



Bureau of Justice Statistics

State Court Sentencing of Convicted Felons, 1994

In State Courts

Felony sentencing

Felons sentenced to probation

Felony case processing

**Regional variation in
adjudication and sentencing**

Juveniles transferred to adult court



State Court Sentencing of Convicted Felons, 1994

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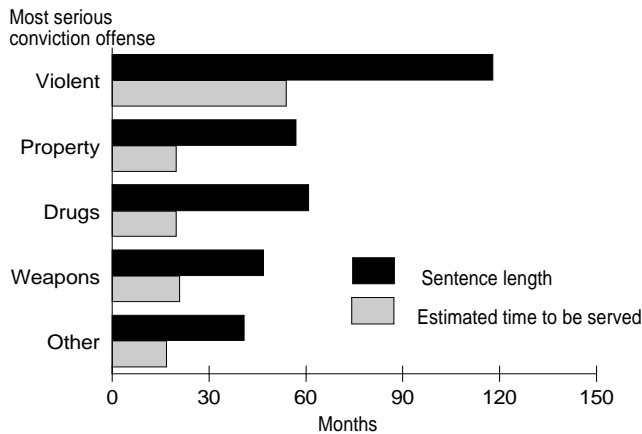
Felony sentences in State courts, 1994

In 1994 State courts convicted over 870,000 adults of murder, rape, robbery, drug trafficking, and other felony offenses. Forty-five percent of convicted felons were sentenced to a State prison, and 26% were sentenced to a local jail (usually for a year or less). The remaining 29% were sentenced to straight probation with no jail or prison time to serve (table 1.2).

Other results include the following:

- Drug traffickers (19%) and drug possessors (12.5%) together made up 31.4% of felons convicted in State courts in 1994. Violent offenders, consisting of murderers (1.4%), rapists (2.3%), robbers (5.3%), assaulters (7.5%), and others convicted of a violent crime (2.4%) together made up 18.9%. Burglars (11.2%) and larcenists (13%) made up most of the rest (table 1.1).
- The average sentence to local jail was 6 months. The average probation sentence was just over 3 years (table 1.3).
- Felons sentenced to State prison in 1994 had an average sentence of nearly 6 years but were expected to serve over a third of that sentence — or 2 years and 3 months — before release (table 1.5). State courts nationwide sentenced to life 24% of those convicted of murder or nonnegligent manslaughter (table 1.4).
- The 872,000 felons sentenced in 1994 were convicted altogether of about 1 million felonies. The number of felony convictions exceeds the number of convicted felons because 14% of the felons were convicted of two felony charges and 5% were convicted of three or more (table 1.6).
- The likelihood of a prison sentence rose from 43% for those convicted of one felony, to 52% for two, and 58% for three or more (table 1.7). The mean sentence to incarceration also increased from 3½ years for those convicted of one felony to almost 6 years for those convicted of two or more (table 1.8).
- A fine was imposed on 21% of convicted felons, restitution on 18%, community service on 7%, and treatment was ordered for 7% (table 1.9).

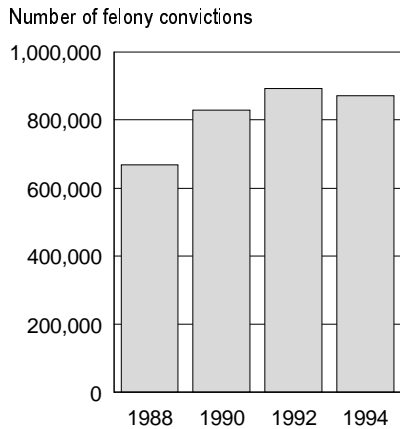
Average sentence to State prison and estimated time to be served for a felony, 1994



Violent offenders sentenced to prison had an average sentence of about 10 years but were likely to serve 46% of that sentence -- or about 4 1/2 years - before release.

**Trends in the United States:
1988 to 1994**

Number of convictions Felony convictions in State courts have fluctuated over the years. The decline from 1992 to 1994 reverses the upward trend after 1988.



1988 667,366 1992 893,630
1990 829,344 1994 872,217

Likelihood of arrest leading to conviction The likelihood of a felony arrest leading to a felony conviction is approximated by dividing the number of adult felony convictions in a year by the number of adult felony arrests that year. In 1994, for example, robbery convictions totaled 46,028, and robbery arrests totaled 117,157, indicating a likelihood of conviction of about 39% for robbery.

