AGGRAVATING FACTORS FOR CAPITAL PUNISHMENT BY STATE


**Alabama**

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 knowingly created a grave risk of death for one or more persons in addition to the victim of the offense
4. The murder was committed for pecuniary gain or pursuant to an agreement that the defendant would receive something of value
5. The murder was committed to avoid or prevent arrest, to effect an escape, or to conceal the commission of a crime
6. The capital offense was committed to interfere with the lawful exercise of any government function or the enforcement of the laws
7. The defendant has been convicted of, or committed, a prior murder, a felony involving violence, or other serious felony
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 defendant intentionally caused the death of two or more persons by one act pursuant to one scheme or course of conduct
10. The capital offense was one of a series of intentional killings committed by the defendant

**Arizona**

1. The defendant has been convicted of another offense in the US for which under Arizona law a sentence of life imprisonment or death was imposable
2. The defendant has been or was previously convicted of a serious offense, whether preparatory or completed.
3. In the commission of the offense the defendant knowingly created a grave risk of death to another person or persons in addition to the victim of the offense.
4. The defendant procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value.
5. The defendant committed the offense as consideration for the receipt, or in expectation of the receipt, of anything of pecuniary value.
6. The defendant committed the offense in an especially heinous, cruel or depraved manner.
(7) The defendant committed the offense while: (a) In the custody of or on authorized or unauthorized release from the state department of corrections, a law enforcement agency or a county or city jail. (b) On probation for a felony offense
(8) The defendant has been convicted of one or more other homicides, as defined, which were committed during the commission of the offense
(9) The defendant was an adult at the time the offense was committed or was tried as an adult and the murdered person was under fifteen years of age or was seventy years of age or older
(10) The murdered individual was an on-duty peace officer who was killed in the course of performing his official duties and the defendant knew, or should have known, that the victim was a peace officer
(11) The defendant committed the offense with the intent to promote, further or assist the objectives of a criminal street gang or criminal syndicate or to join a criminal street gang or criminal syndicate
(12) The defendant committed the offense to prevent a person’s cooperation with an official law enforcement investigation, to prevent a person’s testimony in a court proceeding, in retaliation for a person’s cooperation with an official law enforcement investigation or in retaliation for a person’s testimony in a court proceeding
(13) The offense was committed in a cold, calculated manner without pretense of moral or legal justification
(14) The defendant used a remote stun gun or an authorized remote stun gun in the commission of the offense
(15) The defendant engaged in terrorism
(16) The defendant committed burglary in the second degree
(17) The defendant was an adult and the murdered person was an unborn child in the womb at any stage of its development

Arkansas-
(1) The murder was especially heinous, atrocious, cruel, or depraved (or involved torture)
(2) The defendant knowingly created a grave risk of death for one or more persons in addition to the victim of the offense
(3) The murder was committed by means of a bomb, destructive device, explosive, or similar device
(4) The murder was committed for pecuniary gain or pursuant to an agreement that the defendant would receive something of value
(5) The murder was committed to avoid or prevent arrest, to effect an escape, or to conceal the commission of a crime
(6) The defendant has been convicted of, or committed, a prior murder, a felony involving violence, or other serious felony
(7) The defendant purposely discharged a firearm from a vehicle while showing extreme indifference to human life
(8) The defendant committed treason
(9) The capital murder was committed against a person whom the defendant knew or reasonably should have known was especially vulnerable to the attack because the person was 12 years of age or younger
California-
(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 murder was committed from a motor vehicle or near a motor vehicle that transported the
defendant
(4) The defendant committed or attempted to commit more than one murder at the same time
(5) The defendant killed the victim while lying in wait
(6) The murder was committed for pecuniary gain or pursuant to an agreement that the defendant
would receive something of 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 defendant has been convicted of, or committed, a prior murder, a felony involving
violence, or other serious felony
(9) 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
(10) The victim was an elected or appointed official or former official of the federal government,
or local or state government, and the killing intentionally prevented the victim’s official duties
(11) The murder was committed against a witness, a potential witness, or a family member of a
witness in a criminal or civil proceeding to prevent the witness from appearing, or for revenge
(12) The victim was killed because of his or her race, color, religion, nationality, or country of
origin
(13) The defendant committed treason

