



Chief Justice Maureen O'Connor, Chair • Sara Andrews, Director

TO: Ohio Criminal Sentencing Commission Members & Advisory Committee  
FROM: Sara Andrews, Director  
DATE: October 21, 2015  
RE: Life Without the possibility of Parole State Summary

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The following information was produced for informational purposes and for the benefit of practitioners who have an interest or may need such summary information. Thanks to the Supreme Court Law Library and Marie K.F. Coleman Fall 2015 Commission Intern, The Ohio State University Moritz College of Law Juris Doctor Candidate, 2016, for compiling the information.

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## Death Penalty and Life Without the Possibility of Parole

The 31 states listed below and the federal government have both the Death Penalty and Life Without the possibility of Parole (LWOP). Eighteen other states offer a sentence of Life Without the possibility of Parole but not the Death Penalty. Only Alaska does not have either penalty. Additionally, noted is how many inmates currently on death row were sentenced to Death prior to the enactment of LWOP within those states.

### **Alabama**

Death Penalty (13A-5-40)

Number of Inmates on Death Row: 190 <http://www.doc.state.al.us/docs/MonthlyRpts/2015-05.pdf>

Life without Parole (13A-5-45) passed 1981

Number of Inmates serving LWOP: 1553 (plus 16 life/barred parole)

<http://www.doc.state.al.us/docs/MonthlyRpts/2015-05.pdf>

Alabama enacted LWOP in 1981. Of the 190 inmates on death row, 1 received his death sentence prior to the enactment of LWOP.<sup>1</sup>

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<sup>1</sup> <http://www.doc.state.al.us/DeathRow.aspx>.



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### **Arizona**

Death Penalty (13-751)

Number of Inmates on Death Row: 118 <https://corrections.az.gov/node/431>

Life without Parole (13-751) passed 1993

Number of Inmates serving LWOP: 488 (email from Department)

Arizona enacted LWOP in 1993. Of the 118 inmates on death row, 7 received their sentences prior to the enactment of LWOP.<sup>2</sup>

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### **Arkansas**

Death Penalty ([5-4-601](#))

Number of Inmates on Death Row: 34 <http://adc.arkansas.gov/inmates/Pages/deathRow.aspx>

Life without Parole (5-4-606) passed 1975

Number of Inmates serving LWOP: 588 (email from Department)

Arkansas enacted LWOP in 1975. None of the 34 inmates on death row received their sentences prior to the enactment of LWOP.<sup>3</sup>

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### **California**

Death Penalty (Pen. Code 37; 190 et seq.; 3604 et seq.; 3700 et seq.)

Number of Inmates on Death Row: 749

[http://www.cdcr.ca.gov/capital\\_punishment/docs/condemnedinmatelistsecure.pdf](http://www.cdcr.ca.gov/capital_punishment/docs/condemnedinmatelistsecure.pdf)

Life without Parole (Penal Code 190.2) passed 1978

Number of Inmates serving LWOP: 4927 (email from Department)

California enacted LWOP in 1978. Of the 749 inmates on death row, 1 received his death sentence prior to the enactment of LWOP.<sup>4</sup>

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<sup>2</sup> <https://corrections.az.gov/node/431>

<sup>3</sup> <http://adc.arkansas.gov/inmates/Pages/deathRow.aspx>

<sup>4</sup> [http://www.cdcr.ca.gov/capital\\_punishment/docs/condemnedinmatelistsecure.pdf](http://www.cdcr.ca.gov/capital_punishment/docs/condemnedinmatelistsecure.pdf)



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## **Colorado**

Death Penalty (8-3-101, et seq.)

