



Deadly Justice

A Statistical Portrait of the Death Penalty

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Appendix A. Aggravating Circumstances State-By-State.

This document lists the most recent aggravating circumstances in each of the 31 death states as of July 31st, 2016. Next to each state name is a link that will direct you to the source where the list of aggravating circumstances was found. Most of these state statutes come from three central legal sources: [findlaw](#), [justia](#), and [deathpenaltyblog](#). These sources were then cross-referenced with the local state websites, using statute numbers.

Alabama ([link](#))

Aggravating circumstances shall be the following:

- (1) The capital offense was committed by a person under sentence of imprisonment;
- (2) The defendant was previously convicted of another capital offense or a felony involving the use or threat of violence to the person;
- (3) The defendant knowingly created a great risk of death to many persons;

- (4) The capital offense was committed while the defendant was engaged or was an accomplice in the commission of, or an attempt to commit, or flight after committing, or attempting to commit, rape, robbery, burglary or kidnapping;
- (5) The capital offense was committed for the purpose of avoiding or preventing a lawful arrest or effecting an escape from custody;
- (6) The capital offense was committed for pecuniary gain;
- (7) The capital offense was committed to disrupt or hinder the lawful exercise of any governmental function or the enforcement of laws;
- (8) The capital offense was especially heinous, atrocious, or cruel compared to other capital offenses;
- (9) The defendant intentionally caused the death of two or more persons by one act or pursuant to one scheme or course of conduct; or
- (10) The capital offense was one of a series of intentional killings committed by the defendant.

Arizona ([Link](#))

Arizona has 14 aggravating factors that can be used to determine death-penalty cases. They are the following:

- (1) The defendant was convicted of another offense that merited a life or death sentence.
- (2) The defendant has been or was previously convicted of a serious offense, even if it was part of the same set of criminal actions.
- (3) The defendant knowingly created a grave risk of death to another person or persons in addition to the person murdered. This is commonly referred to as "zone of danger."
- (4) The defendant committed the murder for pecuniary gain, meaning for money or some other benefit.

- (5) The defendant committed the murder for payment.
- (6) The defendant committed the offense in an especially heinous, cruel or depraved manner.
- (7) The defendant committed the offense while in custody or during an escape from custody, or while on probation.
- (8) The defendant committed multiple murders.
- (9) The defendant was an adult who killed a child, an unborn child, or an elderly person.
- (10) The murdered person was an on-duty law-enforcement officer.
- (11) The defendant committed the murder in connection with a street gang.
- (12) The defendant committed the offense to prevent cooperation with a law-enforcement investigation or killed a witness.
- (13) The offense was committed in a cold, calculated manner.
- (14) The defendant used a remote stun gun or an authorized remote stun gun in the commission of the offense.

Arkansas ([link](#))

An aggravating circumstance is limited to the following:

- (1) The capital murder was committed by a person imprisoned as a result of a felony conviction;
- (2) The capital murder was committed by a person unlawfully at liberty after being sentenced to imprisonment as a result of a felony conviction;
- (3) The person previously committed another felony, an element of which was the use or threat of violence to another person or the creation of a substantial risk of death or serious physical injury to another person;

- (4) The person in the commission of the capital murder knowingly created a great risk of death to a person other than the victim or caused the death of more than one (1) person in the same criminal episode;
- (5) The capital murder was committed for the purpose of avoiding or preventing an arrest or effecting an escape from custody;
- (6) The capital murder was committed for pecuniary gain;
- (7) The capital murder was committed for the purpose of disrupting or hindering the lawful exercise of any government or political function;
- (8) (A) The capital murder was committed in an especially cruel or depraved manner.
- (B) (i) For purposes of subdivision (8)(A) of this section, a capital murder is committed in an especially cruel manner when, as part of a course of conduct intended to inflict mental anguish, serious physical abuse, or torture upon the victim prior to the victim's death, mental anguish, serious physical abuse, or torture is inflicted.
- (ii) (a) "Mental anguish" means the victim's uncertainty as to his or her ultimate fate.
- (b) "Serious physical abuse" means physical abuse that creates a substantial risk of death or that causes protracted impairment of health, or loss or protracted impairment of the function of any bodily member or organ.
- (c) "Torture" means the infliction of extreme physical pain for a prolonged period of time prior to the victim's death.
- (C) For purposes of subdivision (8)(A) of this section, a capital murder is committed in an especially depraved manner when the person relishes the murder, evidencing debasement or perversion, or shows an indifference to the suffering of the victim and evidences a sense of pleasure in committing the murder;

- (9) The capital murder was committed by means of a destructive device, bomb, explosive, or similar device that the person planted, hid, or concealed in any place, area, dwelling, building, or structure, or mailed or delivered, or caused to be planted, hidden, concealed, mailed, or delivered, and the person knew that his or her act would create a great risk of death to human life; or
- (10) The capital murder was committed against a person whom the defendant knew or reasonably should have known was especially vulnerable to the attack because:
- (A) Of either a temporary or permanent severe physical or mental disability which would interfere with the victim's ability to flee or to defend himself or herself; or
- (B) The person was twelve (12) years of age or younger.

California ([Link](#))

- (1) Murder committed for financial gain
- (2) Previously convicted of first/second degree murder
- (3) Multiple murders in same proceeding; bomb, explosives
- (4) grave risk
- (5) for purposes of avoiding lawful arrest or attempt to escape lawful custody
- (6) murder intentional and involved the infliction of torture
- (7) intentional killing of peace officer, federal law officer/agent, fireman in performance of duties, and defendant should have known or knew official status of victim; victim was a juror in any court of record in local, state, or federal system in any state and the murder was intentionally carried out in retaliation or prevention of the victim's official duties
- (8) the murder was intentional and perpetrated by means of a firearm being discharged from a motor vehicle intentionally at another outside the vehicle with intent to kill

- (9) witness of crime intentionally killed to prevent retaliatory testimony at criminal proceeding
- (10) retaliation against judge or former judge of this state or any other state, prosecutor, etc.
- (11) state officials or officials of any local government of this state or any other state for reasons relating to their office
- (12) lying in wait
- (13) especially cruel, atrocious, heinous
- (14) committed along with robbery, kidnapping, rape, sodomy, oral copulation, burglary, performance of a lewd act upon a child under the age of 14; arson, train wrecking; carjacking; intentionally poisoned; mayhem; rape by instrument; member of a street gang murdering to further activities of the gang

Colorado ([Link](#))

Murder committed by person imprisoned for Class 1, 2 or 3 felony

1. previous crime of violence;
2. intentionally killed peace officer/former peace officer, judge, firefighter, elected official, federal officer he knew or should have known to be engaged in official duties or retaliation for past official duties
3. kidnapped person, intentionally killed
4. agreement to kill
5. explosives or incendiary device
6. For pecuniary gain
7. Especially heinous or cruel
8. hate crime
9. victim was under 12

10. defendant killed 1 or more persons in the same episode
11. defendant killed victim knowing she was pregnant.

Delaware ([Link](#))

- (1) The murder was especially heinous, atrocious, cruel, or depraved (or involved torture)
- (2) The capital offense was committed during the commission of, attempt of, or escape from a specified felony (such as robbery, kidnapping, rape, sodomy, arson, oral copulation, train wrecking, carjacking, criminal gang activity, drug dealing, or aircraft piracy)
- (3) The defendant committed or attempted to commit more than one murder at the same time
- (4) The defendant committed the murder after substantial planning and premeditation
- (5) The murder was committed for pecuniary gain or pursuant to an agreement that the defendant would receive something of value
- (6) The defendant caused or directed another to commit murder, or the defendant procured the commission of the offense by payment, promise of payment, or anything of pecuniary value
- (7) The murder was committed to avoid or prevent arrest, to effect an escape, or to conceal the commission of a crime
- (8) The capital offense was committed by a person who is incarcerated, has escaped, is on probation, is in jail, or is under a sentence of imprisonment
- (9) The victim was a child 14 years of age or younger, and the murder was committed by an individual who is at least 4 years older than the victim
- (10) The victim was 62 years of age or older
- (11) The victim was severely handicapped or disabled
- (12) The victim was pregnant

- (13) The victim was a government employee, including peace officers, police officers, federal agents, firefighters, judges, jurors, defense attorneys, and prosecutors, in the course of his or her duties
- (14) The murder was committed against a person held as a shield, as a hostage, or for ransom
- (15) The murder was committed against a witness in a criminal or civil proceeding to prevent the witness from appearing
- (16) The victim was a nongovernmental informant and the killing was in retaliation for the victim's activities
- (17) The murder was committed to interfere with the victim's First Amendment rights
- (18) The murder was committed because of the victim's race, religion, color, disability, national origin or ancestry

Florida ([Link](#))

Aggravating factors shall be limited to the following:

- (a) The capital felony was committed by a person previously convicted of a felony and under sentence of imprisonment or placed on community control or on felony probation.
- (b) The defendant was previously convicted of another capital felony or of a felony involving the use or threat of violence to the person.
- (c) The defendant knowingly created a great risk of death to many persons.
- (d) The capital felony was committed while the defendant was engaged, or was an accomplice, in the commission of, or an attempt to commit, or flight after committing or attempting to commit, any: robbery; sexual battery; aggravated child abuse; abuse of an elderly person or disabled adult resulting in great bodily harm, permanent disability, or permanent

disfigurement; arson; burglary; kidnapping; aircraft piracy; or unlawful throwing, placing, or discharging of a destructive device or bomb.