Colorado-
(1) The murder was especially heinous, atrocious, cruel, or depraved (or involved torture)
(2) The defendant knowingly created a grave risk of death for one or more persons in addition to
the victim of the offense
(3) The defendant killed the victim while lying in wait
(4) The murder was committed for pecuniary gain or pursuant to an agreement that the defendant
would receive something of value
(5) 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
(6) The murder was committed to avoid or prevent arrest, to effect an escape, or to conceal the
commission of a crime
(7) The defendant has been convicted of, or committed, a prior murder, a felony involving
violence, or other serious felony
(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 government employee, including peace officers, police officers, federal
agents, firefighters, judges, jurors, defense attorneys, and prosecutors, in the course of his or her
duties
(10) The victim was an elected or appointed official or former official of the federal government,
or local or state government, and the killing intentionally prevented the victim’s official duties
(11) The murder was committed against a person held as a shield, as a hostage, or for ransom
(12) The defendant used chemical, biological, or radiological weapons and/or the person intentionally killed more than one person in one criminal episode
(13) The victim was a pregnant woman and the defendant intentionally killed the victim, knowing she was pregnant
(14) The defendant committed treason
(15) The defendant’s possession of the weapon used to commit the class 1 felony constituted a felony offense under the laws of the state
(16) The defendant intentionally killed more than one person in more than one criminal episode
(17) The defendant committed the class 1 felony against the victim because of the victim’s race, color, ancestry, religion or national origin

Connecticut-
(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 knowingly created a grave risk of death for one or more persons in addition to the victim of the offense
(4) The defendant committed the offense with an assault weapon
(5) 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
(6) The defendant has been convicted of, or committed, a prior murder, a felony involving violence, or other serious felony
(7) The defendant committed the murder to avoid arrest for a criminal act or prevent detection of a criminal act or to hamper or prevent the victim from carrying out any act within the scope of the victim’s official duties or to retaliate against the victim for the performance of the victim’s official duties
(8) Murder of a person under 16 years of age
(9) Murders, while the victim was acting within the scope of his duties, a police officer, Division of Criminal Justice inspector, state marshal exercising his statutory authority, judicial marshal performing his duties, constable performing law enforcement duties, special policeman, conservation or special conservation officer appointed by the environmental protection commissioner, Department of Correction (DOC) employee or service provider acting within the scope of his employment in a correctional facility and the perpetrator is an inmate, or firefighter;

Delaware-
(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-
(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 knowingly created a grave risk of death for one or more persons in addition to the victim of the offense
(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 murder was committed to avoid or prevent arrest, to effect an escape, or to conceal the commission of a crime
(7) The capital offense was committed to interfere with the lawful exercise of any government function or the enforcement of the laws
(8) The defendant has been convicted of, or committed, a prior murder, a felony involving violence, or other serious felony
(9) 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
(10) The defendant was a criminal street gang member
(11) The victim of the capital felony was a person less than 12 years of age
(13) The victim of the capital felony was particularly vulnerable due to disability, or because the defendant stood in a position of familial or custodial authority over the victim
(14) The victim was an elected or appointed official or former official of the federal government, or local or state government, and the killing intentionally prevented the victim’s official duties
(15) The defendant engaged in drug trafficking
(16) The defendant raped a child
(17) The capital felony was a homicide and was committed in a cold, calculated, and premeditated manner without any pretense of moral or legal justification
(18) The capital felony was committed by a person designated as a sexual predator or a person previously designated as a sexual predator who had the sexual predator designation removed

**Georgia**

(1) The murder was especially heinous, atrocious, cruel, or depraved (or involved torture)
(2) The defendant knowingly created a grave risk of death for one or more persons in addition to the victim of the offense
(3) The murder was committed for pecuniary gain or pursuant to an agreement that the defendant would receive something of value
(4) 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
(5) The murder was committed to avoid or prevent arrest, to effect an escape, or to conceal the commission of a crime
(6) The defendant has been convicted of, or committed, a prior murder, a felony involving violence, or other serious felony
(7) 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
(8) 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
(9) The victim was a correctional officer
(10) The defendant committed treason
(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

**Idaho**

(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 knowingly created a grave risk of death for one or more persons in addition to the victim of the offense
(4) The defendant committed or attempted to commit more than one murder at the same time
(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 defendant is a future danger.

