



Statistical Brief

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Capital Punishment, 2016

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This report includes data on persons under sentence of death, persons executed, and the status of the death penalty at the state and federal level. Data on prisoners under sentence of death were obtained from the department of corrections in each jurisdiction that authorized the death penalty on December 31, 2016. Information on the status of death penalty statutes was obtained from the office of the Attorney General in each of the 50 states, the District of Columbia, and the federal government.

At year-end 2016, 34 states and the federal government authorized the death penalty. Two of these states (New York and Wyoming) did not have any prisoners under sentence of death at year-end. Each jurisdiction determines the offenses for which the death penalty can be imposed (appendix tables 1 and 2). Once a person has been convicted of a capital offense, a separate sentencing hearing is held. During the sentencing hearing, a jury will consider aggravating and mitigating factors as defined by state law. Before a person can be sentenced to death, a jury must find that at least one

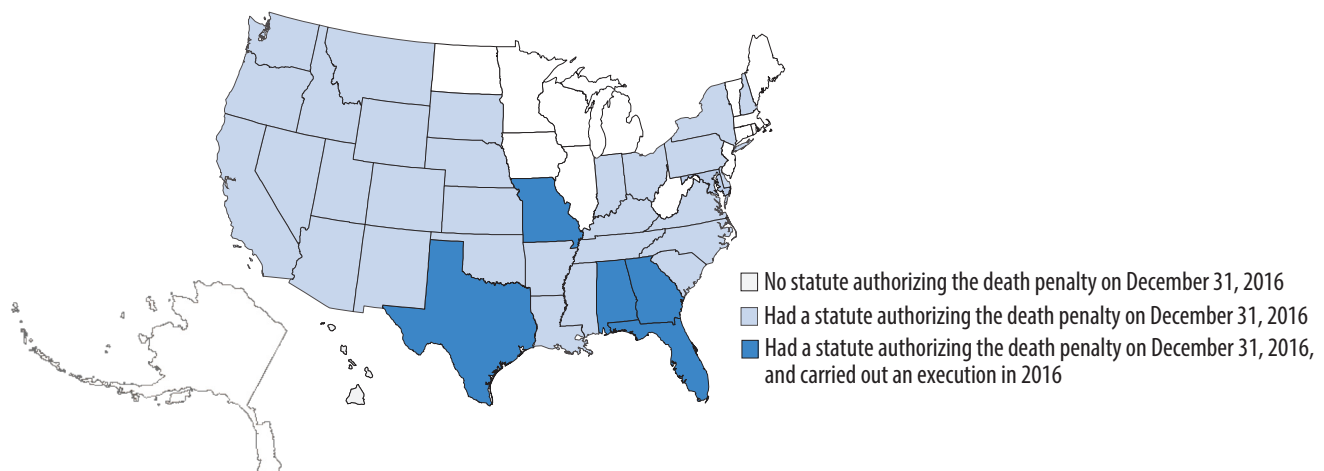
aggravating factor is present and that mitigating factors don't outweigh the aggravating factor(s).

Methods of execution are defined by statute and vary by jurisdiction. In 2016, all 34 states with a death penalty statute authorized lethal injection as a method of execution (appendix table 3). In addition to lethal injection, 15 states authorized an alternative method of execution: electrocution (8 states), lethal gas (3), hanging (3), firing squad (2), and nitrogen hypoxia (1).

In states that authorized multiple methods of execution, the condemned prisoner usually selected the method. Five states (Arizona, Arkansas, Kentucky, Tennessee, and Utah) stipulated which method must be used depending on the date of either the offense or sentencing. New Hampshire authorized hanging only if lethal injection could not be given. Four states authorized alternative methods if lethal injection is ruled to be unconstitutional: Delaware authorized hanging; Oklahoma authorized electrocution, firing squad, or nitrogen hypoxia; Utah authorized firing squad; and Wyoming authorized lethal gas.

MAP 1

States with and without death penalty statutes, year-end 2016



Source: Bureau of Justice Statistics, National Prisoner Statistics program (NPS-8), 2016.



Federal prisoners are executed by lethal injection, pursuant to 28 CFR Part 26. For offenses prosecuted under the federal Violent Crime Control and Law

Enforcement Act of 1994, the law of the state in which the conviction took place determines the method used (18 U.S.C. 3596).

Highlights

- At year-end 2016, a total of 32 states and the Federal Bureau of Prisons (BOP) held 2,814 prisoners under sentence of death, which was 58 (2%) fewer than at year-end 2015.
- California (26%), Florida (14%), and Texas (9%) held nearly half (49%) of the nation's prisoners under sentence of death at year-end 2016; in 2016, Texas executed seven prisoners, Florida executed one, and California did not execute any prisoners.
- In 2016, the number of prisoners under sentence of death decreased for the sixteenth consecutive year.
- Twelve states received a total of 32 prisoners under sentence of death in 2016.
- Five states executed a total of 20 prisoners in 2016, with Georgia (9) and Texas (7) accounting for 80% of executions.
- The number of prisoners executed in 2016 represented the smallest number of executions since 1991, when 14 prisoners were executed.
- Of the 20 prisoners executed, 18 were white (2 of Hispanic origin) and 2 were black.
- Seventeen states and the BOP removed 70 prisoners from under sentence of death by means other than execution.
- At year-end 2016, 13 states and the BOP held fewer prisoners under sentence of death than a year earlier, 4 states held more prisoners, and 16 states held the same number.
- The largest decline in prisoners under sentence of death occurred in Georgia (down 10 prisoners), followed by Louisiana (down 9) and Florida, Pennsylvania, and Texas (down 7 each).
- The largest increase in the number of prisoners under sentence of death occurred in North Carolina and California (up 3 each), followed by Ohio (up 2), and Nevada (up 1).
- Among prisoners under sentence of death at year-end 2016, a total of 55% were white and 42% were black.
- At year-end 2016, among the 2,553 prisoners under sentence of death whose ethnic origin was known, a total of 378 prisoners (15%) were Hispanic.
- Ninety-eight percent of prisoners under sentence of death were male.