- (e) The capital felony was committed for the purpose of avoiding or preventing a lawful arrest or effecting an escape from custody.
- (f) The capital felony was committed for pecuniary gain.
- (g) The capital felony was committed to disrupt or hinder the lawful exercise of any governmental function or the enforcement of laws.
- (h) The capital felony was especially heinous, atrocious, or cruel.
- (i) The capital felony was a homicide and was committed in a cold, calculated, and premeditated manner without any pretense of moral or legal justification.
- (j) The victim of the capital felony was a law enforcement officer engaged in the performance of his or her official duties.
- (k) The victim of the capital felony was an elected or appointed public official engaged in the performance of his or her official duties if the motive for the capital felony was related, in whole or in part, to the victim's official capacity.
- (l) The victim of the capital felony was a person less than 12 years of age.
- (m) The victim of the capital felony was particularly vulnerable due to advanced age or disability, or because the defendant stood in a position of familial or custodial authority over the victim.
- (n) The capital felony was committed by a criminal gang member, as defined in s. 874.03.
- (o) The capital felony was committed by a person designated as a sexual predator pursuant to s. 775.21 or a person previously designated as a sexual predator who had the sexual predator designation removed.

- (p) The capital felony was committed by a person subject to an injunction issued pursuant to s.741.30 or s. 784.046, or a foreign protection order accorded full faith and credit pursuant to s.741.315, and was committed against the petitioner who obtained the injunction or protection order or any spouse, child, sibling, or parent of the petitioner.

Georgia ([Link](#))

- (a) The death penalty may be imposed for the offenses of aircraft hijacking or treason in any case.
- (b) In all cases of other offenses for which the death penalty may be authorized, the judge shall consider, or he shall include in his instructions to the jury for it to consider, any mitigating circumstances or aggravating circumstances otherwise authorized by law and any of the following statutory aggravating circumstances which may be supported by the evidence:
- (1) The offense of murder, rape, armed robbery, or kidnapping was committed by a person with a prior record of conviction for a capital felony;
 - (2) The offense of murder, rape, armed robbery, or kidnapping was committed while the offender was engaged in the commission of another capital felony or aggravated battery, or the offense of murder was committed while the offender was engaged in the commission of burglary or arson in the first degree;
 - (3) The offender, by his act of murder, armed robbery, or kidnapping, knowingly created a great risk of death to more than one person in a public place by means of a weapon or device which would normally be hazardous to the lives of more than one person;

- (4) The offender committed the offense of murder for himself or another, for the purpose of receiving money or any other thing of monetary value;
 - (5) The murder of a judicial officer, former judicial officer, district attorney or solicitor-general, or former district attorney, solicitor, or solicitor-general was committed during or because of the exercise of his or her official duties;
 - (6) The offender caused or directed another to commit murder or committed murder as an agent or employee of another person;
 - (7) The offense of murder, rape, armed robbery, or kidnapping was outrageously or wantonly vile, horrible, or inhuman in that it involved torture, depravity of mind, or an aggravated battery to the victim;
 - (8) The offense of murder was committed against any peace officer, corrections employee, or firefighter while engaged in the performance of his official duties;
 - (9) The offense of murder was committed by a person in, or who has escaped from, the lawful custody of a peace officer or place of lawful confinement;
 - (10) The murder was committed for the purpose of avoiding, interfering with, or preventing a lawful arrest or custody in a place of lawful confinement, of himself or another; or
 - (11) The offense of murder, rape, or kidnapping was committed by a person previously convicted of rape, aggravated sodomy, aggravated child molestation, or aggravated sexual battery.
- (c) The statutory instructions as determined by the trial judge to be warranted by the evidence shall be given in charge and in writing to the jury for its deliberation. The jury, if its verdict is a recommendation of death, shall designate in writing, signed by the foreman of the jury, the aggravating circumstance or circumstances which it found beyond a reasonable doubt. In nonjury cases the judge shall make such designation. Except in cases

of treason or aircraft hijacking, unless at least one of the statutory aggravating circumstances enumerated in subsection (b) of this Code section is so found, the death penalty shall not be imposed.

Idaho ([Link](#))

- (1) Murder committed by person guilty of a previous conviction of another murder
- (2) knowingly created great risk of death
- (3) committed for remuneration
- (4) especially heinous, atrocious or cruel
- (5) circumstances show utter disregard for human life
- (6) murder of 1st degree with specific intent to cause death
- (7) propensity to commit murder, i.e., a continuing threat to society
- (8) murder of former/present peace officer, judicial officer, executive officer, officer of the court, fireman, prosecuting attorney for reasons relating to the performance of their official duties
- (9) murder of witness in criminal or civil proceeding
- (10) murder committed during perpetration of arson, rape, robbery, burglary, kidnapping or mayhem and defendant killed, intended to kill, or acted with reckless indifference to human life
- (11) murder while escaping or attempting to escape from a penal institution

Indiana ([Link](#))

The state may seek either a death sentence or a sentence of life imprisonment without parole for murder by alleging, on a page separate from the rest of the charging instrument, the existence of at least one (1) of the aggravating circumstances listed in subsection (b). In the sentencing hearing after a person is convicted of murder, the state must prove beyond a reasonable doubt the existence of at least one (1) of the aggravating circumstances alleged. However, the state may not proceed against a defendant under this section if a court determines at a pretrial hearing under IC 35-36-9 that the defendant is a mentally retarded individual.

(b) The aggravating circumstances are as follows:

(1) The defendant committed the murder by intentionally killing the victim while committing or attempting to commit any of the following:

(A) Arson (IC 35-43-1-1).

(B) Burglary (IC 35-43-2-1).

(C) Child molesting (IC 35-42-4-3).

(D) Criminal deviate conduct (IC 35-42-4-2).

(E) Kidnapping (IC 35-42-3-2).

(F) Rape (IC 35-42-4-1).

(G) Robbery (IC 35-42-5-1).

(H) Carjacking (IC 35-42-5-2).

(I) Criminal Gang Activity (IC 35-45-9-3).

(J) Dealing in cocaine or a narcotic drug (IC 35-48-4-1).

(2) The defendant committed the murder by the unlawful detonation of an explosive with intent to injure person or damage property.

- (3) The defendant committed the murder by lying in wait.
- (4) The defendant who committed the murder was hired to kill.
- (5) The defendant committed the murder by hiring another person to kill.
- (6) The victim of the murder was a corrections employee, probation officer, parole officer, community corrections worker, home detention officer, fireman, judge, or law enforcement officer, and either:
 - (A) the victim was acting in the course of duty; or
 - (B) the murder was motivated by an act the victim performed while acting in the course of duty.
- (7) The defendant has been convicted of another murder.
- (8) The defendant has committed another murder, at any time, regardless of whether the defendant has been convicted of that other murder.
- (9) The defendant was:
 - (A) under the custody of the department of correction;
 - (B) under the custody of a county sheriff;
 - (C) on probation after receiving a sentence for the commission of a felony; or
 - (D) on parole; at the time the murder was committed.
- (10) The defendant dismembered the victim.
- (11) The defendant burned, mutilated, or tortured the victim while the victim was alive.
- (12) The victim of the murder was less than twelve (12) years of age.
- (13) The victim was a victim of any of the following offenses for which the defendant was convicted:
 - (A) Battery as a Class D felony or as a Class C felony under IC 35-42-2-1.
 - (B) Kidnapping (IC 35-42-3-2).