(8) The defendant has been convicted of, or committed, a prior murder, a felony involving violence, or other serious felony.

(9) 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.

(10) The murder was committed against a witness or potential witness in a criminal or civil legal proceeding because of such proceeding.

(11) The defendant knowingly or purposely and without lawful authority restrained another person by either secreting or holding in a place of isolation or by using or threatening to use physical force.

(12) The defendant sexually abused or exploited a child under 16 years of age.

**Illinois**

(1) Committed the offense while on probation or parole.

(2) The murder was committed for pecuniary gain or pursuant to an agreement that the defendant would receive something of value.

(3) 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.

(4) The defendant has been convicted of, or committed, a prior murder, a felony involving violence, or other serious felony.

(5) 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.

(6) The defendant was a drug dealer or has prior convictions involving the distribution of a controlled substance.

(7) The murdered individual was under 12 years of age and the death resulted from exceptionally brutal or heinous behavior indicative of wanton cruelty.

(8) 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.

(9) The victim was a correctional officer.

(10) The murder was committed against a witness in a criminal or civil proceeding to prevent the witness from appearing.

(11) The murder was committed as a result of the intentional discharge of a firearm by the defendant from a motor vehicle and the victim was not present within the motor vehicle.

(12) The defendant committed treason.

(13) The defendant knowingly or purposely and without lawful authority restrained another person by either secreting or holding in a place of isolation or by using or threatening to use physical force.

(14) The murdered individual was known by the defendant to be a teacher or other person employed in any school and the teacher or other employee was on the grounds of the school, or building, or adjacent surroundings.

(15) The murder was committed by the defendant in connection with or as a result of the offense of terrorism.
(16) The murdered individual was subject to an order of protection and the murder was committed by a person against whom the same order of protection was issued under the Illinois Domestic Violence Act of 1986.

(17) The murder was committed by reason of any person’s activity as a community-policing volunteer or to prevent any person from engaging in activity as a community policing volunteer.

**Indiana-**

(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 murder was committed from a motor vehicle or near a motor vehicle that transported the defendant.

(4) The murder was committed by intentionally discharging a firearm into an inhabited dwelling.

(5) The defendant killed the victim while lying in wait.

(6) The murder was committed by means of a bomb, destructive device, explosive, or similar device.

(7) 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.

(8) The victim of the murder was less than 12 years of age.

(9) The victim was a pregnant woman, and the murder resulted in the intentional killing of a fetus that has attained viability.

**Kansas-**

(1) The murder was especially heinous, atrocious, cruel, or depraved (or involved torture).

(2) The defendant knowingly created a grave risk of death for one or more persons in addition to the victim of the offense.

(3) The murder was committed for pecuniary gain or pursuant to an agreement that the defendant would receive something of value.

(4) 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.

(5) The murder was committed to avoid or prevent arrest, to effect an escape, or to conceal the commission of a crime.

(6) The defendant has been convicted of, or committed, a prior murder, a felony involving violence, or other serious felony.

(7) The murder was committed by a person who is incarcerated, has escaped, is on probation, is in jail, or is under a sentence of imprisonment.

(8) The murder was committed against a witness in a criminal or civil proceeding to prevent the witness from appearing.
Kentucky-
(1) 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)
(2) The defendant knowingly created a grave risk of death for one or more persons in a public place by means of a weapon of mass destruction
(3) The murder was committed for pecuniary gain or pursuant to an agreement that the defendant would receive something of value
(4) The defendant has been convicted of, or committed, a prior murder, a felony involving violence, or other serious felony
(5) 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
(6) 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