	Approximate likelihood of felony arrest leading to felony conviction			
	1988	1990	1992	1994
Murder	48%	55%	65%	65%
Robbery	32	37	41	39
Aggravated assault	10	13	14	14
Burglary	33	38	41	39
Drug trafficking	39	53	55	52

Although the Nation's annual arrest statistics do not distinguish felony from misdemeanor arrests, this method for estimating the likelihood of conviction from aggregate statistics is still valid for certain crimes — such as robbery — that are always or nearly always defined in State law as felonies.

Conviction rates for these crimes have generally shown similar trends over time. Conviction rates rose from 1988 to 1992 and then fell slightly from 1992 to 1994.

Case processing time Though 1994 had considerably more convictions than 1988, there were indications that courts were able to keep up with the increased workload. One measure of how well courts keep pace is the amount of time taken to dispose of a case. In 1988 the typical convicted felon was sentenced 7 months after being arrested. In 1994 it took just under 6½ months, indicating that, despite the increased volume of work, courts actually processed cases a little faster in 1994 than they did in 1988.

Guilty pleas An indirect measure of how well courts keep pace with a growing workload is the percentage of cases disposed by guilty plea. Since guilty pleas take less time than trials, a rising workload might exert pressure on prosecutors and judges to dispose of more cases by plea rather than trial. While that would help courts to keep pace, a check of the data did not uncover evidence of more guilty pleas. In 1988 guilty pleas accounted for 91% of all felony convictions, and trials accounted for the remaining 9%. Corresponding figures for 1994 were 89% guilty pleas and 11% trials. Guilty pleas are a declining rather than a rising percentage of the total.

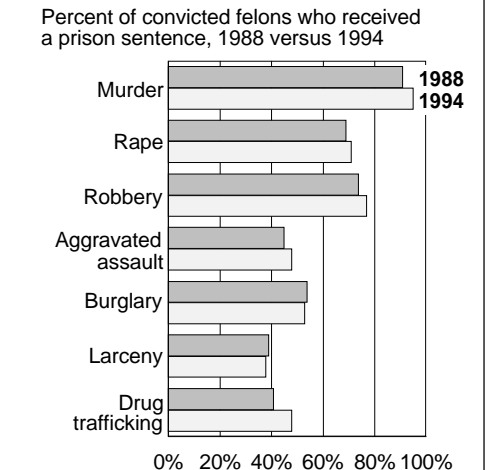
Age of convicted felons The average age of the American population is rising, a trend reflected in the changing ages of convicted felons. Persons age 30 or older comprised 40% of persons convicted in 1988 but 47% in 1994. The median age of convicted felons was 27 years in 1988 but 29 years in 1994. A notable exception to the trend is the younger age of convicted murderers. Teenagers accounted for 10% of convicted murderers in 1988 but 18% in 1994.

Race of convicted felons In 1988 blacks were 41% of persons convicted of a felony. In 1994 they were 48%. Part of the increase is attributable to



	Percent of convicted felons who received a prison sentence			
	1988	1990	1992	1994
All offenses	44%	46%	44%	45%
Murder	91	91	93	95
Rape	69	67	68	71
Robbery	75	73	74	77
Aggravated assault	45	45	44	48
Burglary	54	54	52	53
Larceny	39	40	38	38
Drug trafficking	41	49	48	48

large numbers of persons convicted



of drug trafficking, 63% of whom were black.

Table 1.1. Estimated number of felony convictions in State courts, 1994

Most serious conviction offense	Felony convictions	
	Number	Percent
All offenses	872,217	100.0%
Violent offenses	164,583	18.9%
Murder/manslaughter	12,007	1.4
Murder	8,924	1.0
Manslaughter ^a	3,083	.3
Rape	20,068	2.3
Robbery	46,028	5.3
Armed	13,319	1.5
Unarmed	14,801	1.7
Unspecified	17,907	2.1
Aggravated assault	65,174	7.5
Other violent ^b	21,307	2.4
Property offenses	275,198	31.6%
Burglary	98,109	11.2
Residential	13,300	1.5
Nonresidential	34,152	3.9
Unspecified	50,657	5.8
Larceny	113,026	13.0
Motor vehicle theft	21,049	2.4
Other theft ^c	91,977	10.5
Fraud/forgery ^d	64,063	7.3
Fraud ^d	28,268	3.2
Forgery	35,796	4.1
Drug offenses	274,245	31.4%
Possession	108,815	12.5
Trafficking	165,430	19.0
Marijuana	15,931	1.8
Other	104,181	11.9
Unspecified	45,318	5.2
Weapons offenses	31,010	3.6%
Other offenses^e	127,180	14.6%

Note: Detail may not sum to total because of rounding. Data specifying the conviction offense were available for 872,217 cases.

