

## 資料 11

米国には死刑制度がない州もありますし、死刑制度がある州の中でも州によってその内容が異なります。米国では、銃殺・ガス室・絞首刑はほとんど行われていません。絞首刑は、1970年代以降、死刑囚が自ら望んだ時に3件行われただけです。米国で行われる死刑はほとんどが致死薬物注射で、ときおり死刑囚が望んだ場合に電気イスが使われています。

米国では毎年司法省が「Capital Punishment」という年鑑を出しています。以下に引用するのはその2005年版（発行は2006年）です。米国の死刑制度は毎年のように変更があるので、必ずしも最新の情報ではありません。

《引用開始》

死刑 2005

米司法省 司法統計局 報告

2006年12月

トレイシー L. スネル 司法統計局統計官

「Table2. Method of execution, by State, 2005」の訳

表2 2005年の各州の死刑執行方法

### 致死薬物注射

アラバマ	ケンタッキーa, b	オハイオ
アリゾナa, c	ルイジアナ	オクラホマa
アーカンソーa, d	メリーランド	オレゴン
カリフォルニアa	ミシシッピ	ペンシルベニア
コロラド	ミズーリア	サウスカロライナa
コネティカット	モンタナ	サウスダコタ
デラウェアa, g	ネバダ	テネシーa, h
フロリダa	ニューハンプシャーa	テキサス
ジョージア	ニュージャージ	ユタa
アイダホa	ニューメキシコ	ヴァージニアa
イリノイ	ニューヨーク	ワシントンa
インディアナ	ノースカロライナ	ワイオミングa
カンザス		

### 電気殺刑

アラバマa

アーカンソーa, d  
フロリダa  
ケンタッキーa, b  
ネブラスカ  
オクラホマf  
サウスカロライナa  
テネシーa, h  
ヴァージニアa

ガス殺刑  
アリゾナa, c  
カリフォルニアa  
ミズーリa  
ワイオミングa, e

絞首刑  
デラウェアa, g  
ニューハンプシャーa, i  
ワシントンa

銃殺刑  
アイダホa  
オクラホマf  
ユタj

- a 2種類の執行方法が認められている。
- b 98年3月31日以降に判決を受けた者は致死薬物注射が認められ、その日より前に判決を受けた者は致死薬物注射か電気殺刑を選択できる。
- c 92年11月15日より後に判決を受けた者は致死薬物注射が認められ、その日より前に判決を受けた死刑囚は致死薬物注射かガス殺刑を選択できる。
- d 83年7月4日以降に犯罪を犯した者は致死薬物注射が認められ、その日より前に犯罪を犯した死刑囚は致死薬物注射か電気殺刑を選択できる。
- e 致死薬物注射に違憲判決が出たらガス殺刑が認められる。
- f 致死薬物注射に違憲判決が出たら電気殺刑、致死薬物注射と電気殺刑の両方が違憲なら銃殺刑が認められる。
- g 86年6月13日以降に死刑に相当する犯罪を犯した者は致死薬物注射が認められ、その日より前に犯罪を犯した者は致死薬物注射か絞首刑を選択できる。
- h 98年12月31日より後に死刑に相当する犯罪を犯した者は致死薬物注射が認められ、その日より前に犯罪を犯した者は書面による権利放棄書で電気殺刑を選択できる。
- i 致死薬物注射が不可能な者に対してのみ絞首刑が認められる。
- j 致死薬物注射に違憲判決が出たら銃殺刑が認められる。2004年5月3日より前に銃殺刑を選択した死刑囚は、現在も銃殺刑での執行の権利が与えられている。

《引用終了》



# Bureau of Justice Statistics Bulletin

December 2006, NCJ 215083

# Capital Punishment, 2005

By Tracy L. Snell  
BJS Statistician

Sixteen States executed 60 prisoners during 2005. The number executed was 1 more than in 2004. Those executed during 2005 had been under sentence of death an average of 12 years and 3 months, or 15 months longer than the period for inmates executed in 2004.