Louisiana-
(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, second-degree robbery, kidnapping, rape, sodomy, arson, oral copulation, train wrecking, carjacking, criminal gang activity, drug dealing, or aircraft piracy)
(3) The murder was committed while the defendant was engaged in “ritualistic acts”
(4) The murder was committed for pecuniary gain or pursuant to an agreement that the defendant would receive something of value
(5) 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
(6) The defendant has been convicted of, or committed, a prior murder, a felony involving violence, or other serious felony
(7) 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
(8) The defendant was a drug dealer or has prior convictions involving the distribution of a controlled substance
(9) The victim was under the age of 12 years
(10) The victim was 65 years or older
(11) The victim was a fireman or peace officer engaged in his lawful duties
(12) The victim was a correctional officer
(13) 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 eyewitness to a crime alleged to have been committed by the defendant or possessed other material evidence against the defendant
(14) The defendant committed treason
(15) The defendant raped a child
(16) The defendant showed cruelty to juveniles or second-degree cruelty to juveniles
(17) The defendant was involved in acts of terrorism
Maryland-
(1) 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)
(2) The defendant committed or attempted to commit more than one murder at the same time
(3) The murder was committed for pecuniary gain or pursuant to an agreement that the defendant would receive something of value
(4) 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
(5) The murder was committed to avoid or prevent arrest, to effect an escape, or to conceal the commission of a crime
(6) 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
(7) 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
(8) The murder was committed against a person held as a shield, as a hostage, or for ransom. The victim was a child abducted.

Mississippi-
(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 knowingly created a grave risk of death for one or more persons in addition to the victim of the offense
(4) The murder was committed for pecuniary gain or pursuant to an agreement that the defendant would receive something of value
(5) The murder was committed to avoid or prevent arrest, to effect an escape, or to conceal the commission of a crime
(6) The capital offense was committed to interfere with the lawful exercise of any government function or the enforcement of the laws
(7) The defendant has been convicted of, or committed, a prior murder, a felony involving violence, or other serious felony
(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 defendant committed treason

Missouri-
(1) The murder was especially heinous, atrocious, cruel or depraved (or involved torture)
(2) The murder was committed incident to a high jacking
(3) The defendant knowingly created a grave risk of death for one or more persons in addition to the victim of the offense
(4) The defendant committed or attempted to commit more than one murder at the same time
(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 to interfere with the lawful exercise of any government function or the enforcement of the laws
(9) The defendant committed murder as part of a gang activity or to obtain or maintain membership or to advance his or her position in an organization or group
(10) The defendant has been convicted of, or committed, a prior murder, a felony involving violence, or other serious felony
(11) 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
(12) 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
(13) The victim was an inmate of a correction facility
(14) The victim was an elected or appointed official or former official of the federal government, or local or state government, and murder in the first degree intentionally prevented the victim’s official duties
(15) The murder was committed against a witness or potential witness in a criminal or civil processing to prevent the witness from appearing
(16) The defendant committed treason
(17) The defendant placed a bomb near a bus terminal
(18) The defendant engaged in drug trafficking
(19) The defendant knowingly or purposely and without lawful authority restrained another person by either secreting or holding in a place of isolation or by using or threatening to use physical force

Montana-
(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 knowingly created a grave risk of death for one or more persons in addition to the victim of the offense
(4) The defendant killed the victim while lying in wait
(5) The defendant has been convicted of, or committed, a prior murder, a felony involving violence, or other serious felony
(6) 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.
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
(8) The defendant raped a child
(9) The defendant knowingly or purposely and without lawful authority restrained another person by either secreting or holding in a place of isolation or by using or threatening to use physical force
(10) The willful, deliberate, and premeditated killing of any person in the commission of, or subsequent to, rape or attempted rape, forcible sodomy or attempted forcible sodomy or object sexual penetration

Nebraska-
(1) The murder was especially heinous, atrocious, cruel or depraved (or involved torture)
(2) The defendant knowingly created a grave risk of death for one or more persons in addition to the victim of the offense
(3) The defendant committed or attempted to commit more than one murder at the same time
(4) The murder was committed for pecuniary gain or pursuant to an agreement that the defendant would receive something of value
(5) 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
(6) The murder was committed to avoid or prevent arrest, to effect an escape, or to conceal the commission of a crime
(7) The capital offense was committed to interfere with the lawful exercise of any government function or the enforcement of the laws
(8) The offender was previously convicted of another murder or a crime involving the use of threat of violence to the person, or has a substantial history of serious assaultive or terrorizing criminal activity
(9) The victim was a law enforcement officer or a public servant having custody of the offender or another in the lawful performance of his or her duties

