	0	287
1996	317	5	2	0	5	8	0	0	297
1997	274	1	2	0	1	2	0	0	268
1998	285	0	0	0	0	0	0	0	285
Total, 1973-98	6,431	500	180	460	634	1,030	146	29	3,452

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

**Appendix table 2. Prisoners under sentence of death on December 31, 1998, by State and year of sentencing**

State	Year of sentence for prisoners sentenced to and remaining on death row, 12/31/98												Under	Average
	1974-79	1980-81	1982-83	1984-85	1986-87	1988-89	1990-91	1992-93	1994-95	1996	1997	1998	12/31/98	years under sentence of death, death as of 12/31/98
Florida	25	11	18	31	32	39	52	46	54	21	18	25	372	8.6
Texas	12	14	13	21	38	50	44	64	86	36	34	39	451	7.1
California	9	17	46	37	45	64	54	73	59	40	37	31	512	8.1
Georgia	7	3	6	5	14	9	11	11	14	6	12	11	109	8.1
Tennessee	4	7	8	12	15	10	12	5	8	5	7	4	97	9.9
Arizona	3	5	10	11	6	14	18	20	13	5	9	6	120	8.5
Nevada	2	4	9	7	4	12	9	2	16	11	6	2	84	8.2
Nebraska	2	2		1	1	1			1	2	1		11	11.3
Illinois	1	12	14	13	13	16	19	21	20	14	7	7	157	8.6
Alabama	1	3	13	9	16	17	11	14	36	17	16	25	178	6.5
North Carolina	1	3	4	4			13	46	50	24	22	20	187	4.6
Arkansas	1		1		2	2	2	8	10	5	5	4	40	5.2
Kentucky	1	1	8	2	4	1	2	4	3	2	3	5	36	8.8
Indiana		2	4	8	6	3	5	5	5	3	1	3	45	9.2
Mississippi		2	4		3	2	10	11	8	9	8	8	65	5.7
Pennsylvania		1	14	16	28	35	20	30	43	14	11	12	224	7.6
Oklahoma		1	6	15	20	15	16	9	19	17	11	15	144	7.1
Maryland		1		3		2	1	1	1	6		2	17	6.8
Ohio			10	30	21	18	20	22	27	17	10	16	191	7.6
Missouri			3	7	11	6	11	11	18	8	9	6	90	6.6
Louisiana			2	6	7	1	2	10	17	8	13	9	75	5.1
Idaho			2	4	1	4	2	2	1	1	1	1	19	9.4
South Carolina			2	3	5	5	8	9	16	8	4	8	68	5.8
Utah			1	2		3	1	1		1	1		10	8.9
Montana			1		1			2		2			6	*
Delaware			1			1		9			4	2	17	5.1
Virginia					2		5	5	13	1	4	9	39	4.0
New Jersey					1		2	1	4	3	2	1	14	4.4
Colorado					1				1	1			3	*
Washington							2	2	3	1	3	3	14	3.5
Connecticut							2	1	1		1		5	*
Oregon							1	6	7	3	3	3	23	3.7
Federal system							1	4	2	4	3	5	19	2.6
South Dakota								1			1		2	*
New Mexico									2	2			4	*
Wyoming												1	1	*
New York												1	1	*
Kansas												1	1	*
Total	69	89	200	247	297	330	356	456	558	297	268	285	3,452	7.4

Note: For those persons sentenced to death more than once, the numbers are based on the most recent death sentence.  
 \*Averages not calculated for fewer than 10 inmates.

