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Advance Report

The death of a Utah prisoner before a firing squad on January 17, 1977, marked the first execution in the United States in almost 10 years. Sentences of death were reread out in 1977 to 133 persons under State statutes designed to meet Supreme Court tests of constitutionality. Death sentences were lifted for 152 individuals in 1977, in many cases because of the revocation of laws under which they had been sentenced.

The net effect of the admissions to and removals from death row was a reduction—for the second consecutive year—in the total number of persons under sentence of death. On December 31, 1977, there were 443 persons on death row, compared with 463 a year earlier.¹ The one Federal prisoner on death row at the beginning of 1977 had received a reduced sentence by the end of the year.

Eight women were held on death row on December 31, 1977. Seven had been under sentence of death throughout the year, while the eighth received the death penalty during 1977.

Regionally, the South had the largest proportion of the Nation's death-row inmates at yearend 1977, almost three out of every five, while the North Central region and the West each accounted for about one of every five.² In the Northeast there were only 2 prisoners under sentence of death, both of them in Rhode Island. During 1977, all regions except the North Central reduced their death-row population.

A total of 22 States, one fewer than a year earlier, held prisoners under sentence of death on December 31, 1977. Only 16 of these States, however, had such prisoners on their rolls at both the beginning and end of the year. Six

States that reported no death-row inmates at the outset of the period had at least one each at yearend, whereas seven States that had entered the year with one or more prisoners sentenced to die ended the year with none. Six of the latter seven States had all or part of their capital punishment statutes struck down by the State supreme court or by the U.S. Supreme Court.

Five of the 22 States—Florida, Ohio, Texas, California, and Georgia—together accounted for nearly four of every five prisoners under sentence of death in the United States on December 31, 1977. The death-row rosters of these States ranged in size from 96 to 49 inmates. None of the remaining 17 States had in custody as many as 20 such prisoners.

On December 31, 1977, 33 States and the Federal government had statutory provisions that authorized the death penalty. These statutes had been in force throughout the entire year in all of these jurisdictions except six—Delaware, Illinois, Indiana, North Carolina, South Carolina, and Tennessee. Although Pennsylvania and South Dakota began 1977 with capital punishment statutes, by yearend Pennsylvania's statute was struck down by court action and South Dakota's was repealed by the legislature. At no time during the year was capital punishment permissible in 15 States or in the District of Columbia.³

Data for the National Prisoner Statistics (NPS) program are collected for the Law Enforcement Assistance Administration by the Bureau of the Census. Additional information, including greater detail on the status of the death penalty in each jurisdiction, will be contained in a final report, to be issued later this year. Data in this preliminary report are subject to revision.

¹The total of 463 reported for December 31, 1976, represents a revision in the figure for that date published in *Capital Punishment, 1976*, NPS Bulletin No. SD-NPS-CP-5, November 1977. See footnote to the accompanying table for an explanation.

²States included within each region are listed in the table.

³The status of capital punishment in each jurisdiction is summarized in the table's right-hand column.

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**Movement of prisoners under sentence of death
and status of death penalty statutes,
by region and State**

Region and State	Reported under sentence of death on 12-31-76 ¹	Received from court	Dispositions other than execution	Executions	Reported under sentence of death on 12-31-77	Death penalty in force during 1977
United States	463	133	152	1	443	...
Male	456	132	152	1	435	...
Female	7	1	0	0	8	...
Federal	1	0	1	0	0	Yes ²
State	462	133	151	1	443	...
Northeast	10	8	16	0	2	...
Maine	0	0	0	0	0	No
New Hampshire	0	0	0	0	0	Yes ²
Vermont	0	0	0	0	0	Yes ²
Massachusetts	0	0	0	0	0	No
Rhode Island	2	0	0	0	2	Yes ²
Connecticut	0	0	0	0	0	Yes ²
New York	2	0	2	0	0	Yes ²
New Jersey	0	0	0	0	0	No
Pennsylvania	6	8	14	0	0	Yes ³
North Central	78	27	13	0	92	...
Ohio	66	25	4	0	87	Yes ²
Indiana	7	1	8	0	0	Yes ⁵
Illinois	0	1	0	0	1	Yes ⁴
Michigan	0	0	0	0	0	No
Wisconsin	0	0	0	0	0	No
Minnesota	0	0	0	0	0	No
Iowa	0	0	0	0	0	No
Missouri	0	0	0	0	0	Yes ²
North Dakota	0	0	0	0	0	No
South Dakota	0	0	0	0	0	Yes ³
Nebraska	5	0	1	0	4	Yes ²
Kansas	0	0	0	0	0	No

South	266	87	98	0	55	...
Delaware	0	0	0	0	0	Yes ⁴
Maryland	0	0	0	0	0	No
District of Columbia	0	0	0	0	0	No
Virginia	0	1	0	0	1	Yes ²
West Virginia	0	0	0	0	0	No
North Carolina	0	2	1	0	1	Yes ⁴
South Carolina	0	4	0	0	4	Yes ⁴
Georgia	45	10	6	0	49	Yes ²
Florida	82	25	11	0	96	Yes ²
Kentucky	3	0	3	0	0	Yes ²
Tennessee	33	0	33	0	0	Yes ⁵
Alabama	4	15	0	0	19	Yes ²
Mississippi	1	7	0	0	8	Yes ²
Arkansas	6	2	1	0	7	Yes ²
Louisiana	34	0	34	0	0	Yes ²
Oklahoma	0	5	0	0	5	Yes ²
Texas	58	16	9	0	65	Yes ²
West	108	11	24	1	94	...
Montana	5	0	0	0	5	Yes ²
Idaho	2	1	2	0	1	Yes ²
Wyoming	5	0	5	0	0	Yes ²
Colorado	3	2	0	0	5	Yes ²
New Mexico	0	0	0	0	0	No
Arizona	16	4	2	0	18	Yes ²
Utah	6	1	0	1	6	Yes ²
Nevada	3	1	1	0	3	Yes ²
Washington	0	2	0	0	2	Yes ²
Oregon	0	0	0	0	0	No
California	68	0	14	0	54	Yes ²
Alaska	0	0	0	0	0	No
Hawaii	0	0	0	0	0	No

... Not applicable.

¹ Some of the figures for yearend 1976 represent revisions of those shown in a previous publication, *Capital Punishment, 1976*, NPS Bulletin No. SD-NPS-CP-5, November 1977. Present figures reflect the exclusion of 3 inmates (1 in Ohio and 2 in Tennessee) erroneously reported as being under sentence of death and the inclusion of 22 inmates (1 each in Florida and Tennessee, 4 in Louisiana, 5 in Texas, and 11 in Georgia) who, although sentenced

to death during 1976 or earlier, were either reported late to the NPS program or not admitted to the custody of the relevant correctional authorities by December 31, 1976.

² Entire year.

³ At start but not end of year.

⁴ At end but not start of year.

⁵ At start and end of year, but not during entire year.

END