^aManslaughter is defined as nonnegligent manslaughter only. A small number of cases were classified as nonnegligent manslaughter when it was unclear if the conviction offense was murder or non-negligent manslaughter.

^bIncludes offenses such as negligent manslaughter, sexual assault, and kidnaping.

^cIncludes a small number of convictions with unspecified offenses.

^dIncludes embezzlement.

^eComposed of nonviolent offenses such as receiving stolen property and vandalism.

Table 1.2. Offense, by type of felony sentences imposed by State courts, 1994

Most serious conviction offense	Total	Percent of felons sentenced to —			Probation
		Total	Incarceration		
			Prison	Jail	
All offenses	100%	71%	45%	26%	29%
Violent offenses	100%	82%	62%	20%	18%
Murder ^a	100	97	95	2	3
Rape	100	88	71	17	12
Robbery	100	88	77	11	12
Aggravated assault	100	75	48	27	25
Other violent ^b	100	75	45	30	25
Property offenses	100%	68%	42%	26%	32%
Burglary	100	75	53	22	25
Larceny ^c	100	66	38	28	34
Fraud ^d	100	60	32	28	40
Drug offenses	100%	69%	42%	27%	31%
Possession	100	66	34	32	34
Trafficking	100	71	48	23	29
Weapons offenses	100%	69%	42%	27%	31%
Other offenses^e	100%	66%	36%	30%	34%

Note: See note on table 1.1.

For persons receiving a combination of sentences, the sentence designation came from the most severe penalty imposed — prison being the most severe, followed by jail, then probation. Prison includes death sentences. Data on sentence type were available for 867,709 cases.

^aIncludes nonnegligent manslaughter.

^bIncludes offenses such as negligent manslaughter, sexual assault, and kidnaping.

^cIncludes motor vehicle theft.

^dIncludes forgery and embezzlement.

^eComposed of nonviolent offenses such as receiving stolen property and vandalism.

Table 1.3. Mean and median sentence lengths for felony sentences imposed by State courts, by offense, 1994

Most serious conviction offense	Maximum sentence length (in months) for felons sentenced to —			
	Total	Incarceration Prison	Jail	Probation
Mean sentence				
All offenses	49 mo	71 mo	6 mo	40 mo
Violent offenses	93 mo	118 mo	6 mo	45 mo
Murder ^a	262	269	7	59
Rape	133	158	7	60
Robbery	104	116	9	51
Aggravated assault	54	79	6	42
Other violent ^b	47	70	6	43
Property offenses	39 mo	57 mo	6 mo	42 mo
Burglary	52	69	7	47
Larceny ^c	29	45	6	40
Fraud ^d	32	51	5	41
Drug offenses	40 mo	61 mo	6 mo	38 mo
Possession	28	50	4	37
Trafficking	48	66	7	40
Weapons offenses	31 mo	47 mo	5 mo	32 mo
Other offenses^e	26 mo	41 mo	5 mo	36 mo
Median sentence				
All offenses	24 mo	48 mo	4 mo	36 mo
Violent offenses	60 mo	72 mo	6 mo	36 mo
Murder ^a	300	300	6	60
Rape	84	120	6	48
Robbery	72	84	9	48
Aggravated assault	36	54	4	36
Other violent ^b	24	48	5	36
Property offenses	24 mo	42 mo	4 mo	36 mo
Burglary	36	49	6	36
Larceny ^c	16	36	4	36
Fraud ^d	24	36	3	36
Drug offenses	24 mo	48 mo	4 mo	30 mo
Possession	12	36	3	24
Trafficking	36	48	6	36
Weapons offenses	18 mo	36 mo	4 mo	24 mo
Other offenses^e	12 mo	30 mo	3 mo	30 mo

Note: See note on table 1.2. Means exclude sentences to death or to life in prison. Sentence length data were available for 834,124 incarceration and probation sentences.

^aIncludes nonnegligent manslaughter.

^bIncludes offenses such as negligent manslaughter, sexual assault, and kidnaping.

^cIncludes motor vehicle theft.

^dIncludes forgery and embezzlement.

^eComposed of nonviolent offenses such as receiving stolen property and vandalism.