(C) Criminal confinement (IC 35-42-3-3).

(D) A sex crime under IC 35-42-4.

(14) The victim of the murder was listed by the state or known by the defendant to be a witness against the defendant and the defendant committed the murder with the intent to prevent the person from testifying.

(15) The defendant committed the murder by intentionally discharging a firearm (as defined by IC 35-47-1-5):

(A) into an inhabited dwelling; or

(B) from a vehicle.

(16) The victim of the murder was pregnant and the murder resulted in the intentional killing of a fetus that has attained viability (as defined in IC 16-18-2-365).

Kansas ([Link](#))

Capital murder is the:

(1) Intentional and premeditated killing of any person in the commission of kidnapping, as defined in subsection (a) of K.S.A. 2015 Supp. 21-5408, and amendments thereto, or aggravated kidnapping, as defined in subsection (b) of K.S.A. 2015 Supp. 21-5408, and amendments thereto, when the kidnapping or aggravated kidnapping was committed with the intent to hold such person for ransom;

(2) intentional and premeditated killing of any person pursuant to a contract or agreement to kill such person or being a party to the contract or agreement pursuant to which such person is killed;

(3) intentional and premeditated killing of any person by an inmate or prisoner confined in a state correctional institution, community correctional institution or jail or while in the

custody of an officer or employee of a state correctional institution, community correctional institution or jail;

- (4) intentional and premeditated killing of the victim of one of the following crimes in the commission of, or subsequent to, such crime: Rape, as defined in K.S.A. 2015 Supp. 21-5503, and amendments thereto, criminal sodomy, as defined in subsections (a)(3) or (a)(4) of K.S.A. 2015 Supp. 21-5504, and amendments thereto, or aggravated criminal sodomy, as defined in subsection (b) of K.S.A. 2015 Supp. 21-5504, and amendments thereto, or any attempt thereof, as defined in K.S.A. 2015 Supp. 21-5301, and amendments thereto;
 - (5) intentional and premeditated killing of a law enforcement officer;
 - (6) intentional and premeditated killing of more than one person as a part of the same act or transaction or in two or more acts or transactions connected together or constituting parts of a common scheme or course of conduct; or
 - (7) intentional and premeditated killing of a child under the age of 14 in the commission of kidnapping, as defined in subsection (a) of K.S.A. 2015 Supp. 21-5408, and amendments thereto, or aggravated kidnapping, as defined in subsection (b) of K.S.A. 2015 Supp. 21-5408, and amendments thereto, when the kidnapping or aggravated kidnapping was committed with intent to commit a sex offense upon or with the child or with intent that the child commit or submit to a sex offense.
- (b) For purposes of this section, "sex offense" means rape, as defined in K.S.A. 2015 Supp. 21-5503, and amendments thereto, aggravated indecent liberties with a child, as defined in subsection (b) of K.S.A. 2015 Supp. 21-5506, and amendments thereto, aggravated criminal sodomy, as defined in subsection (b) of K.S.A. 2015 Supp. 21-5504, and

amendments thereto, selling sexual relations, as defined in K.S.A. 2015 Supp. 21-6419, and amendments thereto, promoting the sale of sexual relations, as defined in K.S.A. 2015 Supp. 21-6420, and amendments thereto, commercial sexual exploitation of a child, as defined in K.S.A. 2015 Supp. 21-6422, and amendments thereto, or sexual exploitation of a child, as defined in K.S.A. 2015 Supp. 21-5510, and amendments thereto.

- (c) Capital murder or attempt to commit capital murder is an off-grid person felony.
- (d) The provisions of subsection (c) of K.S.A. 2015 Supp. 21-5301, and amendments thereto, shall not apply to a violation of attempting to commit the crime of capital murder pursuant to this section.

Kentucky ([Link](#))

Aggravating circumstances:

1. The offense of murder or kidnapping was committed by a person with a prior record of conviction for a capital offense, or the offense of murder was committed by a person who has a substantial history of serious assaultive criminal convictions
2. The offense of murder or kidnapping was committed while the offender was engaged in the commission of arson in the first degree, robbery in the first degree, burglary in the first degree, rape in the first degree, or sodomy in the first degree
3. The offender by his act of murder, armed robbery, or kidnapping knowingly created a great risk of death to more than one (1) person in a public place by means of a weapon of mass destruction, weapon, or other device which would normally be hazardous to the lives of more than one (1) person

4. The offender committed the offense of murder for himself or another, for the purpose of receiving money or any other thing of monetary value, or for other profit
5. The offense of murder was committed by a person who was a prisoner and the victim was a prison employee engaged at the time of the act in the performance of his duties
6. The offender's act or acts of killing were intentional and resulted in multiple deaths
7. The offender's act of killing was intentional and the victim was a state or local public official or police officer, sheriff, or deputy sheriff engaged at the time of the act in the lawful performance of his duties
8. The offender murdered the victim when an emergency protective order or a domestic violence order was in effect, or when any other order designed to protect the victim from the offender, such as an order issued as a condition of a bond, conditional release, probation, parole, or pretrial diversion, was in effect.

Louisiana ([Link](#))

The following shall be considered aggravating circumstances:

- (1) The offender was engaged in the perpetration or attempted perpetration of aggravated rape, forcible rape, aggravated kidnapping, second degree kidnapping, aggravated burglary, aggravated arson, aggravated escape, assault by drive-by shooting, armed robbery, first degree robbery, second degree robbery, simple robbery, cruelty to juveniles, second degree cruelty to juveniles, or terrorism.
- (2) The victim was a fireman or peace officer engaged in his lawful duties.

- (3) The offender has been previously convicted of an unrelated murder, aggravated rape, aggravated burglary, aggravated arson, aggravated escape, armed robbery, or aggravated kidnapping.
- (4) The offender knowingly created a risk of death or great bodily harm to more than one person.
- (5) The offender offered or has been offered or has given or received anything of value for the commission of the offense.
- (6) The offender at the time of the commission of the offense was imprisoned after sentence for the commission of an unrelated forcible felony.
- (7) The offense was committed in an especially heinous, atrocious or cruel manner.
- (8) The victim was a witness in a prosecution against the defendant, gave material assistance to the state in any investigation or prosecution of the defendant, or was an eye witness to a crime alleged to have been committed by the defendant or possessed other material evidence against the defendant.
- (9) The victim was a correctional officer or any employee of the Department of Public Safety and Corrections who, in the normal course of his employment was required to come in close contact with persons incarcerated in a state prison facility, and the victim was engaged in his lawful duties at the time of the offense.
- (10) The victim was under the age of twelve years or sixty-five years of age or older.
- (11) The offender was engaged in the distribution, exchange, sale, or purchase, or any attempt thereof, of a controlled dangerous substance listed in Schedule I, II, III, IV, or V of the Uniform Controlled Dangerous Substances Law.
- (12) The offender was engaged in the activities prohibited by R.S. 14:107.1(C)(1).
- (13) The offender has knowingly killed two or more persons in a series of separate incidents.

B. For the purposes of Paragraph A(2) herein, the term "peace officer" is defined to include any constable, marshal, deputy marshal, sheriff, deputy sheriff, local or state policeman, commissioned wildlife enforcement agent, federal law enforcement officer, jail or prison guard, parole officer, probation officer, judge, attorney general, assistant attorney general, attorney general's investigator, district attorney, assistant district attorney, or district attorney's investigator.