Nevada-
(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 knowingly created a grave risk of death for one or more persons in addition to the victim of the offense
(4) The defendant committed or attempted to commit more than one murder at the same time
(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 defendant had no apparent motive
(9) The defendant has been convicted of, or committed, a prior murder, a felony involving violence, or other serious felony
(10) 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
(11) The murder as committed upon a person less than 14 years of age
(12) The murder was committed upon a peace officer or fireman or 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 him to come into contact with those offenders when carrying out duties prescribed by the Director of the Department. And the defendant knew or reasonably should have known that the victim was a peace officer or fireman
(13) 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
(14) The murder was committed on the property of a public or private school or at a related school activity or on a school bus by a person who intended to create a great risk of death or 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
(15) 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
(16) The murder was committed with the intent to commit, cause, aid, further or conceal and act of terrorism

New Hampshire-
(1) The murder was especially heinous, atrocious, cruel or depraved (or involved torture)
(2) The defendant knowingly created a grave risk of death for one or more persons in addition to the victim of the offense
(3) The defendant committed the murder after substantial planning and premeditation
(4) The defendant purposely killed the victim
(5) The murder was committed for pecuniary gain or pursuant to an agreement that the defendant would receive something of value
(6) The murder was committed to avoid or prevent arrest, to effect an escape, or to conceal the commission of a crime
(7) The defendant has been convicted of, or committed, a prior murder, a felony involving violence, or other serious felony
(8) The defendant has previously been convicted of 2 or more state or federal offenses punishable by a term of imprisonment of more than one year, committed on different occasions, involving the distribution of a controlled substance
(9) The victim was particularly vulnerable due to old age, youth, or infirmity

New Jersey-
(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 knowingly created a grave risk of death for one or more persons in addition to the victim of the offense
(4) The murder was committed by means of a bomb, destructive device, explosive, or similar device
(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 defendant has been convicted of, or committed, a prior murder, a felony involving violence, or other serious felony
(9) The murder was committed to avoid or prevent arrest, to effect an escape, or to conceal the commission of a crime
(10) The victim was less than 14 years old
(11) The defendant murdered a public servant while the victim was engaged in the performance of his official duties, or because of the victim’s status as a public servant
(12) The murder was committed during the commission of, or an attempt to commit, or flight after committing or attempting to commit, terrorism
(13) Murder was committed during the crime of contempt in violation of an order of protection for domestic violence

New Mexico-
(1) 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)
(2) The murder was committed for pecuniary gain or pursuant to an agreement that the defendant would receive something of value
(3) 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
(4) The murder was committed to avoid or prevent arrest, to effect an escape, or to conceal the commission of a crime
(5) 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
(6) The victim was a peace officer who was acting in the lawful discharge of an official duty when he was murdered
(7) The defendant with the intent to kill murdered an employee of the corrections and criminal rehabilitation department
(8) The murder was committed against a witness or a potential witness in a criminal or civil proceeding to prevent the witness from appearing, or for revenge
(9) The defendant engaged in espionage
New York-
(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 murder was committed for pecuniary gain or pursuant to an agreement that the defendant would receive something of value
(5) 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
(6) The defendant has been convicted of, or committed, a prior murder, a felony involving violence, or other serious felony
(7) 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
(8) The victim was a police officer or a peace officer who was engaged in his official duties at the time of the killing and the defendant knew or reasonably should have known that the intended victim was such an officer
(9) The victim was a correctional officer
(10) The murder was committed against a witness, a potential witness, or a family member of a witness in a criminal or civil proceeding to prevent the witness from appearing, or for revenge
(11) The victim was killed in furtherance of an act of terrorism