Terms and definitions

Aggravating factor—Specific elements of a crime defined by statute. When present, these factors may allow a jury to impose a death sentence for a person convicted of a capital offense. Sometimes these are also called aggravating circumstances.

Capital conviction—A formal declaration that a defendant is guilty of a capital offense, made by the verdict of a jury, the decision of a judge, or a guilty plea by the defendant in a court of law.

Capital offense—A criminal offense punishable by death. Offenses that are eligible for a death sentence are defined by statute in each jurisdiction that authorizes

capital punishment. The most common is first-degree murder accompanied by at least one aggravating factor.

Capital punishment—The process of sentencing convicted offenders to death for the most serious crimes and carrying out that sentence. The specific offenses and circumstances which determine if a crime is eligible for a death sentence are defined by statute and are prescribed by Congress or a state legislature.

Capital statute—State or federal laws dictating specific crimes that are eligible for a death sentence and specific procedures to be followed in carrying out such sentences.

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Terms and definitions (continued)

Civil authority— For the purposes of this report, the state or federal entities responsible for implementation and enforcement of capital punishment laws, excluding military authorities.

Commutation—Reduction of a death sentence by a governor or a board of advisors empaneled to review sentences. Criteria for granting a commutation vary by state. The new sentence can be to life or a term of years.

Death row—A slang term referring to the area of a prison in which prisoners under sentence of death are housed. Usage of the term “death row” continues despite the fact that many states do not maintain a separate unit or facility for prisoners under sentence of death.

Received under sentence of death—Persons admitted to prison after being sentenced to death by a court.

Removal from under sentence of death—A prisoner who was previously under sentence of death and is no longer included in the count of persons under sentence of death. An inmate can be relieved of a death sentence by several methods: execution, death by causes other than execution, commutation, or an overturned capital conviction or sentence.

Sentence of death—A sentence imposed by a court for a capital offense which authorizes the state to execute a convicted offender.

Year-end—As of December 31 of the calendar year.

TABLE 1
Status of the death penalty, December 31, 2016

Executions in 2016	Number of prisoners under sentence of death		Jurisdictions without death penalty
Georgia	9	California 742	Alaska
Texas	7	Florida 382	Connecticut
Alabama	2	Texas 244	District of Columbia
Florida	1	Alabama 183	Hawaii
Missouri	1	Pennsylvania 174	Illinois
		North Carolina 150	Iowa
		Ohio 140	Maine
		Arizona 118	Maryland
		Nevada 83	Massachusetts
		Louisiana 73	Michigan
		Tennessee 63	Minnesota
		Georgia 58	New Jersey
		Federal Bureau of Prisons 58	North Dakota
		Mississippi 47	Rhode Island
		Oklahoma 46	Vermont
		18 other jurisdictions* 253	West Virginia
			Wisconsin
Total	20	Total 2,814	

*New Mexico repealed the death penalty for offenses committed on or after July 1, 2009. As of December 31, 2016, two males in New Mexico were under previously imposed death sentences.

Source: Bureau of Justice Statistics, National Prisoner Statistics program (NPS-8), 2016.

TABLE 2**Prisoners under sentence of death, by region, jurisdiction, and race, 2015 and 2016**