Table 1.4. Estimated percent of felons sentenced to life in prison, by offense, 1994

Most serious conviction offense	Life sentences as a percent of —	
	All sentences	All prison sentences
All offenses	.5%	1.1%
Murder ^a	23.7	25.5
Rape	1.6	2.2
Robbery	.9	1.1
Aggravated assault	.2	.4
Other violent ^b	.4	.8
Burglary	.2	.4
Larceny ^c	--	--
Fraud ^d	0	0
Drug possession	.1	.3
Drug trafficking	.2	.3
Weapons	.2	.3
Other	--	--

Note: Not all persons convicted of murder were subject to the death penalty. Thirty-seven States authorized the death penalty in 1994. Within those 37, only certain types of murder were capital offenses.

--Less than 0.5%

^aIncludes nonnegligent manslaughter.

^bIncludes offenses such as negligent manslaughter, sexual assault, and kidnaping.

^cIncludes motor vehicle theft.

^dIncludes forgery and embezzlement.

^eIncludes such offenses as being a habitual offender.

Table 1.5. Estimated time to be served in State prison, by offense, 1994

Most serious conviction offense	Mean prison sentence	Estimated percent of sentence to be served in prison ^a	Estimated time to be served in prison ^b
All offenses	71 mo	38%	27 mo
Violent offenses	118 mo	46%	54 mo
Murder ^c	269	47	127
Rape	158	54	85
Robbery	116	44	51
Aggravated assault	79	46	36
Other violent ^d	70	47	33
Property offenses	57 mo	36%	20 mo
Burglary	69	35	24
Larceny ^e	45	37	17
Fraud ^f	51	33	17
Drug offenses	61 mo	33%	20 mo
Possession	50	34	17
Trafficking	66	32	21
Weapons offenses	47 mo	45%	21 mo
Other offenses^g	41 mo	42%	17 mo

Note: See note on tables 1.1, 1.2, and 1.3. Means and sentence-served percentages exclude sentences to death or to life in prison.

^aPercentages are based on data from 222,526 persons released from State prisons in 1993 (National Corrections Reporting Program, 1993; tables 2-8 and 2-12). These percentages included credited jail time.

^bDerived by multiplying the percentage of sentence to be served by the mean sentence imposed.

^cIncludes nonnegligent manslaughter.

^dIncludes offenses such as negligent manslaughter, sexual assault, and kidnaping.

^eIncludes motor vehicle theft.

^fIncludes forgery and embezzlement.

^gComposed of nonviolent offenses such as receiving stolen property and vandalism.

Table 1.6. Offense, by number of felony convictions for each convicted person in State courts, 1994

Most serious conviction offense	Percent of convicted felons with —			
	Total	One felony conviction	Two felony convictions	Three or more felony convictions
All offenses	100%	81%	14%	5%
Violent offenses	100%	73%	19%	8%
Murder ^a	100	66	22	12
Rape	100	68	19	13
Robbery	100	71	21	8
Aggravated assault	100	77	18	5
Other violent ^b	100	79	14	7
Property offenses	100%	79%	16%	5%
Burglary	100	73	21	6
Larceny ^c	100	86	11	3
Fraud ^d	100	74	17	9
Drug offenses	100%	84%	12%	4%
Possession	100	91	7	2
Trafficking	100	79	16	5
Weapons offenses	100%	79%	16%	5%
Other offenses^e	100%	89%	9%	2%

Note: See note on table 1.1. Data on number of convictions were available for 852,796 cases. Number of convictions pertains to current convictions, not past convictions.
^aIncludes nonnegligent manslaughter.

^bIncludes offenses such as negligent manslaughter, sexual assault, and kidnaping.
^cIncludes motor vehicle theft.
^dIncludes forgery and embezzlement.
^eComposed of nonviolent offenses such as receiving stolen property and vandalism.

Table 1.7. Convicted felons sentenced to prison by State courts, by number of conviction offenses and most serious offense, 1994

Most serious conviction offense	Percent of convicted felons sentenced to prison with—		
	One felony conviction	Two felony convictions	Three or more felony convictions
All offenses	43%	52%	58%
Violent offenses	57%	69%	79%
Murder ^a	93	97	98
Rape	68	71	82
Robbery	73	83	91
Aggravated assault	44	56	65
Other violent ^b	42	52	54
Property offenses	40%	46%	51%
Burglary	52	53	63
Larceny ^c	36	41	47
Fraud ^d	30	37	42
Drug offenses	41%	50%	48%
Possession	34	40	26
Trafficking	46	53	54
Weapons offenses	40%	52%	43%
Other offenses^e	36%	35%	44%

Note: See note on tables 1.1 and 1.2.
Data on number of felony conviction offenses were available for 848,763 cases. Number of convictions pertains to current convictions, not past convictions.