North Carolina-
(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 murder was part of a course of conduct in which the defendant engaged
(4) The defendant knowingly created a grave risk of death for one or more persons in addition to the victim of the offense
(5) The murder was committed for pecuniary gain or pursuant to an agreement that the defendant would receive something of value
(6) The murder was committed to avoid or prevent arrest, to effect an escape, or to conceal the commission of a crime
(7) The capital offense was committed to interfere with the lawful exercise of any government function or the enforcement of the laws
(8) The defendant has been convicted of, or committed, a prior murder, a felony involving violence, or other serious felony
(9) 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
(10) 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
(11) The murder was committed against a witness against the defendant while engaged in the performance of his official duties

Ohio-
(1) The defendant knowingly created a grave risk of death for one or more persons in addition to the victim of the offense
(2) The murder was committed for pecuniary gain or pursuant to an agreement that the defendant would receive something of value
(3) 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
(4) 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 the defendant committed the offense with prior calculation and design
(5) The offense was the assassination of the president of the United States or person in line of succession to the presidency, or of the governor or lieutenant governor of this state, or of the president-elect or vice president-elect of the United States, or of the governor-elect of this state, or of a candidate for any of the foregoing offices
(6) The murder was committed against a witness in a criminal proceeding to prevent the witness from appearing, or for revenge
(7) The offense was committed while the offender was committing, attempting to commit, or fleeing immediately after committing or attempting to commit terrorism

Oklahoma-
(1) The murder was especially heinous, atrocious, cruel or depraved (or involved torture)
(2) Defendant is a continuing threat to society
(3) The defendant knowingly created a grave risk of death for one or more persons in addition to the victim of the offense
(4) The murder was committed for pecuniary gain or pursuant to an agreement that the defendant would receive something of value
(5) 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
(6) The murder was committed to avoid or prevent arrest, to effect an escape, or to conceal the commission of a crime
(7) The defendant is a future danger
(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 defendant raped a child
(10) The defendant takes the life of a human being during, or if the death of a human being results from eluding an officer
(11) Defendant was involved in acts of terrorism resulting in the death of another person

Oregon-
(1) The defendant is a future danger
(2) The defendant committed the murder pursuant to an agreement that the defendant receive money or another thing of value for committing the murder or the defendant solicited another to
commit the murder and paid or agreed to pay the person money or another thing of value for committing the murder
(3) The defendant committed the murder after having been convicted previously in any jurisdiction of any homicide, the elements of which constitute the crime of murder or manslaughter in the first degree
(4) The defendant murdered more than one person in the same criminal episode
(5) The homicide occurred in the course of or as a result of intentional maiming or torture of the victim
(6) The victim of the intentional homicide was under the age of 14 years old
(7) The victim was one of the following and the murder was related to the performance of the victim’s official duties in the justice system: A police officer, a correctional, parole or probation officer or other person charged with the duty of custody, control or supervision of convicted persons, a member of the Oregon State Police, a judicial officer, a juror or witness in a criminal proceeding, an employee or officer of a court of justice, or a member of the State Board of Parole and Post-Prison Supervision
(8) The defendant was confined in a state, county, or municipal penal or correctional facility or was otherwise in custody when the murder occurred
(9) The defendant committed murder by means of an explosive
(10) 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
(11) 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
(12) The defendant personally and intentionally committed the homicide

Pennsylvania-
(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 murder was committed incident to a high jacking
(4) The defendant knowingly created a grave risk of death for one or more persons in addition to the victim of the offense
(5) The defendant committed or attempted to commit more than one murder at the same time
(6) The murder was committed for pecuniary gain or pursuant to an agreement that the defendant would receive something of value
(7) 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
(8) The defendant has been convicted of, or committed, a prior murder, a felony involving violence, or other serious felony
(9) The victim was a child under 12 years of age
(10) 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
(11) 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
(12) The victim was a pubic servant concerned in official detention who was killed in the performance of his duties or as a result of his official position
(13) The victim was 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 who was killed in the performance of his duties or as a result of his official position
(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 proceeding to prevent the witness from appearing
(16) The victim was a nongovernmental informant and the defendant committed the murder or was an accomplice to the killing… and the killing was in retaliation for the victim’s activities
(17) The victim was involved, associated, or in competition with the defendant in the sale, manufacture, distribution, or delivery of any controlled substance or counterfeit controlled substance
(18) 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 or any other order of a court of common pleas or of the minor judiciary designated in whole or in part to protect the victim from the defendant