Mississippi ([Link](#))

The killing of a human being without the authority of law by any means or in any manner shall be murder in the following cases:

- (a) When done with deliberate design to effect the death of the person killed, or of any human being;
 - (b) When done in the commission of an act eminently dangerous to others and evincing a depraved heart, regardless of human life, although without any premeditated design to effect the death of any particular individual;
 - (c) When done without any design to effect death by any person engaged in the commission of any felony other than rape, kidnapping, burglary, arson, robbery, sexual battery, unnatural intercourse with any child under the age of twelve (12), or nonconsensual unnatural intercourse with mankind, or felonious abuse and/or battery of a child in violation of subsection (2) of Section 97-5-39, or in any attempt to commit such felonies;
 - (d) When done with deliberate design to effect the death of an unborn child.
- (2) The killing of a human being without the authority of law by any means or in any manner shall be capital murder in the following cases:

- (a) Murder which is perpetrated by killing a peace officer or fireman while such officer or fireman is acting in his official capacity or by reason of an act performed in his official capacity, and with knowledge that the victim was a peace officer or fireman. For purposes of this paragraph, the term "peace officer" means any state or federal law enforcement officer, including, but not limited to, a federal park ranger, the sheriff of or police officer of a city or town, a conservation officer, a parole officer, a judge, senior status judge, special judge, district attorney, legal assistant to a district attorney, county prosecuting attorney or any other court official, an agent of the Alcoholic Beverage Control Division of the State Tax Commission, an agent of the Bureau of Narcotics, personnel of the Mississippi Highway Patrol, and the employees of the Department of Corrections who are designated as peace officers by the Commissioner of Corrections pursuant to Section 47-5-54, and the superintendent and his deputies, guards, officers and other employees of the Mississippi State Penitentiary;
- (b) Murder which is perpetrated by a person who is under sentence of life imprisonment;
- (c) Murder which is perpetrated by use or detonation of a bomb or explosive device;
- (d) Murder which is perpetrated by any person who has been offered or has received anything of value for committing the murder, and all parties to such a murder, are guilty as principals;
- (e) When done with or without any design to effect death, by any person engaged in the commission of the crime of rape, burglary, kidnapping, arson, robbery, sexual battery, unnatural intercourse with any child under the age of twelve (12), or nonconsensual unnatural intercourse with mankind, or in any attempt to commit such felonies;

- (f) When done with or without any design to effect death, by any person engaged in the commission of the crime of felonious abuse and/or battery of a child in violation of subsection (2) of Section 97-5-39, or in any attempt to commit such felony;
 - (g) Murder which is perpetrated on educational property as defined in Section 97-37-17;
 - (h) Murder which is perpetrated by the killing of any elected official of a county, municipal, state or federal government with knowledge that the victim was such public official.
- (3) An indictment for murder or capital murder shall serve as notice to the defendant that the indictment may include any and all lesser included offenses thereof, including, but not limited to, manslaughter.

Missouri ([Link](#))

Statutory aggravating circumstances for a murder in the first degree offense shall be limited to the following:

- (1) The offense was committed by a person with a prior record of conviction for murder in the first degree, or the offense was committed by a person who has one or more serious assaultive criminal convictions;
- (2) The murder in the first degree offense was committed while the offender was engaged in the commission or attempted commission of another unlawful homicide;
- (3) The offender by his act of murder in the first degree knowingly created a great risk of death to more than one person by means of a weapon or device which would normally be hazardous to the lives of more than one person;

- (4) The offender committed the offense of murder in the first degree for himself or another, for the purpose of receiving money or any other thing of monetary value from the victim of the murder or another;
- (5) The murder in the first degree was committed against a judicial officer, former judicial officer, prosecuting attorney or former prosecuting attorney, circuit attorney or former circuit attorney, assistant prosecuting attorney or former assistant prosecuting attorney, assistant circuit attorney or former assistant circuit attorney, peace officer or former peace officer, elected official or former elected official during or because of the exercise of his official duty;
- (6) The offender caused or directed another to commit murder in the first degree or committed murder in the first degree as an agent or employee of another person;
- (7) The murder in the first degree was outrageously or wantonly vile, horrible or inhuman in that it involved torture, or depravity of mind;
- (8) The murder in the first degree was committed against any peace officer, or fireman while engaged in the performance of his official duty;
- (9) The murder in the first degree was committed by a person in, or who has escaped from, the lawful custody of a peace officer or place of lawful confinement;
- (10) The murder in the first degree was committed for the purpose of avoiding, interfering with, or preventing a lawful arrest or custody in a place of lawful confinement, of himself or another;
- (11) The murder in the first degree was committed while the defendant was engaged in the perpetration or was aiding or encouraging another person to perpetrate or attempt to

perpetrate a felony of any degree of rape, sodomy, burglary, robbery, kidnapping, or any felony offense in chapter 195;

- (12) The murdered individual was a witness or potential witness in any past or pending investigation or past or pending prosecution, and was killed as a result of his status as a witness or potential witness;
- (13) The murdered individual was an employee of an institution or facility of the department of corrections of this state or local correction agency and was killed in the course of performing his official duties, or the murdered individual was an inmate of such institution or facility;
- (14) The murdered individual was killed as a result of the hijacking of an airplane, train, ship, bus or other public conveyance;
- (15) The murder was committed for the purpose of concealing or attempting to conceal any felony offense defined in chapter 195;
- (16) The murder was committed for the purpose of causing or attempting to cause a person to refrain from initiating or aiding in the prosecution of a felony offense defined in chapter 195;
- (17) The murder was committed during the commission of a crime which is part of a pattern of criminal street gang activity as defined in section 578.421.

Montana ([Link](#))

Aggravating circumstances. Aggravating circumstances are any of the following:

- (1) (a) The offense was deliberate homicide and was committed:
 - (i) by an offender while in official detention, as defined in 45-2-101;
 - (ii) by an offender who had been previously convicted of another deliberate homicide;

- (iii) by means of torture;
 - (iv) by an offender lying in wait or ambush;
 - (v) as a part of a scheme or operation that, if completed, would result in the death of more than one person; or
 - (vi) by an offender during the course of committing sexual assault, sexual intercourse without consent, deviate sexual conduct, or incest, and the victim was less than 18 years of age.
- (b) The offense was deliberate homicide, as defined in 45-5-102(1)(a), and the victim was a peace officer killed while performing the officer's duty.
- (2) The offense was aggravated kidnapping that resulted in the death of the victim or the death by direct action of the offender of a person who rescued or attempted to rescue the victim.
- (3) The offense was attempted deliberate homicide, aggravated assault, or aggravated kidnapping committed while in official detention, as defined in 45-2-101, by an offender who has been previously:
- (a) convicted of the offense of deliberate homicide; or
 - (b) found to be a persistent felony offender pursuant to part 5 of this chapter, and one of the convictions was for an offense against the person in violation of Title 45, chapter 5, for which the minimum prison term is not less than 2 years.
- (4) The offense was sexual intercourse without consent, the offender has a previous conviction of sexual intercourse without consent in this state or of an offense under the laws of another state or of the United States that if committed in this state would be the offense of sexual intercourse without consent, and the offender inflicted serious bodily injury upon a person in the course of committing each offense.

Nevada ([Link](#))

Circumstances aggravating first degree murder. The only circumstances by which murder of the first degree may be aggravated are:

1. The murder was committed by a person under sentence of imprisonment.
2. The murder was committed by a person who, at any time before a penalty hearing is conducted for the murder pursuant to NRS 175.552, is or has been convicted of:
 - (a) Another murder and the provisions of subsection 12 do not otherwise apply to that other murder; or
 - (b) A felony involving the use or threat of violence to the person of another and the provisions of subsection 4 do not otherwise apply to that felony.

For the purposes of this subsection, a person shall be deemed to have been convicted at the time the jury verdict of guilt is rendered or upon pronouncement of guilt by a judge or judges sitting without a jury.

3. The murder was committed by a person who knowingly created a great risk of death to more than one person by means of a weapon, device or course of action which would normally be hazardous to the lives of more than one person.
4. The murder was committed while the person was engaged, alone or with others, in the commission of, or an attempt to commit or flight after committing or attempting to commit, any robbery, arson in the first degree, burglary, invasion of the home or kidnapping in the first degree, and the person charged:
 - (a) Killed or attempted to kill the person murdered; or
 - (b) Knew or had reason to know that life would be taken or lethal force used.