At yearend 2005, 3,254 prisoners were under sentence of death. California held the largest number on death row (646), followed by Texas (411), Florida (372), and Pennsylvania (218). Thirty-seven people were under a Federal death sentence.

During 2005, 24 States and the Federal prison system received 128 prisoners under sentence of death. Admissions in California (23), Florida (15), Texas (14), and Alabama (12) accounted for half of those sentenced to death in 2005.

In 2005, 59 men and 1 woman were executed. The racial/ethnic distribution of those executed included 38 whites, 19 blacks, and 3 Hispanics (all white). All of the executions were carried out by lethal injection.

From January 1, 1977, to December 31, 2005, 1,004 inmates were executed by 33 States and the Federal Bureau of Prisons. Nearly two-thirds of the executions occurred in 5 States: Texas (355), Virginia (94), Oklahoma (79), Missouri (66), and Florida (60).

## Highlights

### Status of the death penalty, December 31, 2005

Executions during 2005 <sup>a</sup>		Number of prisoners under sentence of death <sup>b</sup>		Jurisdictions without a death penalty
Texas	19	California	646	Alaska
Indiana	5	Texas	411	District of Columbia
Missouri	5	Florida	372	Hawaii
North Carolina	5	Pennsylvania	218	Iowa
Ohio	4	Ohio	199	Maine
Alabama	4	Alabama	189	Massachusetts
Oklahoma	4	North Carolina	174	Michigan
Georgia	3	Arizona	109	Minnesota
South Carolina	3	Georgia	107	North Dakota
California	2	Tennessee	103	Rhode Island
Connecticut	1	Oklahoma	86	Vermont
Arkansas	1	Louisiana	83	West Virginia
Delaware	1	Nevada	82	Wisconsin
Florida	1	24 other jurisdictions	475	
Maryland	1			
Mississippi	1			
<b>Total</b>	<b>60</b>	<b>Total</b>	<b>3,254</b>	

<sup>a</sup>For 2006 data on executions, see page 11.

<sup>b</sup>See table 4 for complete list.

- At yearend 2005, 36 States and the Federal prison system held 3,254 prisoners under sentence of death, 66 fewer than at yearend 2004. This represents the fifth consecutive year that the population has decreased.

- Of those under sentence of death, 56% were white, 42% were black, and 2% were of other races.

Persons under sentence of death	1995		2005	
	White	Black	White	Black
White	1,742	1,805	1,805	1,805
Black	1,296	1,372	1,372	1,372
American Indian	24	31	31	31
Asian	19	34	34	34
Unknown race	10	12	12	12

- The 362 Hispanic inmates under sentence of death accounted for 13% of inmates with a known ethnicity.

- Fifty-two women were under sentence of death in 2005, up from 47 in 1995.

- The 128 inmates received under sentence of death during 2005 represent the smallest number of admissions since 1973.

- Of the 7,320 people under sentence of death between 1977 and 2005, 14% were executed, 4% died by causes other than execution, and 37% received other dispositions.

- The number of States authorizing lethal injection increased from 32 in 1995 to 37 in 2005. In 2005, all of the executions were by lethal injection, compared to 88% in 1995.

- Since 1977, 836 of the 1,004 executions (83%) were by lethal injection.

Ohio — Amended the code of criminal procedure to exempt mentally retarded persons from capital sentences (O.R.C. 2929.06(A)) and to allow imposition of the death penalty in cases where an appeals court previously vacated a death sentence (O.R.C. 2929.06(E)), effective 3/23/2005.

Texas — Added as an aggravating factor murder of an officer of the court (Tex. Penal Code §19.03(a)(9)), effective 9/1/2005.

Utah — Added to the definition of aggravated murder homicide involving desecration of a dead human body (Utah Code Ann. §76-5-202(e)) or dismembering, mutilation, or disfiguring of the victim's body, either before or after death (§76-5-202(s)), effective 5/2/2005.