Number of Inmates on Death Row: 3

Life without Parole (17-22.5-104) passed 1991

Number of Inmates serving LWOP: 659 <https://www.colorado.gov/pacific/cdoc/departamental-statistics-and-reports>

Colorado enacted LWOP in 1991. None of the three inmates on death row received their sentences prior to the enactment of LWOP.<sup>5</sup>

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## **Delaware**

Death Penalty (Title 11, sec. 4209)

Number of Inmates on Death Row: 14

Life without Parole (Title 11, sec. 4209) passed 2003

Number of Inmates serving LWOP: 405 (email from Department)

Delaware enacted LWOP in 2003. Of the 14 inmates on death row, 7 received their sentences prior to the enactment of LWOP.<sup>6</sup>

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## **Florida**

Death Penalty (775.082)

Number of Inmates on Death Row: 393

<http://www.dc.state.fl.us/activeinmates/deathrowroster.asp>

Life without Parole (775.082) passed 1994

Number of Inmates serving LWOP: 8407 <http://www.dc.state.fl.us/pub/timeserv/doing/>

Florida enacted LWOP in 1994. Of the 395 inmates on death row, 136 received their sentences prior to the enactment of LWOP.<sup>7</sup>

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<sup>5</sup> <http://www.coloradoindependent.com/154921/colorado-lawmakers-bump-into-death-row-inmate-nathan-dunlap>

<sup>6</sup> <http://doc.delaware.gov/deathrow/inmates.shtml>

<sup>7</sup> <http://www.dc.state.fl.us/activeinmates/deathrowroster.asp>



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## **Georgia**

Death Penalty (17-10-30)

Number of Inmates on Death Row: 79

[http://www.dcor.state.ga.us/Research/Monthly/Profile\\_death\\_row\\_2015\\_07.pdf](http://www.dcor.state.ga.us/Research/Monthly/Profile_death_row_2015_07.pdf)

Life without Parole (17-10-31) passed 2009

Number of Inmates serving LWOP: 1121

[http://www.dcor.state.ga.us/Research/Monthly/Profile\\_life\\_wo\\_parole\\_2015\\_07.pdf](http://www.dcor.state.ga.us/Research/Monthly/Profile_life_wo_parole_2015_07.pdf)

Georgia enacted LWOP in 2009. Of the 73 inmates on death row, 53 received their sentences prior to the enactment of LWOP.<sup>8</sup>

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## **Idaho**

Death Penalty (19-2515)

Number of Inmates on Death Row: 10 [http://www.idoc.idaho.gov/content/prisons/death\\_row](http://www.idoc.idaho.gov/content/prisons/death_row)

Life without Parole (19-2515) passed 2003

Number of Inmates serving LWOP: 130 (email from department)

Idaho enacted LWOP in 2003. Of the 9 inmates on death row, 7 received their sentences prior to the enactment of LWOP.<sup>9</sup>

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## **Indiana**

Death Penalty (35-50-2-9)

Number of Inmates on Death Row: 12

[http://www.in.gov/ipdc/public/dp\\_links/indianadpfactsheet.pdf](http://www.in.gov/ipdc/public/dp_links/indianadpfactsheet.pdf)

Life without Parole (35-50-2-9) passed 1993

Number of Inmates serving LWOP: 121 (emailed from department)

Indiana enacted LWOP in 1993. Of the 12 inmates on death row, 2 received their sentences prior to the enactment of LWOP.<sup>10</sup>

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<sup>8</sup> [http://www.dcor.state.ga.us/Research/Monthly/Profile\\_death\\_row\\_2015\\_09.pdf](http://www.dcor.state.ga.us/Research/Monthly/Profile_death_row_2015_09.pdf)

<sup>9</sup> [https://www.idoc.idaho.gov/content/prisons/death\\_row](https://www.idoc.idaho.gov/content/prisons/death_row)

<sup>10</sup> [http://www.in.gov/ipdc/public/dp\\_links/indianadeathrowinmates.pdf](http://www.in.gov/ipdc/public/dp_links/indianadeathrowinmates.pdf)



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### **Kansas**

Death Penalty (21-6617)