5. The murder was committed to avoid or prevent a lawful arrest or to effect an escape from custody.
6. The murder was committed by a person, for himself or herself or another, to receive money or any other thing of monetary value.
7. The murder was committed upon a peace officer or firefighter who was killed while engaged in the performance of his or her official duty or because of an act performed in his or her official capacity, and the defendant knew or reasonably should have known that the victim was a peace officer or firefighter. For the purposes of this subsection, "peace officer" means:
 - (a) An employee of the Department of Corrections who does not exercise general control over offenders imprisoned within the institutions and facilities of the Department, but whose normal duties require the employee to come into contact with those offenders when carrying out the duties prescribed by the Director of the Department.
 - (b) Any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive, when carrying out those powers.
8. The murder involved torture or the mutilation of the victim.
9. The murder was committed upon one or more persons at random and without apparent motive.
10. The murder was committed upon a person less than 14 years of age.
11. The murder was committed upon a person because of the actual or perceived race, color, religion, national origin, physical or mental disability or sexual orientation of that person.
12. The defendant has, in the immediate proceeding, been convicted of more than one offense of murder in the first or second degree. For the purposes of this subsection, a person shall be

deemed to have been convicted of a murder at the time the jury verdict of guilt is rendered or upon pronouncement of guilt by a judge or judges sitting without a jury.

13. The person, alone or with others, subjected or attempted to subject the victim of the murder to nonconsensual sexual penetration immediately before, during or immediately after the commission of the murder. For the purposes of this subsection:

(a) "Nonconsensual" means against the victim's will or under conditions in which the person knows or reasonably should know that the victim is mentally or physically incapable of resisting, consenting or understanding the nature of his or her conduct, including, but not limited to, conditions in which the person knows or reasonably should know that the victim is dead.

(b) "Sexual penetration" means cunnilingus, fellatio or any intrusion, however slight, of any part of the victim's body or any object manipulated or inserted by a person, alone or with others, into the genital or anal openings of the body of the victim, whether or not the victim is alive. The term includes, but is not limited to, anal intercourse and sexual intercourse in what would be its ordinary meaning.

14. The murder was committed on the property of a public or private school, at an activity sponsored by a public or private school or on a school bus while the bus was engaged in its official duties by a person who intended to create a great risk of death or substantial bodily harm to more than one person by means of a weapon, device or course of action that would normally be hazardous to the lives of more than one person. For the purposes of this subsection, "school bus" has the meaning ascribed to it in NRS 483.160.

15. The murder was committed with the intent to commit, cause, aid, further or conceal an act of terrorism. For the purposes of this subsection, "act of terrorism" has the meaning ascribed to it in NRS 202.4415.

New Hampshire ([Link](#))

I. A person is guilty of capital murder if he knowingly causes the death of:

- (a) A law enforcement officer or a judicial officer acting in the line of duty or when the death is caused as a consequence of or in retaliation for such person's actions in the line of duty;
- (b) Another before, after, while engaged in the commission of, or while attempting to commit kidnapping as that offense is defined in RSA 633:1;
- (c) Another by criminally soliciting a person to cause said death or after having been criminally solicited by another for his personal pecuniary gain;
- (d) Another after being sentenced to life imprisonment without parole pursuant to RSA 630:1-a, III;
- (e) Another before, after, while engaged in the commission of, or while attempting to commit aggravated felonious sexual assault as defined in RSA 632-A:2;
- (f) Another before, after, while engaged in the commission of, or while attempting to commit an offense punishable under RSA 318-B:26, I(a) or (b); or
- (g) Another, who is licensed or privileged to be within an occupied structure, or separately secured or occupied section thereof, before, after, or while in the commission of, or while attempting to commit, burglary as defined in RSA 635:1.

II. As used in this section, a "law enforcement officer" is a sheriff or deputy sheriff of any county, a state police officer, a constable or police officer of any city or town, an official

or employee of any prison, jail or corrections institution, a probation-parole officer, or a conservation officer.

II-a. As used in this section, a "judicial officer" is a judge of a district, probate, superior or supreme court; an attorney employed by the department of justice or a municipal prosecutor's office; or a county attorney; or attorney employed by the county attorney.

III. A person convicted of a capital murder may be punished by death.

IV. As used in this section and RSA 630:1-a, 1-b, 2, 3 and 4, the meaning of "another" does not include a foetus.

V. In no event shall any person under the age of 18 years at the time the offense was committed be culpable of a capital murder.

North Carolina ([Link](#))

Aggravating circumstances which may be considered shall be limited to the following:

- (1) The capital felony was committed by a person lawfully incarcerated.
- (2) The defendant had been previously convicted of another capital felony or had been previously adjudicated delinquent in a juvenile proceeding for committing an offense that would be a capital felony if committed by an adult.
- (3) The defendant had been previously convicted of a felony involving the use or threat of violence to the person or had been previously adjudicated delinquent in a juvenile proceeding for committing an offense that would be a Class A, B1, B2, C, D, or E felony involving the use or threat of violence to the person if the offense had been committed by an adult.
- (4) The capital felony was committed for the purpose of avoiding or preventing a lawful arrest or effecting an escape from custody.

- (5) The capital felony was committed while the defendant was engaged, or was an aider or abettor, in the commission of, or an attempt to commit, or flight after committing or attempting to commit, any homicide, robbery, rape or a sex offense, arson, burglary, kidnapping, or aircraft piracy or the unlawful throwing, placing, or discharging of a destructive device or bomb.
- (6) The capital felony was committed for pecuniary gain.
- (7) The capital felony was committed to disrupt or hinder the lawful exercise of any governmental function or the enforcement of laws.
- (8) The capital felony was committed against a law-enforcement officer, employee of the Division of Adult Correction of the Department of Public Safety, jailer, fireman, judge or justice, former judge or justice, prosecutor or former prosecutor, juror or former juror, or witness or former witness against the defendant, while engaged in the performance of his official duties or because of the exercise of his official duty.
- (9) The capital felony was especially heinous, atrocious, or cruel.
- (10) The defendant knowingly created a great risk of death to more than one person by means of a weapon or device which would normally be hazardous to the lives of more than one person.
- (11) The murder for which the defendant stands convicted was part of a course of conduct in which the defendant engaged and which included the commission by the defendant of other crimes of violence against another person or persons.

Ohio ([Link](#))

Imposition of the death penalty for aggravated murder is precluded unless one or more of the following is specified in the indictment or count in the indictment pursuant to section 2941.14 of the Revised Code and proved beyond a reasonable doubt:

- (1) The offense was the assassination of the president of the United States or a person in line of succession to the presidency, the governor or lieutenant governor of this state, the president-elect or vice president-elect of the United States, the governor-elect or lieutenant governor-elect of this state, or a candidate for any of the offices described in this division. For purposes of this division, a person is a candidate if the person has been nominated for election according to law, if the person has filed a petition or petitions according to law to have the person's name placed on the ballot in a primary or general election, or if the person campaigns as a write-in candidate in a primary or general election.
- (2) The offense was committed for hire.
- (3) The offense was committed for the purpose of escaping detection, apprehension, trial, or punishment for another offense committed by the offender.
- (4) The offense was committed while the offender was under detention or while the offender was at large after having broken detention. As used in division (A)(4) of this section, "detention" has the same meaning as in section 2921.01 of the Revised Code, except that detention does not include hospitalization, institutionalization, or confinement in a mental health facility or mental retardation and developmentally disabled facility unless at the time of the commission of the offense either of the following circumstances apply:
 - (a) The offender was in the facility as a result of being charged with a violation of a section of the Revised Code.

- (b) The offender was under detention as a result of being convicted of or pleading guilty to a violation of a section of the Revised Code.
- (5) Prior to the offense at bar, the offender was convicted of an offense an essential element of which was the purposeful killing of or attempt to kill another, or the offense at bar was part of a course of conduct involving the purposeful killing of or attempt to kill two or more persons by the offender.
- (6) The victim of the offense was a law enforcement officer, as defined in section 2911.01 of the Revised Code, whom the offender had reasonable cause to know or knew to be a law enforcement officer as so defined, and either the victim, at the time of the commission of the offense, was engaged in the victim's duties, or it was the offender's specific purpose to kill a law enforcement officer as so defined.
- (7) The offense was committed while the offender was committing, attempting to commit, or fleeing immediately after committing or attempting to commit kidnapping, rape, aggravated arson, aggravated robbery, or aggravated burglary, and either the offender was the principal offender in the commission of the aggravated murder or, if not the principal offender, committed the aggravated murder with prior calculation and design.
- (8) The victim of the aggravated murder was a witness to an offense who was purposely killed to prevent the victim's testimony in any criminal proceeding and the aggravated murder was not committed during the commission, attempted commission, or flight immediately after the commission or attempted commission of the offense to which the victim was a witness, or the victim of the aggravated murder was a witness to an offense and was purposely killed in retaliation for the victim's testimony in any criminal proceeding.