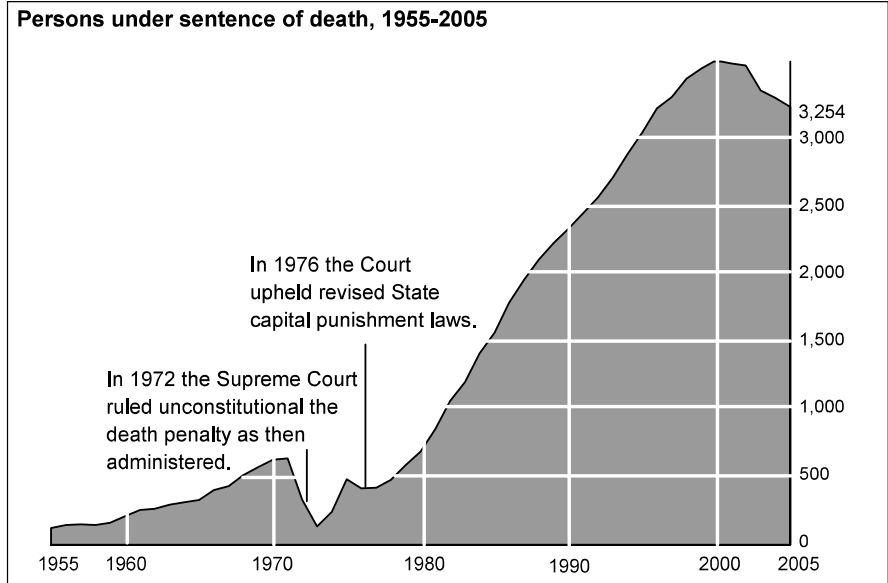


Figure 1

### Most States provide for automatic review of capital sentences

Of the 38 States with capital statutes at yearend, 37 provided for review of all death sentences regardless of the defendant's wishes. In South Carolina the defendant had the right to waive sentence review if he or she was deemed competent by the court (State v. Torrence, 473 S.E. 3d 703 (S.C. 1996)). Federal death penalty procedures did not provide for automatic review after a sentence of death had been imposed.

The State's highest appellate court usually conducted the review. If either the conviction or sentence was vacated, the case could be remanded to the trial court for additional proceedings or retrial. As a result of retrial or resentencing, a death sentence could be reimposed.

While most of the 37 States authorized automatic review of both the conviction and sentence, Idaho, Montana, Okla-

homa, South Dakota, and Tennessee required review of the sentence only. In Idaho review of the conviction had to be filed through appeal or forfeited. In Indiana and Kentucky, a defendant could waive review of the conviction.

In Virginia a defendant could waive an appeal of trial court error but could not waive review of the death sentence for arbitrariness and proportionality.

In Mississippi the question of whether the defendant could waive the right to automatic review had not been addressed. In Wyoming neither statute nor case law precluded a waiver of appeal.

Arkansas implemented a rule requiring review of specific issues relating to both capital convictions and sentences (Ark. R. App. P. — Crim 10). Recent case law held waivers of this review are not permitted (Newman v. State, No. CR02-811, 2002 Westlaw 31030906 (Ark. Sept. 12, 2002)).

### Lethal injection was authorized by most States with capital statutes

As of December 31, 2005, lethal injection was the predominant method of execution, authorized by 37 States (table 2).

Nine States authorized electrocution; four States, lethal gas; three States, hanging; and three States, firing squad.

Seventeen States authorized more than 1 method — lethal injection and an alternative method — generally at the election of the condemned prisoner. Five of these 17 States stipulated which method must be used depending on the date of sentencing. One State authorized hanging only if lethal injection could not be given. Three States authorized alternative methods if lethal injection is ever ruled to be unconstitutional: 1 authorized lethal gas, 1 authorized electrocution or firing squad, and 1 authorized firing squad.