Number of Inmates on Death Row: 9 <http://www.doc.ks.gov/newsroom/capital>

Life without Parole (21-6617 formerly 21-4624) passed 2004

Number of Inmates serving LWOP: 24 (email from department)

Kansas enacted LWOP in 2004. Of the 9 inmates on death row, 4 received their sentences prior to the enactment of LWOP.<sup>11</sup>

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### **Kentucky**

Death Penalty (431.220)

Number of Inmates on Death Row: 32

<http://corrections.ky.gov/about/Documents/Research%20and%20Statistics/Monthly%20Reports/Inmate%20Profile/2015/Inmate%20Profile%2007-2015.pdf>

Life without Parole (532.030) passed 1998

Number of Inmates serving LWOP: 113

<http://corrections.ky.gov/about/Documents/Research%20and%20Statistics/Monthly%20Reports/Inmate%20Profile/2015/Inmate%20Profile%2007-2015.pdf>

Kentucky enacted LWOP in 1998. Of the 32 inmates on death row, 23 received their sentences prior to the enactment of LWOP.<sup>12</sup>

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### **Louisiana**

Death Penalty (15:567)

Number of Inmates on Death Row: 85 <http://www.doc.la.gov/wp-content/uploads/stats/2e.pdf>

Life without Parole (15:301.1) passed 1999

Number of Inmates serving LWOP: 4795

<http://www.doc.la.gov/wpcontent/uploads/stats/2f.pdf>

Louisiana enacted LWOP in 1999. Of the 85 inmates on death row, 43 received their sentences prior to the enactment of LWOP.<sup>13</sup>

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<sup>11</sup> <https://www.doc.ks.gov/newsroom/capital>

<sup>12</sup> <http://corrections.ky.gov/communityinfo/Pages/DeathRowInmates.aspx>

<sup>13</sup> <http://www.doc.la.gov/quicklinks/statistics/statistics-briefing-book/>, and <http://www.doc.la.gov/wp-content/uploads/stats/2e.pdf>



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### Mississippi

Death Penalty (97-3-21)

Number of Inmates on Death Row: 48 <http://www.mdoc.ms.gov/Death-Row/Pages/Current-Death-Row-Facts.aspx>

Life without Parole (99-19-83) passed 1977

Number of Inmates serving LWOP: 1331 (email from Department)

Mississippi enacted LWOP in 1977. None of the 48 inmates on death row received their sentences prior to the enactment of LWOP.<sup>14</sup>

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### Missouri

Death Penalty (546.720)

Number of Inmates on Death Row: 33

Life without Parole (565.030) passed 1983

Number of Inmates serving LWOP: 1111

<http://doc.mo.gov/Documents/publications/Offender%20Profile%20FY14.pdf>

Missouri enacted LWOP in 1983. Of the 33 inmates on death row, 1 inmate received his sentence prior to the enactment of LWOP.<sup>15</sup>

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### Montana

Death Penalty (45-5-102)

Number of Inmates on Death Row: 2 <http://www.cor.mt.gov/Facts/deathrow.mcpX>

Life without Parole (46-18-219) passed 1995

Number of Inmates serving LWOP: 62 (email from Department)

Montana enacted LWOP in 1995. Both inmates on death row received their sentence prior to the enactment of LWOP.<sup>16</sup>

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<sup>14</sup> <http://www.mdoc.ms.gov/Death-Row/Pages/Death-Row-Inmates.aspx>

<sup>15</sup> <http://doc.mo.gov/Documents/publications/Offender%20Profile%20FY14.pdf>  
<http://missourideathrow.com/current-inmates/>

<sup>16</sup> <https://app.mt.gov/conweb/Home/OffenderNumber/19043>



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**Nevada**

Death Penalty (200.030)

Number of Inmates on Death Row: 80

<http://doc.nv.gov/uploadedFiles/docnv.gov/content/About/Statistics/WFS/FactSheetsWeekly06262015.pdf>

Life without Parole (200.030) passed 1995

Number of Inmates serving LWOP: 534 (email from Department)

