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MICROFICHE

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Advance Report

More people entered than left death row in the United States during 1978, a year characterized by a substantial turnover of prisoners under sentence of death and by continued judicial and legislative preoccupation with capital punishment laws. Two States--Florida and Texas--held half the Nation's capital prisoners as of December 31, 1978, and meted out more than a third of all death sentences during the year. Nationally, a total of 148 persons had the death sentence lifted and 183 had it imposed. In contrast to the single execution that took place in 1977, no death sentence was carried out in calendar year 1978.

The increase from 410 to 445 in the yearend prisoner count occurred despite the removal of Ohio's 99 death-row inmates following a U. S. Supreme Court ruling that the State's death penalty law contained unconstitutional restrictions on the mitigating circumstances to be considered by the sentencing authority.¹ By December 31, 1978, the number of jurisdictions with capital punishment laws in force had increased from 34 to 35, although 10 of these did not have inmates on death row as of that date.²

The 1978 increase by 35 in the number of death-row inmates represented a reversal of declines that occurred in the two preceding yearend counts. However, one less woman was under sentence of death on December 31, 1978 than a year earlier, bringing the number to five. Four women were sentenced during 1978, whereas five (including four in Ohio) had their sentences lifted.

Chiefly because of the large number of death-row inmates held in Florida and Texas, the South accounted for nearly 9 of every 10 prisoners under sentence of death in the United States at the end of 1978.³ The West had most of the remainder (9 percent), followed by the North Central region (3 percent). The entire death-row population of the Northeast consisted of two prisoners in Rhode Island. In addition to Florida and Texas (with 121 and 100 inmates, respectively), only five other States had as many as 10 inmates under sentence of death:

Georgia, 57; Alabama, 41; Oklahoma, 16; Arkansas, 11; and Mississippi, 10.

Since the U. S. Supreme Court's 1972 landmark decision in *Furman vs. Georgia*, that the death penalty in that State was arbitrarily and capriciously imposed, changes in death penalty laws and court decisions on the constitutionality of such revisions have largely determined the size of the Nation's death-row population at any given time. During 1978, death penalty statutes were struck down in Colorado and Ohio; in the latter case this had a major impact on the size of the Nation's death-row population. Reflecting continued State efforts to meet court criteria, new statutes were enacted in Maryland, Oregon, and Pennsylvania, and modifications to existing laws were made in Arizona, California, Delaware, Montana, and South Carolina.

Of the 35 jurisdictions that had death penalty laws in effect as of December 31, 1978, 25 had one or more inmates under sentence of death on that date. In the Northeast, 6 of 9 States had death penalty laws, but only Rhode Island had inmates on death row. Four of the 12 States in the North Central region authorized the death penalty at yearend; all but 1 of the 4, Missouri, had inmates on death row. In the South, 15 of the 17 jurisdictions had death penalty laws in force at yearend, and 14 had inmates on death row. Nine of the 13 States in the West authorized the death penalty as of yearend 1978, and 7 of the 9 had inmates under sentence of death. No one was under sentence of death in 1978 in the Federal correctional system, although statutory provisions authorizing the death penalty were in force throughout the year.

Data for the National Prisoner Statistics program are collected for the Law Enforcement Assistance Administration by the U. S. 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 report are preliminary and subject to revision.

¹The total of 410 reported for December 31, 1977, represents a revision in the figure for that date published in *Capital Punishment, 1977*, NPS Bulletin No. SD-NPS-CP-6, November 1978. See footnote to the accompanying table for an explanation.

²The status of capital punishment in each jurisdiction is summarized in the table's right-hand column.

³States included within each region are listed in the table.

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

Region and State	Under sentence of death on 12-31-77 ¹	Received from court	Dispositions other than execution	Executions	Under sentence of death on 12-31-78	Death penalty in force during 1978
United States	410	183	148	0	445	...
Male	404	179	143	0	440	...
Female	6	4	5	0	5	...
Federal	0	0	0	0	0	Yes ²
State	410	183	148	0	445	...
Northeast	2	0	0	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	0	0	0	0	0	Yes ²
New Jersey	0	0	0	0	0	No
Pennsylvania	0	0	0	0	0	Yes ⁴
North Central	91	23	99	0	15	...
Ohio	86	13	99	0	0	Yes ³
Indiana	0	2	0	0	2	Yes ²
Illinois	1	4	0	0	5	Yes ²
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	No
Nebraska	4	4	0	0	8	Yes ²
Kansas	0	0	0	0	0	No

South	273	134	19	0	388	...
Delaware	0	1	0	0	1	Yes ²
Maryland	0	0	0	0	0	Yes ⁴
District of Columbia	0	0	0	0	0	No
Virginia	1	5	0	0	6	Yes ²
West Virginia	0	0	0	0	0	No
North Carolina	1	6	0	0	7	Yes ²
South Carolina	4	3	0	0	7	Yes ²
Georgia	55	5	3	0	57	Yes ²
Florida	96	32	7	0	121	Yes ²
Kentucky	0	3	0	0	3	Yes ²
Tennessee	0	7	0	0	7	Yes ²
Alabama	21	20	0	0	41	Yes ²
Mississippi	8	2	0	0	10	Yes ²
Arkansas	7	4	0	0	11	Yes ²
Louisiana	0	1	0	0	1	Yes ²
Oklahoma	5	12	1	0	16	Yes ²
Texas	75	33	8	0	100	Yes ²
West	44	26	30	0	40	...
Montana	4	0	0	0	4	Yes ²
Idaho	1	0	0	0	1	Yes ²
Wyoming	0	0	0	0	0	Yes ²
Colorado	5	1	6	0	0	Yes ³
New Mexico	0	0	0	0	0	No
Arizona	21	10	23	0	8	Yes ²
Utah	6	0	0	0	6	Yes ²
Nevada	3	4	1	0	6	Yes ²
Washington	2	4	0	0	6	Yes ²
Oregon	0	0	0	0	0	Yes ⁴
California	2	7	0	0	9	Yes ²
Alaska	0	0	0	0	0	No
Hawaii	0	0	0	0	0	No

... Not applicable.

¹Some of the figures for yearend 1977 are revised from those shown in *Capital Punishment, 1977*, NPS Bulletin No. SD-NPS-CP-6, November 1978. Present figures reflect the exclusion of 2 inmates (1 each in Montana and Ohio) who were erroneously reported as being under sentence of death and the inclusion of 21 inmates (10 in Texas, 6 in Georgia, 3 in Arizona, and 2 in Alabama) who, although sentenced to death during 1977 or earlier, were either reported late to the NPS program or not admitted to the custody of the relevant correctional authorities by December 31, 1977. Also excluded are 52 persons in California regarded as having had their death sentences lifted by a State Supreme Court decision handed down in December 1976.

²Entire year.

³At start but not end of year.

⁴At end but not start of year.

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