- (9) The offender, in the commission of the offense, purposefully caused the death of another who was under thirteen years of age at the time of the commission of the offense, and either the offender was the principal offender in the commission of the offense or, if not the principal offender, committed the offense with prior calculation and design.
- (10) The offense was committed while the offender was committing, attempting to commit, or fleeing immediately after committing or attempting to commit terrorism.

Oklahoma ([Link](#))

You are instructed that, in arriving at your determination of punishment, you must first determine whether any one or more of the following aggravating circumstances exists beyond a reasonable doubt:

- (1) The defendant, prior to this sentencing proceeding, was convicted of a felony involving the use or threat of violence to the person
- (2) During the commission of the murder, the defendant knowingly created a great risk of death to more than one person
- (3) The person committed the murder for remuneration or the promise of remuneration or employed another to commit the murder for remuneration or the promise of remuneration
- (4) The murder was especially heinous, atrocious, or cruel
- (5) The murder was committed for the purpose of avoiding or preventing a lawful arrest or prosecution
- (6) The murder was committed by a person while serving a sentence of imprisonment on conviction of a felony

- (7) The victim of the murder was a peace officer or correctional employee of an institution under the control of the Department of Corrections, and such person was killed in performance of official duty
- (8) At the present time there exists a probability that the defendant will commit criminal acts of violence that would constitute a continuing threat to society.

Oregon ([Link](#))

As used in ORS 163.105 (Sentencing options for aggravated murder) and this section, aggravated murder means murder as defined in ORS 163.115 (Murder) which is committed under, or accompanied by, any of the following circumstances:

- (1)(a) The defendant committed the murder pursuant to an agreement that the defendant receive money or other thing of value for committing the murder.
- (b) The defendant solicited another to commit the murder and paid or agreed to pay the person money or other thing of value for committing the murder.
- (c) The defendant committed murder after having been convicted previously in any jurisdiction of any homicide, the elements of which constitute the crime of murder as defined in ORS 163.115 (Murder) or manslaughter in the first degree as defined in ORS 163.118 (Manslaughter in the first degree).
- (d) There was more than one murder victim in the same criminal episode as defined in ORS 131.505 (Definitions for ORS 131.505 to 131.525).
- (e) The homicide occurred in the course of or as a result of intentional maiming or torture of the victim.
- (f) The victim of the intentional homicide was a person under the age of 14 years.

(2)(a) The victim was one of the following and the murder was related to the performance of the victims official duties in the justice system:

(A)A police officer as defined in ORS 181A.355(Definitions for ORS 181A.355 to 181A.670);

(B)A correctional, parole and probation officer or other person charged with the duty of custody, control or supervision of convicted persons;

(C)A member of the Oregon State Police;

(D)A judicial officer as defined in ORS 1.210 (Judicial officer defined);

(E)A juror or witness in a criminal proceeding;

(F)An employee or officer of a court of justice;

(G)A member of the State Board of Parole and Post-Prison Supervision; or

(H)A regulatory specialist.

(b)The defendant was confined in a state, county or municipal penal or correctional facility or was otherwise in custody when the murder occurred.

(c)The defendant committed murder by means of an explosive as defined in ORS 164.055 (Theft in the first degree).

(d)Notwithstanding ORS 163.115 (Murder) (1)(b), the defendant personally and intentionally committed the homicide under the circumstances set forth in ORS 163.115(Murder) (1)(b).

(e)The murder was committed in an effort to conceal the commission of a crime, or to conceal the identity of the perpetrator of a crime.

(f)The murder was committed after the defendant had escaped from a state, county or municipal penal or correctional facility and before the defendant had been returned to the custody of

the facility. [1977 c.370 §1; 1981 c.873 §1; 1991 c.742 §13; 1991 c.837 §12; 1993 c.185 §20; 1993 c.623 §2; 1997 c.850 §1; 2005 c.264 §17; 2012 c.54 §26; 2015 c.614 §149]

Pennsylvania ([link](#))

Aggravating circumstances shall be limited to the following:

- (1) The victim was a firefighter, peace officer, public servant concerned in official detention, as defined in 18 Pa.C.S. § 5121 (relating to escape), judge of any court in the unified judicial system, the Attorney General of Pennsylvania, a deputy attorney general, district attorney, assistant district attorney, member of the General Assembly, Governor, Lieutenant Governor, Auditor General, State Treasurer, State law enforcement official, local law enforcement official, Federal law enforcement official or person employed to assist or assisting any law enforcement official in the performance of his duties, who was killed in the performance of his duties or as a result of his official position.
- (2) The defendant paid or was paid by another person or had contracted to pay or be paid by another person or had conspired to pay or be paid by another person for the killing of the victim.
- (3) The victim was being held by the defendant for ransom or reward, or as a shield or hostage.
- (4) The death of the victim occurred while defendant was engaged in the hijacking of an aircraft.
- (5) The victim was a prosecution witness to a murder or other felony committed by the defendant and was killed for the purpose of preventing his testimony against the defendant in any grand jury or criminal proceeding involving such offenses.
- (6) The defendant committed a killing while in the perpetration of a felony.

- (7) In the commission of the offense the defendant knowingly created a grave risk of death to another person in addition to the victim of the offense.
- (8) The offense was committed by means of torture.
- (9) The defendant has a significant history of felony convictions involving the use or threat of violence to the person.
- (10) The defendant has been convicted of another Federal or State offense, committed either before or at the time of the offense at issue, for which a sentence of life imprisonment or death was imposable or the defendant was undergoing a sentence of life imprisonment for any reason at the time of the commission of the offense.
- (11) The defendant has been convicted of another murder committed in any jurisdiction and committed either before or at the time of the offense at issue.
- (12) The defendant has been convicted of voluntary manslaughter, as defined in 18 Pa.C.S. § 2503 (relating to voluntary manslaughter), or a substantially equivalent crime in any other jurisdiction, committed either before or at the time of the offense at issue.
- (13) The defendant committed the killing or was an accomplice in the killing, as defined in 18 Pa.C.S. § 306(c) (relating to liability for conduct of another; complicity), while in the perpetration of a felony under the provisions of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, and punishable under the provisions of 18 Pa.C.S. § 7508 (relating to drug trafficking sentencing and penalties).
- (14) At the time of the killing, the victim was or had been involved, associated or in competition with the defendant in the sale, manufacture, distribution or delivery of any controlled substance or counterfeit controlled substance in violation of The Controlled Substance,

Drug, Device and Cosmetic Act or similar law of any other state, the District of Columbia or the United States, and the defendant committed the killing or was an accomplice to the killing as defined in 18 Pa.C.S. § 306(c), and the killing resulted from or was related to that association, involvement or competition to promote the defendant's activities in selling, manufacturing, distributing or delivering controlled substances or counterfeit controlled substances.

(15) At the time of the killing, the victim was or had been a nongovernmental informant or had otherwise provided any investigative, law enforcement or police agency with information concerning criminal activity and the defendant committed the killing or was an accomplice to the killing as defined in 18 Pa.C.S. § 306(c), and the killing was in retaliation for the victim's activities as a nongovernmental informant or in providing information concerning criminal activity to an investigative, law enforcement or police agency.

The victim was a child under 12 years of age.

At the time of the killing, the victim was in her third trimester of pregnancy or the defendant had knowledge of the victim's pregnancy.

At the time of the killing the defendant was subject to a court order restricting in any way the defendant's behavior toward the victim pursuant to 23 Pa.C.S. Ch. 61 (relating to protection from abuse), or any other order of a court of common pleas or of the minor judiciary designed in whole or in part to protect the victim from the defendant.