Region and jurisdiction	Prisoners under sentence of death, 12/31/15			Received under sentence of death, 2016			Removed from death row (excluding executions), 2016			Executed, 2016			Prisoners under sentence of death, 12/31/16		
	Total ^a	White ^{b, c}	Black ^b	Total ^a	White ^b	Black ^b	Total ^a	White ^b	Black ^b	Total ^a	White ^b	Black ^b	Total ^a	White ^b	Black ^b
U.S. total	2,872	1,606	1,202	32	8	20	70	36	31	20	18	2	2,814	1,560	1,189
Federal ^d	59	30	28	0	0	0	1	0	1	0	0	0	58	30	27
State	2,813	1,576	1,174	32	8	20	69	36	30	20	18	2	2,756	1,530	1,162
Northeast	193	87	104	1	0	0	19	8	11	0	0	0	175	79	93
Connecticut ^e	11	5	6	0	0	0	11	5	6	0	0	0	0	0	0
New Hampshire	1	0	1	0	0	0	0	0	0	0	0	0	1	0	1
New York	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Pennsylvania	181	82	97	1	0	0	8	3	5	0	0	0	174	79	92
Midwest	200	109	90	5	2	3	3	2	1	1	1	0	201	108	92
Indiana	13	10	3	0	0	0	0	0	0	0	0	0	13	10	3
Kansas	10	7	3	1	1	0	1	1	0	0	0	0	10	7	3
Missouri	26	18	8	0	0	0	0	0	0	1	1	0	25	17	8
Nebraska ^c	10	8	2	0	0	0	0	0	0	0	0	0	10	8	2
Ohio	138	63	74	4	1	3	2	1	1	0	0	0	140	63	76
South Dakota	3	3	0	0	0	0	0	0	0	0	0	0	3	3	0
South	1,413	742	651	17	4	12	41	21	17	19	17	2	1,370	708	644
Alabama	187	92	94	3	1	2	5	3	2	2	2	0	183	88	94
Arkansas ^f	35	16	19	1	1	0	1	1	0	0	0	0	35	16	19
Delaware	14	6	8	0	0	0	1	1	0	0	0	0	13	5	8
Florida ^g	389	235	153	3	1	2	9	3	6	1	1	0	382	232	149
Georgia	68	35	33	0	0	0	1	1	0	9	7	2	58	27	31
Kentucky	32	27	5	0	0	0	0	0	0	0	0	0	32	27	5
Louisiana	82	26	55	0	0	0	9	2	6	0	0	0	73	24	49
Mississippi	47	20	26	0	0	0	0	0	0	0	0	0	47	20	26
North Carolina	147	64	76	5	0	4	2	1	0	0	0	0	150	63	80
Oklahoma	47	23	20	1	0	1	2	1	0	0	0	0	46	22	21
South Carolina	40	17	23	0	0	0	3	1	2	0	0	0	37	16	21
Tennessee ^g	67	36	30	0	0	0	4	4	0	0	0	0	63	32	30
Texas ^h	251	141	106	4	1	3	4	3	1	7	7	0	244	132	108
Virginia	7	4	3	0	0	0	0	0	0	0	0	0	7	4	3
West	1,007	638	329	9	2	5	6	5	1	0	0	0	1,010	635	333
Arizona	119	96	18	1	0	0	2	2	0	0	0	0	118	94	18
California ^{c, f}	739	439	269	7	2	4	4	3	1	0	0	0	742	438	272
Colorado	3	0	3	0	0	0	0	0	0	0	0	0	3	0	3
Idaho	9	9	0	0	0	0	0	0	0	0	0	0	9	9	0
Montana	2	2	0	0	0	0	0	0	0	0	0	0	2	2	0
Nevada	82	49	31	1	0	1	0	0	0	0	0	0	83	49	32
New Mexico	2	2	0	0	0	0	0	0	0	0	0	0	2	2	0
Oregon ^c	33	29	3	0	0	0	0	0	0	0	0	0	33	29	3

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TABLE 2**Prisoners under sentence of death, by region, jurisdiction, and race, 2015 and 2016**

Region and jurisdiction	Prisoners under sentence of death, 12/31/15			Received under sentence of death, 2016			Removed from death row (excluding executions), 2016			Executed, 2016			Prisoners under sentence of death, 12/31/16		
	Total ^a	White ^{b, c}	Black ^b	Total ^a	White ^b	Black ^b	Total ^a	White ^b	Black ^b	Total ^a	White ^b	Black ^b	Total ^a	White ^b	Black ^b
Utah	9	7	1	0	0	0	0	0	0	0	0	0	9	7	1
Washington	9	5	4	0	0	0	0	0	0	0	0	0	9	5	4
Wyoming	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Note: Some figures shown for yearend 2015 are revised from those reported in *Capital Punishment, 2014-2015 – Statistical Brief* (NCJ 250638, BJS web, May 2017). The revised figures include 5 inmates who were either reported late to the National Prisoner Statistics program or were not in custody of State correctional authorities on December 31, 2015 (1 each in Ohio, Mississippi, Oklahoma, California and Nevada), and exclude 14 inmates who were relieved of a death sentence before December 31, 2015 (3 each in Georgia and Texas; 2 in California; and 1 each in Missouri, Mississippi, Oklahoma, South Carolina, Tennessee, and Nevada).

^aIncludes American Indians and Alaska Natives; Asians, Native Hawaiians, and Other Pacific Islanders; and persons of Hispanic/Latino origin for whom no other race was identified.

^bCounts of white and black inmates include persons of Hispanic/Latino origin.

^cThe race reported for 5 inmates has been revised from Hispanic to white (2 each in Nebraska and California and 1 in Oregon). The Hispanic/Latino origin for these inmates remains unchanged.

^dExcludes persons held under Armed Forces jurisdiction with a military death sentence for murder.

^eThe Connecticut Supreme Court upheld a previous ruling that extended the repeal of the capital statute to include 11 males under a previously imposed death sentence. These prisoners will be resentenced to life in prison without the possibility of parole (*State v. Peeler*, 321 CONN. 375 (2016)).

^fOne inmate under sentence of death in Arkansas was erroneously reported as being under sentence of death in California in the 2014–2015 report.

^gOne inmate who was previously in the custody of Florida is now being reported in Tennessee where he is under a separate sentence of death.

^hTwo of the white prisoners executed were of Hispanic origin.

Source: Bureau of Justice Statistics, National Prisoner Statistics program (NPS-8), 2016.