Nevada enacted LWOP in 1995. Of the 80 inmates on death row, 42 received their sentences prior to the enactment of LWOP.<sup>17</sup>

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**New Hampshire** (recently considered a bill to repeal death penalty)

Death Penalty (630:1)

Number of Inmates on Death Row: 1

Life without Parole (630:1-a) passed 1974

Number of Inmates serving LWOP: 84 (email from Department)

New Hampshire enacted LWOP in 1974. The state's 1 inmate on death row received his sentence after the enactment of LWOP.<sup>18</sup>

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**North Carolina**

Death Penalty (15A-2000)

Number of Inmates on Death Row: 148

<https://www.ncdps.gov/Index2.cfm?a=000003,002240,002327,002328>

Life without Parole (14–17) passed 1994

Number of Inmates serving LWOP: 1370 (email from Department)

North Carolina enacted LWOP in 1994. Of the 148 inmates on death row, 37 were sentenced prior to the enactment of LWOP.<sup>19</sup>

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<sup>17</sup> <http://vegasmurderwatch.com/nvdr.html>

<sup>18</sup> <http://motherboard.vice.com/read/new-hampshire-has-one-man-on-a-death-row-that-doesnt-exist>

<sup>19</sup> <https://www.ncdps.gov/Index2.cfm?a=000003,002240,002327,002328>



OHIO

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## Ohio

Death Penalty (2929.02)

Number of Inmates on Death Row: 141

<http://www.drc.ohio.gov/web/Reports/FactSheet/July%202015.pdf>

Life without Parole (2929.02) passed 1996

Number of Inmates serving LWOP: 531

<http://www.drc.ohio.gov/web/Reports/FactSheet/July%202015.pdf>

Ohio enacted LWOP in 1996. Of the 141 inmates on death row, 65 were sentenced prior to the enactment of LWOP.<sup>20</sup>

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## Oklahoma

Death Penalty (701.9)

Number of Inmates on Death Row: 49 <http://www.ok.gov/doc/documents/DRMR.pdf>

Life without Parole (701.9) passed 1987

Number of Inmates serving LWOP: 831

<http://www.ok.gov/doc/documents/annual%20report%202014.final%20copy.website.pdf>

Oklahoma enacted LWOP in 1987. Of the 49 inmates on death row, 2 received their sentences prior to the enactment of LWOP.<sup>21</sup>

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## Oregon

Death Penalty (137.463)

Number of Inmates on Death Row: 35

[http://www.oregon.gov/doc/GECO/docs/pdf/death\\_row\\_inmates.pdf](http://www.oregon.gov/doc/GECO/docs/pdf/death_row_inmates.pdf)

Life without Parole (163.105) passed 1989

Number of Inmates serving LWOP: 219 (email from Department)

Oregon enacted LWOP in 1989. Of the 35 inmates on death row, 10 received their sentences prior to the enactment of LWOP.<sup>22</sup>

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<sup>20</sup> <http://www.drc.ohio.gov/public/deathrow.htm>

<sup>21</sup> <http://www.ok.gov/doc/documents/DRMR.pdf>

<sup>22</sup> [http://www.oregon.gov/doc/GECO/docs/pdf/death\\_row\\_inmates.pdf](http://www.oregon.gov/doc/GECO/docs/pdf/death_row_inmates.pdf)





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### **Pennsylvania**

Death Penalty (18 Pa.C.S.A. § 1102)

Number of Inmates on Death Row: 183

<http://www.cor.pa.gov/Administration/General%20Information/Documents/Death%20Penalty/Current%20Execution%20List.pdf>

Life without Parole (18 Pa.C.S.A. § 1102) passed 1972

Number of Inmates serving LWOP: 5363 (email from Department)

Pennsylvania enacted LWOP in 1972. None of the inmates on death row received their sentences prior to the enactment of LWOP.<sup>23</sup>