South Dakota ([Link](#))

§§ 23A-27A-2 to 23A-27A-6, inclusive, in all cases for which the death penalty may be authorized, the judge shall consider, or shall include in instructions to the jury for it to consider, any mitigating circumstances and any of the following aggravating circumstances which may be supported by the evidence:

- (1) The offense was committed by a person with a prior record of conviction for a Class A or Class B felony, or the offense of murder was committed by a person who has a felony conviction for a crime of violence as defined in subdivision 22-1-2(9);
- (2) The defendant by the defendant's act knowingly created a great risk of death to more than one person in a public place by means of a weapon or device which would normally be hazardous to the lives of more than one person;
- (3) The defendant committed the offense for the benefit of the defendant or another, for the purpose of receiving money or any other thing of monetary value;
- (4) The defendant committed the offense on a judicial officer, former judicial officer, prosecutor, or former prosecutor while such prosecutor, former prosecutor, judicial officer, or former judicial officer was engaged in the performance of such person's official duties or where a major part of the motivation for the offense came from the official actions of such judicial officer, former judicial officer, prosecutor, or former prosecutor;
- (5) The defendant caused or directed another to commit murder or committed murder as an agent or employee of another person;
- (6) The offense was outrageously or wantonly vile, horrible, or inhuman in that it involved torture, depravity of mind, or an aggravated battery to the victim. Any murder is wantonly vile, horrible, and inhuman if the victim is less than thirteen years of age;

- (7) The offense was committed against a law enforcement officer, employee of a corrections institution, or firefighter while engaged in the performance of such person's official duties;
- (8) The offense was committed by a person in, or who has escaped from, the lawful custody of a law enforcement officer or place of lawful confinement;
- (9) The offense was committed for the purpose of avoiding, interfering with, or preventing a lawful arrest or custody in a place of lawful confinement, of the defendant or another; or
- (10) The offense was committed in the course of manufacturing, distributing, or dispensing substances listed in Schedules I and II in violation of § 22-42-2.

Tennessee ([Link](#))

No death penalty or sentence of imprisonment for life without possibility of parole shall be imposed, except upon a unanimous finding that the state has proven beyond a reasonable doubt the existence of one (1) or more of the statutory aggravating circumstances, which are limited to the following:

- (1) The murder was committed against a person less than twelve (12) years of age and the defendant was eighteen (18) years of age or older;
- (2) The defendant was previously convicted of one (1) or more felonies, other than the present charge, whose statutory elements involve the use of violence to the person;
- (3) The defendant knowingly created a great risk of death to two (2) or more persons, other than the victim murdered, during the act of murder;

- (4) The defendant committed the murder for remuneration or the promise of remuneration, or employed another to commit the murder for remuneration or the promise of remuneration;
- (5) The murder was especially heinous, atrocious, or cruel, in that it involved torture or serious physical abuse beyond that necessary to produce death;
- (6) The murder was committed for the purpose of avoiding, interfering with, or preventing a lawful arrest or prosecution of the defendant or another;
- (7) The murder was knowingly committed, solicited, directed, or aided by the defendant, while the defendant had a substantial role in committing or attempting to commit, or was fleeing after having a substantial role in committing or attempting to commit, any first degree murder, arson, rape, robbery, burglary, theft, kidnapping, aggravated child abuse, aggravated child neglect, rape of a child, aggravated rape of a child, aircraft piracy, or unlawful throwing, placing or discharging of a destructive device or bomb;
- (8) The murder was committed by the defendant while the defendant was in lawful custody or in a place of lawful confinement or during the defendant's escape from lawful custody or from a place of lawful confinement;
- (9) The murder was committed against any law enforcement officer, corrections official, corrections employee, probation and parole officer, emergency medical or rescue worker, emergency medical technician, paramedic or firefighter, who was engaged in the performance of official duties, and the defendant knew or reasonably should have known that the victim was a law enforcement officer, corrections official, corrections employee, probation and parole officer, emergency medical or rescue worker, emergency medical technician, paramedic or firefighter engaged in the performance of official duties;

- (10) The murder was committed against any present or former judge, district attorney general or state attorney general, assistant district attorney general or assistant state attorney general, due to or because of the exercise of the victim's official duty or status and the defendant knew that the victim occupied such office;
- (11) The murder was committed against a national, state, or local popularly elected official, due to or because of the official's lawful duties or status, and the defendant knew that the victim was such an official;
- (12) The defendant committed "mass murder," which is defined as the murder of three (3) or more persons, whether committed during a single criminal episode or at different times within a forty-eight-month period;
- (13) The defendant knowingly mutilated the body of the victim after death;
- (14) The victim of the murder was seventy (70) years of age or older; or the victim of the murder was particularly vulnerable due to a significant handicap or significant disability, whether mental or physical, and at the time of the murder the defendant knew or reasonably should have known of such handicap or disability; or
- (15) The murder was committed in the course of an act of terrorism.

Texas ([Link](#))

(a) In this section:

- (1) "Adequate cause" means cause that would commonly produce a degree of anger, rage, resentment, or terror in a person of ordinary temper, sufficient to render the mind incapable of cool reflection.

(2) "Sudden passion" means passion directly caused by and arising out of provocation by the individual killed or another acting with the person killed which passion arises at the time of the offense and is not solely the result of former provocation.

(b) A person commits an offense if he:

(1) intentionally or knowingly causes the death of an individual;

(2) intends to cause serious bodily injury and commits an act clearly dangerous to human life that causes the death of an individual; or

(3) commits or attempts to commit a felony, other than manslaughter, and in the course of and in furtherance of the commission or attempt, or in immediate flight from the commission or attempt, he commits or attempts to commit an act clearly dangerous to human life that causes the death of an individual.

(c) Except as provided by Subsection (d), an offense under this section is a felony of the first degree.

(d) At the punishment stage of a trial, the defendant may raise the issue as to whether he caused the death under the immediate influence of sudden passion arising from an adequate cause. If the defendant proves the issue in the affirmative by a preponderance of the evidence, the offense is a felony of the second degree.

(a) A person commits an offense if the person commits murder as defined under Section 19.02(b)(1) and:

(1) the person murders a peace officer or fireman who is acting in the lawful discharge of an official duty and who the person knows is a peace officer or fireman;

- (2) the person intentionally commits the murder in the course of committing or attempting to commit kidnapping, burglary, robbery, aggravated sexual assault, arson, obstruction or retaliation, or terroristic threat under Section 22.07(a)(1), (3), (4), (5), or (6);
- (3) the person commits the murder for remuneration or the promise of remuneration or employs another to commit the murder for remuneration or the promise of remuneration;
- (4) the person commits the murder while escaping or attempting to escape from a penal institution;
- (5) the person, while incarcerated in a penal institution, murders another:
 - (A) who is employed in the operation of the penal institution; or
 - (B) with the intent to establish, maintain, or participate in a combination or in the profits of a combination;
- (6) the person:
 - (A) while incarcerated for an offense under this section or Section 19.02, murders another;
or
 - (B) while serving a sentence of life imprisonment or a term of 99 years for an offense under Section 20.04, 22.021, or 29.03, murders another;
- (7) the person murders more than one person:
 - (A) during the same criminal transaction; or
 - (B) during different criminal transactions but the murders are committed pursuant to the same scheme or course of conduct;
- (8) the person murders an individual under 10 years of age; or
- (9) the person murders another person in retaliation for or on account of the service or status of the other person as a judge or justice of the supreme court, the court of criminal appeals,

a court of appeals, a district court, a criminal district court, a constitutional county court, a statutory county court, a justice court, or a municipal court.

- (b) An offense under this section is a capital felony.
- (c) If the jury or, when authorized by law, the judge does not find beyond a reasonable doubt that the defendant is guilty of an offense under this section, he may be convicted of murder or of any other lesser included offense.