^aIncludes nonnegligent manslaughter.

^bIncludes offenses such as negligent manslaughter, sexual assault, and kidnaping.

^cIncludes motor vehicle theft.

^dIncludes forgery and embezzlement.

^eComposed of nonviolent offenses such as receiving stolen property and vandalism.

Table 1.8. Mean sentence length for felony sentences imposed by State courts, by the number and category of the conviction offenses, 1994

Most serious conviction offense	Mean maximum sentence length (in months) for felons sentenced to —			
	Total	Incarceration Prison	Jail	Probation
One conviction offense				
All offenses	42 mo	64 mo	6 mo	39 mo
Violent offenses	76 mo	102 mo	6 mo	45 mo
Murder ^a	232	240	7	63
Rape	105	129	6	57
Robbery	88	101	9	50
Aggravated assault	43	67	6	41
Other violent ^b	44	67	6	43
Property offenses	36 mo	55 mo	6 mo	41 mo
Burglary	50	67	7	46
Larceny ^c	28	44	6	39
Fraud ^d	29	49	5	40
Drug offenses	38 mo	59 mo	6 mo	38 mo
Possession	28	49	4	37
Trafficking	46	64	7	39
Weapons offenses	28 mo	43 mo	5 mo	33 mo
Other offenses^e	25 mo	40 mo	5 mo	36 mo
Two or more conviction offenses				
All offenses	70 mo	93 mo	6 mo	44 mo
Violent offenses	129 mo	152 mo	7 mo	49 mo
Murder ^a	325	330	8	37
Rape	184	207	8	71
Robbery	127	134	10	55
Aggravated assault	85	113	6	45
Other violent ^b	52	70	5	42
Property offenses	47 mo	64 mo	7 mo	47 mo
Burglary	58	73	8	48
Larceny ^c	37	54	6	48
Fraud ^d	37	55	5	46
Drug offenses	51 mo	69 mo	6 mo	42 mo
Possession	33	58	4	37
Trafficking	56	72	7	44
Weapons offenses	43 mo	58 mo	6 mo	30 mo
Other offenses^e	32 mo	53 mo	5 mo	41 mo

Note: See note on tables 1.1, 1.2, and 1.3.

Means exclude sentences to death or life in prison.

Sentence length data were available for 566,179 cases.

The number of convictions pertains to current convictions, not past convictions.

^aIncludes nonnegligent manslaughter.

^bIncludes offenses such as negligent manslaughter, sexual assault, and kidnaping.

^cIncludes motor vehicle theft.

^dIncludes forgery and embezzlement.

^eComposed of nonviolent offenses such as receiving stolen property and vandalism.

Table 1.9. Penalties added to felony sentences by State courts, by offense, 1994

Most serious conviction offense	Percent of felons with an additional penalty of —				
	Fine	Restitution	Treatment	Community service	Other
All offenses	21%	18%	7%	7%	8%
Violent offenses	16%	17%	6%	4%	6%
Murder ^a	9	9	1	1	4
Rape	17	14	7	3	4
Robbery	12	13	2	2	4
Aggravated assault	19	20	8	5	6
Other violent ^b	23	20	12	8	12
Property offenses	19%	29%	5%	8%	7%
Burglary	17	27	5	6	6
Larceny ^c	20	26	5	8	9
Fraud ^d	21	38	5	10	7
Drug offenses	24%	11%	10%	6%	7%
Possession	23	8	12	8	10
Trafficking	25	14	9	5	6
Weapons offenses	16%	9%	4%	6%	6%
Other offenses^e	28%	14%	9%	10%	14%

Note: See note on tables 1.1
Where the data indicated affirmatively that a particular additional penalty was imposed, the case was coded accordingly. Where the data did not indicate affirmatively or negatively, the case was treated as not having an additional penalty. These procedures provide a conservative estimate of the prevalence of additional penalties. A person receiving more than one kind of additional penalty appears under more than one table heading.

Data on additional penalties were available for 872,217 cases.

^aIncludes nonnegligent manslaughter.

^bIncludes offenses such as negligent manslaughter, sexual assault, and kidnaping.

^cIncludes motor vehicle theft.

^dIncludes forgery and embezzlement.

^eComposed of nonviolent offenses such as receiving stolen property and vandalism.