TABLE 3**Prisoners removed from under sentence of death, by region, jurisdiction, and method of removal, 2016**

Region and jurisdiction	Total	Execution	Other death ^a	Appeals courts or higher courts overturned—		
				Capital statute	Capital conviction ^b	Death sentence
U.S. total	90	20	19	11	15	25
Federal	1	0	0	0	0	1
State	89	20	19	11	15	24
Northeast	19	0	0	11	3	5
Connecticut	11	0	0	11	0	0
Pennsylvania	8	0	0	0	3	5
Midwest	4	1	1	0	1	1
Kansas	1	0	1	0	0	0
Missouri	1	1	0	0	0	0
Ohio	2	0	0	0	1	1
South	60	19	14	0	10	17
Alabama	7	2	1	0	2	2
Arkansas	1	0	0	0	1	0
Delaware	1	0	0	0	1	0
Florida	10	1	2	0	3	4
Georgia	10	9	0	0	0	1
Louisiana	9	0	3	0	3	3
North Carolina	2	0	2	0	0	0
Oklahoma	2	0	1	0	0	1
South Carolina	3	0	0	0	0	3
Tennessee	4	0	3	0	0	1
Texas	11	7	2	0	0	2
West	6	0	4	0	1	1
Arizona	2	0	1	0	0	1
California	4	0	3	0	1	0

^aIn 2016, all other deaths were due to natural causes.

^bIncludes capital conviction and sentence.

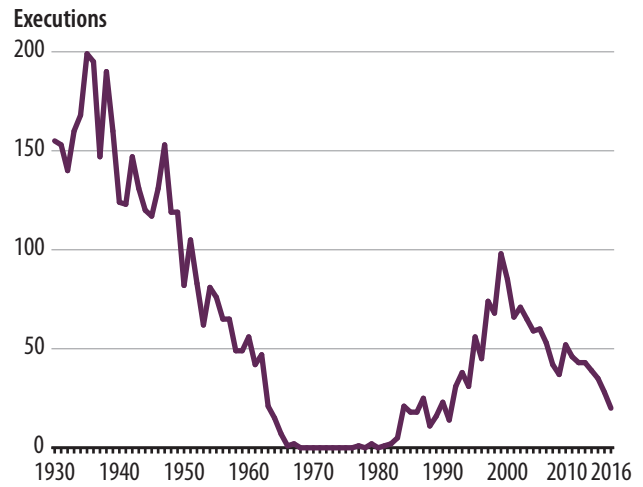
Source: Bureau of Justice Statistics, National Prisoner Statistics program (NPS-8), 2016.

FIGURE 1
Number of prisoners under sentence of death, 1953–2016



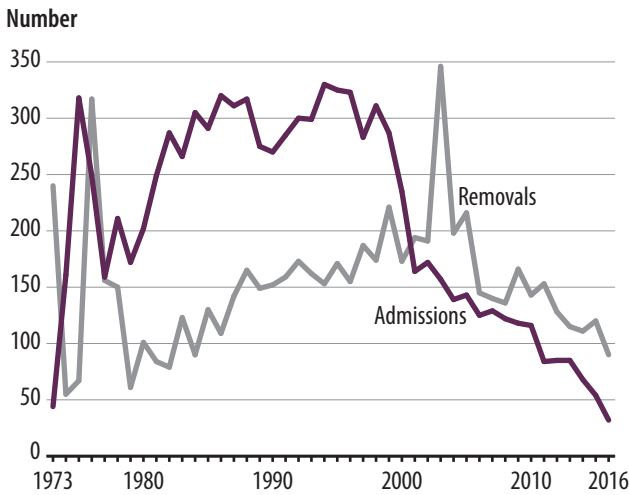
Note: See appendix table 4 for counts.
 Source: Bureau of Justice Statistics, National Prisoner Statistics program (NPS-8), 1953–2016.

FIGURE 3
Number of prisoners executed under civil authority in the United States, 1930–2016



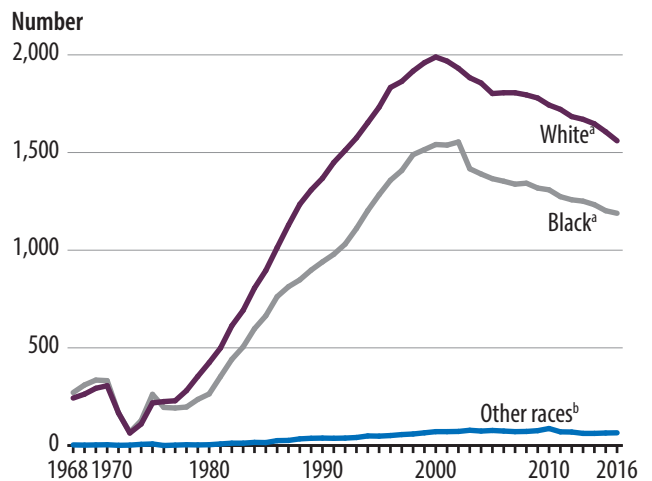
Note: Excludes 160 executions carried out by military authorities from 1930 to 1961. See appendix table 6 for counts.
 Source: Bureau of Justice Statistics, National Prisoner Statistics program (NPS-8), 1930–2016.