South Carolina-
(1) 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)
(2) The defendant knowingly created a grave risk of death for one or more persons in addition to the victim of the offense
(3) The defendant committed or attempted to commit more than one murder at the same time
(4) The murder was committed for pecuniary gain or pursuant to an agreement that the defendant would receive something of value
(5) 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
(6) The defendant has been convicted of, or committed, a prior murder, a felony involving violence, or other serious felony
(7) The murder of a child 11 years or younger
(8) 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
(9) The victim was a county or municipal corrections officer, a county or municipal detention facility employee or former county or municipal facility employee
(10) The victim was a family member of a governmental official
(11) The murder was committed against a witness or potential witness in a criminal proceeding to prevent the witness from appearing
(12) The defendant raped a child

South Dakota-
(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 knowingly created a grave risk of death for one or more persons in addition to the victim of the offense
(4) The murder was committed for pecuniary gain or pursuant to an agreement that the defendant would receive something of value
(5) 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
(6) The murder was committed to avoid or prevent arrest, to effect an escape, or to conceal the commission of a crime
(7) The defendant has been convicted of, or committed, a prior murder, a felony involving violence, or other serious felony
(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) Any murder is wantonly vile, horrible, and inhuman is the victim is less than 13 years of age
(10) 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
(11) 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 officers or fireman
(12) The victim was a correctional officer

Tennessee-
(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 ‘mass murder’ which is defined as the murder of three or more persons whether in a single episode or at different times within a forty-eight month period
(4) The defendant knowingly created a grave risk of death for one or more persons in addition to the victim of the offense
(5) The murder was committed by means of a bomb, destructive device, explosive, or similar device
(6) The murder was committed for pecuniary gain or pursuant to an agreement that the defendant would receive something of value
(7) 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
(8) The murder was committed to avoid or prevent arrest, to effect an escape, or to conceal the commission of a crime
(9) The defendant has been convicted of, or committed, a prior murder, a felony involving violence, or other serious felony
(10) 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
(11) The murder was committed against a person less than 12 years of age and then defendant was 18 years of age or older
(12) The victim was especially vulnerable due to a significant handicap or disability, whether mental or physical and the defendant knew or reasonably should have known of such a handicap or disability
(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 victim was a correctional officer
(15) 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
(16) Defendant was involved in killings in the course of or attempt of aggravated child neglect and aggravated child abuse
(17) The defendant knowingly mutilated the body of the victim after death
(18) The murder was committed in the course of an act of terrorism
(19) The victim or the murder was 70 years of age or older
(20) Murder committed against any 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

Texas-
(1) 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)
(2) The defendant committed or attempted to commit more than one murder at the same time
(3) The murder was committed for pecuniary gain or pursuant to an agreement that the defendant would receive something of value
(4) 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
(5) The murder was committed to avoid or prevent arrest, to effect an escape, or to conceal the commission of a crime
(6) The defendant is a future danger
(7) 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
(8) Murder of an individual under 6 years of age
(9) Defendant intentionally committed murder in the course of committing or attempting to commit terroristic threat
(10) 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 a court