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 (18 U.S.C. 3596).

### Most jurisdictions had set 18 as minimum age for capital sentences

As of December 31, 2005, 18 States and the Federal system required a minimum age of 18 for which the death penalty could be imposed (table 3).

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 adult court for trial as an adult. While the ruling in *Roper v. Simmons* effectively makes the minimum age 18 for capital punishment, 14 States had statutes that specified an age of eligibility between 14 and 17.

Six jurisdictions did not specify a minimum age for which the death penalty could be imposed.

### Number under sentence of death declines for fifth straight year

Thirty-six States and the Federal prison system held a total of 3,254 prisoners under sentence of death on December 31, 2005, a decrease of 66 since the end of 2004 (table 4). This was the fifth consecutive year that the number of prisoners under a sentence of death declined, down from 3,601 on December 31, 2000.

Three States reported 44% of the Nation's death row population: California (646), Texas (411), and Florida (372). The Federal Bureau of Prisons held 37 inmates at yearend. Of the 39 jurisdictions authorizing the death penalty during 2005, New Hampshire and Kansas had no one under a capital sentence, and New York, South Dakota, Colorado, Montana, New Mexico, and Wyoming had 4 or fewer.

Among the 37 jurisdictions with prisoners under sentence of death at yearend 2005, 9 had more inmates than a year earlier, 21 had fewer inmates, and 7 had the same number.

**Table 2. Method of execution, by State, 2005**

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

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

<sup>b</sup>Authorizes lethal injection for persons sentenced on or after 3/31/98; inmates sentenced before that date may select lethal injection or electrocution.

<sup>c</sup>Authorizes lethal injection for persons sentenced after 11/15/92; inmates sentenced before that date may select lethal injection or gas.

<sup>d</sup>Authorizes lethal injection for those whose offense occurred on or after 7/4/83; inmates whose offense occurred before that date may select lethal injection or electrocution.

<sup>e</sup>Authorizes lethal gas if lethal injection is held to be unconstitutional.

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

<sup>g</sup>Authorizes lethal injection for those whose capital offense occurred on or after 6/13/86; those who committed the offense before that date may select lethal injection or hanging.

<sup>h</sup>Authorizes lethal injection for those whose capital offense occurred after 12/31/98; those who committed the offense before that date may select electrocution by written waiver.

<sup>i</sup>Authorizes hanging only if lethal injection cannot be given.

<sup>j</sup>Authorizes 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.

**Table 3. Minimum age authorized for capital punishment, 2005**

Age 16 or less	Age 17	Age 18	None specified
Alabama (16)	Florida	California	Arizona
Arkansas (14) <sup>a</sup>	Georgia	Colorado	Idaho
Delaware (16)	New Hampshire	Connecticut	Louisiana
Kentucky (16)	North Carolina	Federal system	Montana <sup>b</sup>
Mississippi (16)	Texas	Illinois	Pennsylvania
Missouri (16)		Indiana	South Carolina
Oklahoma (13)		Kansas	
Utah (14) <sup>c</sup>		Maryland	
Virginia (14) <sup>c</sup>		Nebraska	
		Nevada	
		New Jersey	
		New Mexico	
		New York	
		Ohio	
		Oregon	
		South Dakota	
		Tennessee	
		Washington	
		Wyoming	

Note: Information reported in this table reflects the minimum age as defined by statute as of 12/31/2005. The United States Supreme Court ruling in *Roper v. Simmons* (2005) declared unconstitutional imposition of the death penalty on persons under age 18.

<sup>a</sup>See Ark. Code Ann. 9-27-318(c)(2)(Supp 2001).

<sup>b</sup>Montana law specifies that offenders tried under the sexual assault statute be 18 or older. No statutory minimum age is specified for other capital offenses.

<sup>c</sup>Age for transfer to adult court is 14.