FIGURE 2
Admissions to and removals from sentence of death, 1973–2016



Note: Removals can be due to any cause including execution, other death, or appeal. See appendix table 5 for counts.
 Source: Bureau of Justice Statistics, National Prisoner Statistics program (NPS-8), 1973–2016.

FIGURE 4
Number of prisoners under sentence of death, by race, 1968–2016



Note: See appendix table 7 for counts.
^aIncludes persons of Hispanic/Latino origin.
^bIncludes American Indians and Alaska Natives; Asians, Native Hawaiians, and Other Pacific Islanders; and persons of Hispanic/Latino origin for whom no other race was identified.
 Source: Bureau of Justice Statistics, National Prisoner Statistics program (NPS-8), 1968–2016.

TABLE 4
Demographic characteristics for prisoners under sentence of death, 2016

Demographic characteristic	Total year-end	Admissions	Removals
Sex			
Male	98.2%	96.9%	96.7%
Female	1.8	3.1	3.3
Race^a			
White	55.4%	25.0%	60.0%
Black	42.3	62.5	36.7
Other ^b	2.3	12.5	3.3
Hispanic/Latino origin^c			
Hispanic/Latino	14.8%	11.1%	12.8%
Non-Hispanic/Latino	85.2	88.9	87.2
Age			
18–19	--	3.1%	0.0%
20–24	0.3%	0.0	0.0
25–29	2.4	12.5	2.2
30–34	5.9	28.1	3.3
35–39	11.9	25.0	15.6
40–44	15.7	12.5	15.6
45–49	18.1	9.4	14.4
50–54	15.9	3.1	10.0
55–59	13.5	3.1	11.1
60–64	8.3	3.1	10.0
65 or older	8.0	0.0	17.8
Average age (years)			
Mean	49	38	51
Median	48	38	49
Education^d			
8th grade or less	12.2%	15.8%	26.3%
9th–11th grade	34.9	42.1	25.0
High school graduate/GED	43.8	31.6	43.4
Any college	9.0	10.5	5.3
Median education level (grade)			
	12th	11th	11th
Marital status^e			
Married	21.1%	10.5%	19.0%
Divorced/separated	19.6	10.5	26.6
Widowed	3.5	0.0	2.5
Never married	55.7	78.9	51.9
Total	2,814	32	90

Note: Detail may not sum to total due to rounding. See appendix table 8 for counts.

--Less than 0.05%.

^aPercentages for white, black, and all other races include persons of Hispanic/Latino origin.

^bAt year-end 2016, prisoners of all other races consisted of 19 American Indians or Alaska Natives (AIANs), 40 Asians, and 6 Native Hawaiian or Other Pacific Islanders. During 2016, one AIAN prisoner and three Asian prisoners were admitted, while two AIAN prisoners and one Asian prisoner were removed.

^cExcludes prisoners with unknown origin: 261 at year-end, 5 admissions, and 12 removals.

^dExcludes prisoners with unknown education level: 569 at year-end, 13 admissions, and 14 removals.

^eExcludes prisoners with unknown marital status: 379 at year-end, 13 admissions, and 11 removals.

Source: Bureau of Justice Statistics, National Prisoner Statistics program (NPS-8), 2016.

Advance count of executions in 2017

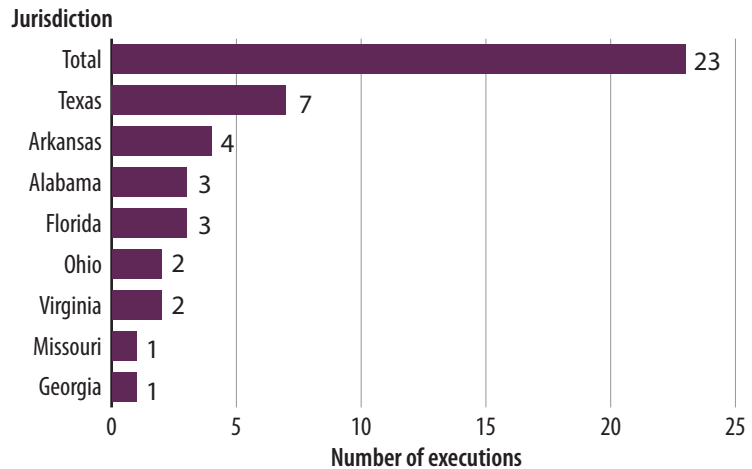
From January 1, 2017, to December 31, 2017, eight states executed 23 prisoners, which was three prisoners more than the number executed in 2016.

Texas (7) and Arkansas (4) accounted for nearly half of the executions during this period.

All executions in 2017 were by lethal injection.

No females were executed during this period.

FIGURE 5
Advance count of executions, January 1–December 31, 2017



Source: Bureau of Justice Statistics, National Prisoner Statistics program (NPS-8), 2016.

Methodology

Capital punishment information is collected annually as part of the Bureau of Justice Statistics' (BJS) 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.
- The status of death penalty statutes is obtained from the Office of the Attorney General in each of the 50 states, the U.S. Attorney's Office in the District of Columbia, and Federal Bureau of Prisons for the federal government.

Data collection forms are available on the BJS website at www.bjs.gov.