Utah-
(1) The murder was especially heinous, atrocious, cruel or depraved (or involved torture)
(2) The murder was committed incident to a highjacking
(3) The defendant knowingly created a grave risk of death for one or more persons in addition to the victim of the offense
(4) The defendant committed or attempted to commit more than one murder at the same time
(5) The murder was committed by means of poison or a lethal substance
(6) The murder was committed for pecuniary gain or pursuant to an agreement that the defendant would receive something of value
(7) 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
(8) The murder was committed to avoid or prevent arrest, to effect an escape, or to conceal the commission of a crime
(9) The capital offense was committed to interfere with the lawful exercise of any government function or the enforcement of the laws
(10) The defendant has been convicted of, or committed, a prior murder, a felony involving violence, or other serious felony
(11) 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. The actor was under a sentence of life imprisonment or a sentence of death at the time of the homicide
(12) 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
(13) The murder was committed against a person held as a shield, as a hostage, or for ransom
(14) The murder was committed against a witness in a criminal proceeding to prevent the witness from appearing, or for revenge
(15) The homicide was committed while the actor was engaged in, or attempted to, or flight from committed or attempted child abuse
(16) The defendant was involved in the desecration of a dead human body or dismembering, mutilation, or disfiguring of the victim's body, either before or after death, in a manner demonstrating the actor’s depravity of mind. The homicide was committed incident to the abuse or desecration of a dead body
(17) The murder was committed by means of any weapon of mass destruction

Virginia-
(1) The murder was especially heinous, atrocious, cruel or depraved (or involved torture)
(2) The defendant is a future danger
(3) The willful, deliberate, and premeditated killing of any person in the commission of abduction when the abduction was committed with the intent to extort money or a pecuniary benefit or with the intent to defile the victim of such abduction
(4) The willful, deliberate, and premeditated killing of any person in the commission of, or subsequent to, rape or attempted rape, forcible sodomy or attempted forcible sodomy or object sexual penetration
(5) The willful, deliberate, and premeditated killing of any person in the commission of robbery or attempted robbery
(6) The willful, deliberate, and premeditated killing of any person by another pursuant to the direction or order of one who is engaged in a continuing criminal enterprise
(7) The willful, deliberate, and premeditated killing of any person by another in the commission of or attempted commission of an act of terrorism
(8) Murder victim was under the age of 14 and the defendant was 21 years of age or older
(9) The willful, deliberate, and premeditated killing of a law enforcement officer or any law enforcement officer of another state or the US having the power to arrest for a felony under the laws when such killing is for the purpose of interfering with the performances of his official duties
(10) The willful, deliberate, and premeditated killing of a pregnant woman by one who knows that the woman is pregnant and has the intent to cause the involuntary termination of the woman’s pregnancy without a live birth

Washington-
(1) The murder was committed from a motor vehicle or near a motor vehicle that transported the defendant
(2) The defendant committed or attempted to commit more than one murder at the same time
(3) Defendant is a continuing threat to society
(4) The murder was committed for pecuniary gain or pursuant to an agreement that the defendant would receive something of value
(5) 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
(6) The defendant committed murder as part of a gang activity or to obtain or maintain membership or to advance his or her position in an organization or group
(7) The defendant is a future danger
(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 current or former witness in an adjudicative proceeding and the murder was related to the exercise of official duties performed by the victim. The person committed the murder to conceal the commission of a crime or to protect or conceal the identity of any person committing a crime, including any attempt to avoid prosecution as a persistent offender
(10) The victim was a news reporter and the murder was committed to obstruct reporting activities of the victim
(11) The defendant committed treason
(12) At the time the person committed the murder, there existed a court order, issued in this or any other state, which prohibited the person from either contacting the victim, molesting the victim, or disturbing the peace of the victim, and the person had knowledge of the existence of that order
(13) At the time the person committed the murder, the person and the victim were ‘family or household members’ and the person had previously engaged in a pattern or practice of certain crimes committed upon the victim within a five-year period, regardless of whether a conviction resulted

Wyoming-
(1) The murder was especially heinous, atrocious, cruel or depraved (or involved torture)
(2) The defendant knowingly created a grave risk of death for one or more persons in addition to the victim of the offense
(3) The murder was committed for pecuniary gain or pursuant to an agreement that the defendant would receive something of value
(4) The murder was committed to avoid or prevent arrest, to effect an escape, or to conceal the commission of a crime
(5) The defendant is a future danger
(6) The defendant has been convicted of, or committed, a prior murder, a felony involving violence, or other serious felony
(7) 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
(8) The defendant knew or reasonably should have known the victim was less than 17 years of age
(9) The defendant knew or reasonably should have known the victim was older than 65 years of age
(10) The defendant knew or reasonably should have known the victim was especially vulnerable due to significant mental or physical disability
(11) 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