**Appendix table 3. Number sentenced to death and number of removals, by jurisdiction and reason for removal, 1973-98**

State	Total sentenced to death, 1973-98	Number of removals, 1973-98					Under sentence of death, 12/31/98
		Executed	Died	Sentence or conviction overturned	Sentence commuted	Other removals	
U.S. total	6,431	500	180	2,124	146	29	3,452
Federal	21	0	0	2	0	0	19
Alabama	302	17	11	95	1	0	178
Arizona	217	12	8	71	5	1	120
Arkansas	89	17	1	30	1	0	40
California	679	5	30	117	15	0	512
Colorado	16	1	1	10	1	0	3
Connecticut	6	0	0	1	0	0	5
Delaware	38	8	0	13	0	0	17
Florida	802	43	22	345	18	2	372
Georgia	281	23	8	134	6	1	109
Idaho	36	1	1	13	2	0	19
Illinois	264	11	9	79	1	7	157
Indiana	90	6	1	34	2	2	45
Kansas	1	0	0	0	0	0	1
Kentucky	66	1	2	26	1	0	36
Louisiana	184	24	3	75	6	1	75
Maryland	47	3	1	24	2	0	17
Massachusetts	4	0	0	2	2	0	0
Mississippi	159	4	1	86	0	3	65
Missouri	151	32	7	21	1	0	90
Montana	15	2	0	6	1	0	6
Nebraska	24	3	2	6	2	0	11
Nevada	123	7	5	24	3	0	84
New Jersey	47	0	2	23	0	8	14
New Mexico	26	0	1	16	5	0	4
New York	4	0	0	3	0	0	1
North Carolina	448	11	8	238	4	0	187
Ohio	341	0	8	133	9	0	191
Oklahoma	290	13	7	125	1	0	144
Oregon	44	2	1	18	0	0	23
Pennsylvania	303	2	8	69	0	0	224
Rhode Island	2	0	0	2	0	0	0
South Carolina	159	20	4	64	3	0	68
South Dakota	2	0	0	0	0	0	2
Tennessee	184	0	5	80	0	2	97
Texas	780	164	18	101	45	1	451
Utah	25	5	0	9	1	0	10
Virginia	116	59	3	6	8	1	39
Washington	34	3	1	16	0	0	14
Wyoming	11	1	1	7	0	0	2
Percent	100%	7.8%	2.8%	33.0%	2.3%	0.5%	53.7%

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

The Bureau of Justice Statistics is the statistical agency of the U.S. Department of Justice. Jan M. Chaiken, Ph.D., 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. Todd D. Minton provided assistance and statistical review.

Tina Dorsey and Tom Hester edited the report. Jayne Robinson prepared the report for final printing.

At the Bureau of the Census, Patricia A. Clark collected the data under the supervision of Gertrude B. Odom and Marilyn M. Monahan.

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**Appendix table 4. Executions, by State and method, 1977-98**

State	Number executed	Lethal injection	Electro-cution	Lethal gas	Firing squad	Hanging
Total	500	344	141	10	2	3
Alabama	17	0	17	0	0	0
Arizona	12	11	0	1	0	0
Arkansas	17	16	1	0	0	0
California	5	3	0	2	0	0
Colorado	1	1	0	0	0	0
Delaware	8	7	0	0	0	1
Florida	43	0	43	0	0	0
Georgia	23	0	23	0	0	0
Idaho	1	1	0	0	0	0
Illinois	11	11	0	0	0	0
Indiana	6	3	3	0	0	0
Kentucky	1	0	1	0	0	0
Louisiana	24	4	20	0	0	0
Maryland	3	3	0	0	0	0
Mississippi	4	0	0	4	0	0
Missouri	32	32	0	0	0	0
Montana	2	2	0	0	0	0
Nebraska	3	0	3	0	0	0
Nevada	7	6	0	1	0	0
North Carolina	11	9	0	2	0	0
Oklahoma	13	13	0	0	0	0
Oregon	2	2	0	0	0	0
Pennsylvania	2	2	0	0	0	0
South Carolina	20	15	5	0	0	0
Texas	164	164	0	0	0	0
Utah	5	3	0	0	2	0
Virginia	59	34	25	0	0	0
Washington	3	1	0	0	0	2
Wyoming	1	1	0	0	0	0

Data will be available from the National Archive of Criminal Justice Data at the University of Michigan, 1-800-999-0960. The data sets are archived as Capital Punishment, 1973-98.

The data and the report, as well as others from the Bureau of Justice Statistics, are also available through the Internet:

<http://www.ojp.usdoj.gov/bjs/>

Key Facts at a Glance — Trends in Capital Punishment, charts and supporting data in tables on Executions, 1930-99; Persons under Sentence of Death, 1954-98; and Persons under Sentence of Death by Race, 1968-98.

<http://www.ojp.usdoj.gov/bjs/glance.htm#cptrends>

Prisoners executed under civil authority in the United States, by year, Federal, State-by-State, and region, 1977-1999.

<http://www.ojp.usdoj.gov/bjs/dtdata.htm#exe>

**U.S. Department of Justice**

Office of Justice Programs  
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