The NPS-8 covers all persons under a state or federal civil sentence of death at any time during the year. This includes capital offenders transferred from prison

to mental hospitals and those who may have escaped from custody. It excludes persons sentenced to death under the Uniform Code of Military Justice and those whose death sentences have been overturned by a court or executive action, regardless of their current incarceration status.

Statistics in this report may differ from data collected by other organizations for various reasons:

- The NPS-8 adds prisoners to the population under sentence of death not at sentencing, but at the time they are admitted to a state or federal correctional facility.
- If prisoners entered prison under a death sentence or were reported as being relieved of a death sentence in one year but the admission or removal had occurred in a previous year, counts are adjusted to reflect the actual dates of sentence or removal.
- NPS-8 counts are for the last day of the calendar year and will differ from counts for more recent periods.

APPENDIX TABLE 1**Capital offenses, by state, 2016**

State	Offenses
Alabama	Intentional murder (Ala. Stat. Ann. 13A-5-40(a)(1)-(18)) with 10 aggravating factors (Ala. Stat. Ann. 13A-5-49).
Arizona	First-degree murder, including premeditated murder and felony 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 (Ark. Code Ann. § 5-51-201).
California	First-degree murder with special circumstances; military sabotage; death in the course of train wrecking; treason; perjury resulting in execution of an innocent person; fatal assault by a prisoner serving a life sentence.
Colorado	First-degree murder with at least 1 of 17 aggravating factors; first-degree kidnapping resulting in death; treason.
Delaware	First-degree murder (11 Del. C. § 636) with at least one statutory aggravating circumstance (11 Del. C. § 4209).
Florida	First-degree murder with aggravating factors; felony murder.
Georgia	Murder with aggravating circumstances; rape, armed robbery, or kidnapping with bodily injury or ransom when the victim dies; aircraft hijacking; treason (O.C.G.A. § 17-10-30).
Idaho	First-degree murder with aggravating factors; first-degree kidnapping; perjury resulting in the execution of an innocent person.
Indiana	Murder with 18 aggravating circumstances (I.C. 35-50-2-9).
Kansas	Intentional and premeditated killing of a person in one or more of seven different circumstances (K.S.A. 21-5401).
Kentucky	Capital murder with the presence of at least one statutory aggravating circumstance; capital kidnapping (K.R.S. 532.025).
Louisiana	First-degree murder with aggravating circumstances (La. R.S. 14:30); treason (La. R.S. 14:113).
Mississippi	Capital murder with aggravating circumstances (Miss. Code Ann. § 97-3-19(2)); aircraft piracy (Miss. Code Ann. § 97-25-55(1)).
Missouri	First-degree murder with at least 1 statutory aggravating circumstance (565.020 R.S.M.O. 2000).
Montana	Capital murder with one of nine aggravating circumstances (Mont. Code Ann. § 46-18-303); aggravated kidnapping; felony murder; capital sexual intercourse without consent (Mont. Code Ann. § 45-5-503).
Nebraska	First-degree murder with a finding of one or more statutory aggravating circumstances.
Nevada	First-degree murder with at least 1 of 15 aggravating circumstances (N.R.S. 200.030, 200.033, 200.035).
New Hampshire	Murder committed in the course of rape, kidnapping, drug crimes, or home invasion; killing of a police officer, judge, or prosecutor; murder for hire; murder by an inmate while serving a sentence of life without parole (R.S.A. 630:1, R.S.A. 630:5).
New Mexico ^a	First-degree murder with at least one of seven aggravating factors (N.M.S.A. 1978 § 31-20A-5).
New York ^b	First-degree murder with 1 of 13 aggravating factors (NY Penal Law §125.27).
North Carolina	First-degree murder (N.C.G.S. §14-17) with the finding of at least 1 of 11 statutory aggravating circumstances (N.C.G.S. § 15A-2000).
Ohio	Aggravated murder with at least 1 of 10 aggravating circumstances (O.R.C. 2903.01, 2929.02, and 2929.04).
Oklahoma	First-degree murder in conjunction with a finding of at least one of eight statutorily defined aggravating circumstances.
Oregon	Aggravated murder (O.R.S. 163.095).
Pennsylvania	First-degree murder with 18 aggravating circumstances.
South Carolina	Murder with at least 1 of 12 aggravating circumstances (§ 16-3-20(C)(a)).
South Dakota	First-degree murder with 1 of 10 aggravating circumstances (S.D.C.L. 23A-27A-1).
Tennessee	First-degree murder (Tenn. Code Ann. § 39-13-202) with 1 of 15 aggravating circumstances (Tenn. Code Ann. § 39-13-204).
Texas	Criminal homicide with one of nine aggravating circumstances (Tex. Penal Code § 19.03).
Utah	Aggravated murder (Utah Code Ann. § 76-5-202).
Virginia	Pre-meditated murder with 1 of 15 aggravating circumstances (VA Code § 18.2-31(1-15)).
Washington	Aggravated first-degree murder.
Wyoming	First-degree murder; murder during the commission of sexual assault, sexual abuse of a minor, arson, robbery, burglary, escape, resisting arrest, kidnapping, or abuse of a minor under 16 (W.S.A. § 6-2-101(a)).

^aNew Mexico enacted a prospective appeal of its capital statute as of July 1, 2009. Offenders who committed capital offenses prior to that date are eligible for the death penalty.