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### **South Carolina**

Death Penalty (24-3-510)

Number of Inmates on Death Row: 45

<http://www.doc.sc.gov/pubweb/research/InmatePopulationStatsTrend/ASOFTrendSentenceLengthDistributionFY10-14.pdf>

Life without Parole (17-25-45) passed 1995

Number of Inmates serving LWOP: 1071

<http://www.doc.sc.gov/pubweb/research/InmatePopulationStatsTrend/ASOFTrendSentenceLengthDistributionFY10-14.pdf>

South Carolina enacted LWOP in 1995. Of the 45 inmates on death row, 4 received their sentences prior to the enactment of LWOP.<sup>24</sup>

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<sup>23</sup> <http://www.cor.pa.gov/General%20Information/Documents/Death%20Penalty/Current%20Execution%20list.pdf>

<sup>24</sup> <http://www.doc.sc.gov/news/deathrowlist.pdf>



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### South Dakota

Death Penalty (23A-27A-1)

Number of Inmates on Death Row: 3 <http://doc.sd.gov/about/faq/capitolpunishment.aspx>

Life without Parole (23A-27A-4) passed 1979

Number of Inmates serving LWOP: 197 (email from Department)

South Dakota enacted LWOP in 1979. None of the three inmates on death row received their sentences prior to the enactment of LWOP.<sup>25</sup>

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### Tennessee

Death Penalty (39-13-202)

Number of Inmates on Death Row: 67 <http://www.tn.gov/correction/topic/tdoc-death-row-facts>

Life without Parole (39-13-202) passed 1993

Number of Inmates serving LWOP: 330 <http://www.tn.gov/correction/article/TDOC-Frequently-Asked-Questions>

Tennessee enacted LWOP in 1993. Of the 67 inmates on death row, 36 received their sentences prior to the enactment of LWOP.<sup>26</sup>

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### Texas

Death Penalty (C.C.P. Art. 37.071)

Number of Inmates on Death Row: 257

[https://www.tdcj.state.tx.us/death\\_row/dr\\_gender\\_racial\\_stats.html](https://www.tdcj.state.tx.us/death_row/dr_gender_racial_stats.html)

Life without Parole (Penal Code § 12.31) passed 2005

Number of Inmates serving LWOP: 683

[http://www.tdcj.state.tx.us/documents/Statistical\\_Report\\_FY2014.pdf](http://www.tdcj.state.tx.us/documents/Statistical_Report_FY2014.pdf)

Texas enacted LWOP in 2005. Of the 257 inmates on death row, 175 received their sentences prior to the enactment of LWOP.<sup>27</sup>

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<sup>25</sup> <https://doc.sd.gov/about/faq/capitolpunishment.aspx><https://doc.sd.gov/adult/lookup/details/?id=12975>

<sup>26</sup> <https://www.tn.gov/correction/article/tdoc-death-row-offenders>

<sup>27</sup> [https://www.tdcj.state.tx.us/death\\_row/dr\\_offenders\\_on\\_dr.html](https://www.tdcj.state.tx.us/death_row/dr_offenders_on_dr.html)



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### Utah

Death Penalty (76-3-206)

Number of Inmates on Death Row: 8

[http://corrections.utah.gov/index.php?option=com\\_content&view=article&id=888:faqs&catid=2&Itemid=119#deathrow](http://corrections.utah.gov/index.php?option=com_content&view=article&id=888:faqs&catid=2&Itemid=119#deathrow)

Life without Parole (76-3-206) passed 1992

Number of Inmates serving LWOP: 236 (email from Department)

Utah enacted LWOP in 1992. Of the 8 inmates on death row, 5 five received their sentences prior to the enactment of LWOP.<sup>28</sup>

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### Virginia

Death Penalty (19.2-264.2)

Number of Inmates on Death Row: 8 [http://vadoc.virginia.gov/about/facts/research/new-statsum/offenderpopulationtrends\\_fy09-fy13.pdf](http://vadoc.virginia.gov/about/facts/research/new-statsum/offenderpopulationtrends_fy09-fy13.pdf)