Utah ([Link](#))

- (1) Criminal homicide constitutes aggravated murder if the actor intentionally or knowingly causes the death of another under any of the following circumstances:
 - (a) the homicide was committed by a person who is confined in a jail or other correctional institution;
 - (b) the homicide was committed incident to one act, scheme, course of conduct, or criminal episode during which two or more persons were killed, or during which the actor attempted to kill one or more persons in addition to the victim who was killed;
 - (c) the actor knowingly created a great risk of death to a person other than the victim and the actor;
 - (d) the homicide was committed incident to an act, scheme, course of conduct, or criminal episode during which the actor committed or attempted to commit aggravated robbery, robbery, rape, rape of a child, object rape, object rape of a child, forcible sodomy, sodomy upon a child, forcible sexual abuse, sexual abuse of a child, aggravated sexual abuse of a child, child abuse as defined in Subsection 76-5-109(2)(a), or aggravated sexual assault, aggravated arson, arson, aggravated burglary, burglary, aggravated kidnapping, or kidnapping, or child kidnapping;

- (e) the homicide was committed incident to one act, scheme, course of conduct, or criminal episode during which the actor committed the crime of abuse or desecration of a dead human body as defined in Subsection 76-9-704(2)(e);
- (f) the homicide was committed for the purpose of avoiding or preventing an arrest of the defendant or another by a peace officer acting under color of legal authority or for the purpose of effecting the defendant's or another's escape from lawful custody;
- (g) the homicide was committed for pecuniary gain;
- (h) the defendant committed, or engaged or employed another person to commit the homicide pursuant to an agreement or contract for remuneration or the promise of remuneration for commission of the homicide;
- (i) the actor previously committed or was convicted of:
 - (i) aggravated murder under this section;
 - (ii) attempted aggravated murder under this section;
 - (iii) murder, Section 76-5-203;
 - (iv) attempted murder, Section 76-5-203; or
 - (v) an offense committed in another jurisdiction which if committed in this state would be a violation of a crime listed in this Subsection (1)(i);
- (j) the actor was previously convicted of:
 - (i) aggravated assault, Subsection 76-5-103(2);
 - (ii) mayhem, Section 76-5-105;
 - (iii) kidnapping, Section 76-5-301;
 - (iv) child kidnapping, Section 76-5-301.1;
 - (v) aggravated kidnapping, Section 76-5-302;

- (vi) rape, Section 76-5-402;
- (vii) rape of a child, Section 76-5-402.1;
- (viii) object rape, Section 76-5-402.2;
- (ix) object rape of a child, Section 76-5-402.3;
 - (x) forcible sodomy, Section 76-5-403;
- (xi) sodomy on a child, Section 76-5-403.1;
- (xii) aggravated sexual abuse of a child, Section 76-5-404.1;
- (xiii) aggravated sexual assault, Section 76-5-405;
- (xiv) aggravated arson, Section 76-6-103;
- (xv) aggravated burglary, Section 76-6-203;
- (xvi) aggravated robbery, Section 76-6-302;
- (xvii) felony discharge of a firearm, Section 76-10-508.1; or
- (xviii) an offense committed in another jurisdiction which if committed in this state would be a violation of a crime listed in this Subsection (1)(j);
- (k) the homicide was committed for the purpose of:
 - (i) preventing a witness from testifying;
 - (ii) preventing a person from providing evidence or participating in any legal proceedings or official investigation;
 - (iii) retaliating against a person for testifying, providing evidence, or participating in any legal proceedings or official investigation; or
 - (iv) disrupting or hindering any lawful governmental function or enforcement of laws;

- (l) the victim is or has been a local, state, or federal public official, or a candidate for public office, and the homicide is based on, is caused by, or is related to that official position, act, capacity, or candidacy;
- (m) the victim is or has been a peace officer, law enforcement officer, executive officer, prosecuting officer, jailer, prison official, firefighter, judge or other court official, juror, probation officer, or parole officer, and the victim is either on duty or the homicide is based on, is caused by, or is related to that official position, and the actor knew, or reasonably should have known, that the victim holds or has held that official position;
- (n) the homicide was committed:
 - (i) by means of a destructive device, bomb, explosive, incendiary device, or similar device which was planted, hidden, or concealed in any place, area, dwelling, building, or structure, or was mailed or delivered; or
 - (ii) by means of any weapon of mass destruction as defined in Section 76-10-401;
- (o) the homicide was committed during the act of unlawfully assuming control of any aircraft, train, or other public conveyance by use of threats or force with intent to obtain any valuable consideration for the release of the public conveyance or any passenger, crew member, or any other person aboard, or to direct the route or movement of the public conveyance or otherwise exert control over the public conveyance;
- (p) the homicide was committed by means of the administration of a poison or of any lethal substance or of any substance administered in a lethal amount, dosage, or quantity;
- (q) the victim was a person held or otherwise detained as a shield, hostage, or for ransom;

- (r) the homicide was committed in an especially heinous, atrocious, cruel, or exceptionally depraved manner, any of which must be demonstrated by physical torture, serious physical abuse, or serious bodily injury of the victim before death;
- (s) the actor dismembers, mutilates, or disfigures the victim's body, whether before or after death, in a manner demonstrating the actor's depravity of mind; or
- (t) the victim, at the time of the death of the victim:
 - (i) was younger than 14 years of age; and
 - (ii) was not an unborn child.
- (2) Criminal homicide constitutes aggravated murder if the actor, with reckless indifference to human life, causes the death of another incident to an act, scheme, course of conduct, or criminal episode during which the actor is a major participant in the commission or attempted commission of:
 - (a) child abuse, Subsection 76-5-109(2)(a);
 - (b) child kidnapping, Section 76-5-301.1;
 - (c) rape of a child, Section 76-5-402.1;
 - (d) object rape of a child, Section 76-5-402.3;
 - (e) sodomy on a child, Section 76-5-403.1; or
 - (f) sexual abuse or aggravated sexual abuse of a child, Section 76-5-404.1.

Virginia ([Virginia](#))

In assessing the penalty of any person convicted of an offense for which the death penalty may be imposed, a sentence of death shall not be imposed unless the court or jury shall after consideration of the past criminal record of convictions of the defendant

- (1) find that there is a probability that the defendant would commit criminal acts of violence that would constitute a continuing serious threat to society
- (2) that his conduct in committing the offense for which he stands charged was outrageously or wantonly vile, horrible or inhuman in that it involved torture, depravity of mind or an aggravated battery to the victim

Washington ([Link](#))

- (1) Law enforcement officer, corrections officer or firefighter in performance of official duties;
- (2) offender escaped from confinement
- (3) offender in custody as consequence of felony conviction
- (4) agreement for money or value
- (5) contracted; obtain, maintain or advance position in organization
- (6) during course of or as a result of shooting from or near a motor vehicle used as a transport
- (7) victim was member or former member of criminal justice system (judge, attorney, juror, parole officer, etc.) related to their official duties
- (8) committed to conceal crime or identity of person committing crime
- (9) multiple victims
- (10) in connection with robbery, rape, burglary, kidnapping, arson
- (11) victim was news reporter and committed to obstruct investigation, research or reporting activities
- (12) victim had court order against defendant
- (13) victim and defendant were of same household and within 5 years harassment or criminal assault had occurred 3 or more times

Wyoming ([Link](#))

The death penalty shall not be imposed unless at least one (1) of the aggravating circumstances set forth in subsection (h) of this section is found. In nonjury cases the judge shall make such designation. The jury, if its verdict is a sentence of death, shall designate in writing signed by the foreman of the jury:

(h) Aggravating circumstances are limited to the following:

(i) The murder was committed by a person:

(A) Confined in a jail or correctional facility;

(B) On parole or on probation for a felony;

(C) After escaping detention or incarceration; or

(D) Released on bail pending appeal of his conviction.

(ii) The defendant was previously convicted of another murder in the first degree or a felony involving the use or threat of violence to the person;

(iii) The defendant knowingly created a great risk of death to two (2) or more persons;

(iv) The murder was committed while the defendant was engaged, or was an accomplice, in the commission of, or an attempt to commit, or flight after committing or attempting to commit, any aircraft piracy or the unlawful throwing, placing or discharging of a destructive device or bomb;

(v) The murder was committed for the purpose of avoiding or preventing a lawful arrest or effecting an escape from custody;

(vi) The murder was committed for compensation, the collection of insurance benefits or other similar pecuniary gain;

- (vii) The murder was especially atrocious or cruel, being unnecessarily torturous to the victim;
- (viii) The murder of a judicial officer, former judicial officer, district attorney, former district attorney, defending attorney, peace officer, juror or witness, during or because of the exercise of his official duty or because of the victim's former or present official status;
- (ix) The defendant knew or reasonably should have known the victim was less than seventeen (17) years of age or older than sixty-five (65) years of age;
- (x) The defendant knew or reasonably should have known the victim was especially vulnerable due to significant mental or physical disability;
- (xi) The defendant poses a substantial and continuing threat of future dangerousness or is likely to commit continued acts of criminal violence;
- (xii) The defendant killed another human being purposely and with premeditated malice and while engaged in, or as an accomplice in the commission of, or an attempt to commit, or flight after committing or attempting to commit, any robbery, sexual assault, arson, burglary, kidnapping or abuse of a child under the age of sixteen (16) years.