^bThe New York Court of Appeals has held that a portion of New York's death penalty sentencing statute (C.P.L. 400.27) was unconstitutional (*People v. Taylor*, 9 N.Y.3d 129 (2007)). No legislative action has been taken to amend the statute. As a result, capital cases are no longer pursued in New York.

Source: Bureau of Justice Statistics, National Prisoner Statistics program (NPS-8), 2016.

APPENDIX TABLE 2**Federal capital offenses, 2016**

Statute	Description
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.

Source: Bureau of Justice Statistics, National Prisoner Statistics program (NPS-8), 2016.

APPENDIX TABLE 3**Authorized methods of execution, by state, 2016**

Jurisdiction	Lethal injection	Electrocution	Lethal gas	Hanging	Firing squad	Nitrogen hypoxia
Total	34	8	3	3	2	1
Alabama	X	X				
Arizona ^a	X		X			
Arkansas ^b	X	X				
California	X					
Colorado	X					
Delaware ^c	X			X		
Florida	X	X				
Georgia	X					
Idaho	X					
Indiana	X					
Kansas	X					
Kentucky ^d	X	X				
Louisiana	X					
Mississippi	X					
Missouri	X		X			
Montana	X					
Nebraska	X					
Nevada	X					
New Hampshire ^e	X			X		
New Mexico ^f	X					
New York	X					
North Carolina	X					
Ohio	X					
Oklahoma ^g	X	X			X	X
Oregon	X					
Pennsylvania	X					
South Carolina	X	X				
South Dakota	X					
Tennessee ^h	X	X				
Texas	X					
Utah ⁱ	X				X	

Continued on next page

APPENDIX TABLE 3**Authorized methods of execution, by state, 2016**

Jurisdiction	Lethal injection	Electrocution	Lethal gas	Hanging	Firing squad	Nitrogen hypoxia
Virginia	X	X				
Washington	X			X		
Wyoming ^j	X		X			

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

^aAuthorizes lethal injection for persons sentenced after November 23, 1992; inmates sentenced before that date may select lethal injection or gas.

^bAuthorizes lethal injection for those whose offense occurred on or after July 4, 1983; inmates whose offense occurred before that date may select lethal injection or electrocution. Electrocution is the authorized method of use if lethal injection is invalidated by an unappealable court order.

^cAuthorizes hanging if lethal injection is held to be unconstitutional by a court of competent jurisdiction.

^dAuthorizes lethal injection for persons sentenced on or after March 31, 1998; inmates sentenced before that date may select lethal injection or electrocution.

^eAuthorizes hanging only if lethal injection cannot be given.

^fAuthorizes lethal injection for those whose capital offense occurred prior to July 1, 2009.

^gAuthorizes nitrogen hypoxia if lethal injection is held to be unconstitutional, electrocution if both lethal injection and nitrogen hypoxia are held to be unconstitutional, and firing squad if all other methods are held to be unconstitutional.

^hAuthorizes lethal injection for those whose capital offense occurred after December 31, 1998; inmates whose offense occurred before that date may select electrocution by written waiver. Electrocution is the authorized method if a court or the commissioner of corrections determines that lethal injection cannot be given.

ⁱAuthorizes 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.

^jAuthorizes lethal gas if lethal injection is held to be unconstitutional.

Source: Bureau of Justice Statistics, National Prisoner Statistics program (NPS-8), 2016.

APPENDIX TABLE 4**Numbers for figure 1: Number of prisoners under sentence of death, 1953–2016**

Year	Number	Year	Number
1953	131	1985	1,575
1954	147	1986	1,800
1955	125	1987	1,967
1956	146	1988	2,117
1957	151	1989	2,243
1958	147	1990	2,346
1959	164	1991	2,465
1960	212	1992	2,580
1961	257	1993	2,727
1962	267	1994	2,905
1963	297	1995	3,064
1964	315	1996	3,242
1965	331	1997	3,328
1966	406	1998	3,465
1967	435	1999	3,527
1968	517	2000	3,601
1969	575	2001	3,577
1970	631	2002	3,562
1971	642	2003	3,377
1972	334	2004	3,320
1973	134	2005	3,245
1974	244	2006	3,228
1975	488	2007	3,215
1976	420	2008	3,210
1977	423	2009	3,173
1978	482	2010	3,139
1979	593	2011	3,065
1980	692	2012	3,011
1981	860	2013	2,983
1982	1,066	2014	2,942
1983	1,209	2015	2,872
1984	1,420	2016	2,814

Source: Bureau of Justice Statistics, National Prisoner Statistics program (NPS-8), 1953–2016.

APPENDIX TABLE 5**Numbers for figure 2: Admissions to and removals
from sentence of death, 1973–2016**

Year	Admissions	Removals
1973	44	240
1974	161	55
1975	318	67
1976	249	317
1977	159	156
1978	211	150
1979	172	61
1980	202	101
1981	249	84
1982	287	79
1983	266	123
1984	305	90
1985	291	130
1986	320	109
1987	311	142
1988	317	165
1989	275	149
1990	270	152
1991	285	159
1992	300	173
1993	299	162
1994	330	153
1995	325	171
1996	323	155
1997	283	187
1998	311	174
1999	287	221
2000	235	173
2001	164	194
2002	172	191
2003	157	346
2004	139	198
2005	143	216
2006	125	145
2007	129	140
2008	122	136
2009	118	166
2010	116	143
2011	84	153
2012	85	128
2013	85	115
2014	68	111
2015	54	120
2016	32	90

Source: Bureau of Justice Statistics, National Prisoner Statistics program (NPS-8), 1973-2016.