Life without Parole (19.2-297.1) passed 1994

Number of Inmates serving LWOP: 774 (2012 number)

[http://sentencingproject.org/doc/publications/inc\\_Life%20Goes%20On%202013.pdf](http://sentencingproject.org/doc/publications/inc_Life%20Goes%20On%202013.pdf)

Virginia enacted LWOP in 1994. None of the 8 inmates on death row received their sentences prior to the enactment of LWOP.<sup>29</sup>

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### Washington

Death Penalty (10.95.080)

Number of Inmates on Death Row: 9

<http://www.doc.wa.gov/offenderinfo/capitalpunishment/sentencedlist.asp>

Life without Parole (9a.32.040; 10.95.030) passed 1977/1981

Number of Inmates serving LWOP: 621 (email from Department)

Washington enacted LWOP in 1981. None of the 9 inmates on death row received their sentences prior to the enactment of LWOP.<sup>30</sup>

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<sup>28</sup> <http://corrections.utah.gov/images/deathrow.pdf>

<sup>29</sup> <http://www.nbcwashington.com/news/local/Virginias-Death-Row-Population-Down-to-8-196284411.html>

<sup>30</sup> <http://www.doc.wa.gov/offenderinfo/capitalpunishment/sentencedlist.asp>



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## **Wyoming**

Death Penalty (6-2-101)

Number of Inmates on Death Row: 0

Life without Parole (6-2-101) passed 2001

Number of Inmates serving LWOP: 40 (email from Department)

Wyoming enacted LWOP in 2001. There are currently no inmates on death row. Wyoming has 40 inmates serving LWOP.

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## **Federal Government**

Death Penalty (18 USC 3591)

Number of Inmates on Death Row: 57

[https://www.bop.gov/about/statistics/statistics\\_inmate\\_sentences.jsp](https://www.bop.gov/about/statistics/statistics_inmate_sentences.jsp)

Life without Parole (18 USC 3559) passed 1984

Number of Inmates serving LWOP: 5404

[https://www.bop.gov/about/statistics/statistics\\_inmate\\_sentences.jsp](https://www.bop.gov/about/statistics/statistics_inmate_sentences.jsp)

The Federal Government enacted LWOP in 1984. None of the 57 inmates on federal death row received their sentences prior to the enactment of LWOP.<sup>31</sup>

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<sup>31</sup> <http://www.deathpenaltyinfo.org/federal-death-row-prisoners>

Life Without the possibility of Parole and the Death Penalty

State	# of Inmates on Row	LWOP enacted	# of LWOP inmates	# of inmates on Row sentenced before LWOP
Alabama	190	1981	1553	1
Arizona	118	1993	488	7
Arkansas	34	1975	588	0
California	749	1978	4927	1
Colorado	3	1991	659	0
Delaware	14	2003	405	7
Florida	393	1994	8407	136
Georgia	79	2009	1121	53
Idaho	10	2003	130	7
Indiana	12	1993	121	2
Kansas	9	2004	24	4
Kentucky	32	1998	113	23
Louisiana	85	1999	4795	43
Mississippi	48	1997	1331	0
Missouri	33	1983	1111	1
Montana	2	1995	62	2
Nevada	80	1995	534	42
New Hampshire	1	1974	84	0
North Carolina	148	1994	1370	37
Ohio	141	1996	531	65
Oklahoma	49	1987	831	2
Oregon	35	1989	219	10
Pennsylvania	183	1972	5363	0
South Carolina	45	1995	1071	4
South Dakota	3	1979	197	0
Tennessee	67	1993	330	36
Texas	257	2005	683	175
Utah	8	1992	236	5
Virginia	8	1994	774	0
Washington	9	1977	621	0
Wyoming	0	2001	40	0
Federal Gov't	57	1984	5404	0