APPENDIX TABLE 6**Numbers for figure 3: Number of prisoners executed under civil authority in the United States, 1930–2016**

Year	Executions	Year	Executions
1930	155	1974	0
1931	153	1975	0
1932	140	1976	0
1933	160	1977	1
1934	168	1978	0
1935	199	1979	2
1936	195	1980	0
1937	147	1981	1
1938	190	1982	2
1939	160	1983	5
1940	124	1984	21
1941	123	1985	18
1942	147	1986	18
1943	131	1987	25
1944	120	1988	11
1945	117	1989	16
1946	131	1990	23
1947	153	1991	14
1948	119	1992	31
1949	119	1993	38
1950	82	1994	31
1951	105	1995	56
1952	83	1996	45
1953	62	1997	74
1954	81	1998	68
1955	76	1999	98
1956	65	2000	85
1957	65	2001	66
1958	49	2002	71
1959	49	2003	65
1960	56	2004	59
1961	42	2005	60
1962	47	2006	53
1963	21	2007	42
1964	15	2008	37
1965	7	2009	52
1966	1	2010	46
1967	2	2011	43
1968	0	2012	43
1969	0	2013	39
1970	0	2014	35
1971	0	2015	28
1972	0	2016	20
1973	0		

Source: Bureau of Justice Statistics, National Prisoner Statistics program (NPS-8), 1930–2016.

APPENDIX TABLE 7**Numbers for figure 4: Number of prisoners under sentence of death, by race, 1968–2016**

Year	White	Black	All other races
1968	243	271	3
1969	263	310	2
1970	293	335	3
1971	306	332	4
1972	167	166	1
1973	64	68	2
1974	110	128	6
1975	218	262	8
1976	225	195	0
1977	229	192	2
1978	281	197	4
1979	354	236	3
1980	424	264	4
1981	499	353	8
1982	613	441	12
1983	692	505	12
1984	806	598	16
1985	896	664	15
1986	1,013	762	25
1987	1,128	813	26
1988	1,235	848	34
1989	1,308	898	37
1990	1,368	940	38
1991	1,449	979	37
1992	1,511	1,031	38
1993	1,575	1,111	41
1994	1,653	1,203	49
1995	1,732	1,284	48
1996	1,833	1,358	51
1997	1,864	1,408	56
1998	1,917	1,489	59
1999	1,960	1,515	65
2000	1,989	1,541	71
2001	1,968	1,538	71
2002	1,931	1,554	72
2003	1,883	1,417	78
2004	1,856	1,390	74
2005	1,802	1,366	77
2006	1,806	1,353	74
2007	1,806	1,338	71
2008	1,795	1,343	72
2009	1,779	1,318	76
2010	1,743	1,309	87
2011	1,721	1,274	70
2012	1,684	1,258	69
2013	1,670	1,251	62
2014	1,647	1,233	62
2015	1,606	1,202	64
2016	1,560	1,189	65

Source: Bureau of Justice Statistics, National Prisoner Statistics program (NPS-8), 1968–2016.

APPENDIX TABLE 8**Numbers for table 4: Demographic characteristics for prisoners under sentence of death, 2016**

Demographic characteristic	Total year-end	Admissions	Removals
Total	2,814	32	90
Sex			
Male	2,762	31	87
Female	52	1	3
Race			
White	1,560	8	54
Black	1,189	20	33
Other	65	4	3
Hispanic/Latino origin			
Hispanic/Latino	378	3	10
Non-Hispanic/Latino	2,175	24	68
Unknown	261	5	12
Age			
18–19	1	1	0
20–24	8	0	0
25–29	67	4	2
30–34	167	9	3
35–39	334	8	14
40–44	441	4	14
45–49	509	3	13
50–54	448	1	9
55–59	380	1	10
60–64	233	1	9
65 or older	226	0	16
Education			
8th grade or less	275	3	20
9th–11th grade	784	8	19
High school graduate GED	983	6	33
Any college	203	2	4
Unknown	569	13	14
Marital status			
Married	515	2	15
Divorced/separated	477	2	21
Widowed	86	0	2
Never married	1,357	15	41
Unknown	379	13	11

Source: Bureau of Justice Statistics, National Prisoner Statistics program (NPS-8), 2016.



The Bureau of Justice Statistics of the U.S. Department of Justice is the principal federal agency responsible for measuring crime, criminal victimization, criminal offenders, victims of crime, correlates of crime, and the operation of criminal and civil justice systems at the federal, state, tribal, and local levels. BJS collects, analyzes, and disseminates reliable and valid statistics on crime and justice systems in the United States, supports improvements to state and local criminal justice information systems, and participates with national and international organizations to develop and recommend national standards for justice statistics. Jeffrey H. Anderson is director.

This report was written by Elizabeth Davis and Tracy L. Snell. Stephanie Mueller verified the report.

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