



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

By Jodi M. Brown
Statistician, Bureau of Justice Statistics

and

Patrick A. Langan, Ph.D.
Statistician, Bureau of Justice Statistics

March 1998, NCJ- 164614

Felons sentenced to probation in State courts, 1994

The detailed statistics on sentences to probation presented in the tables of this section differ from probation statistics elsewhere in the report. As used elsewhere, a sentence to probation only included "straight probation." Excluded were probation sentences combined with a term of confinement in a prison or jail. In this section, the probation definition is expanded to include such "split sentences."

Defined that way, probation sentences comprised 50% of all sentences imposed on felons in 1994 (table 3.2).

Other probation findings from the 1994 survey included:

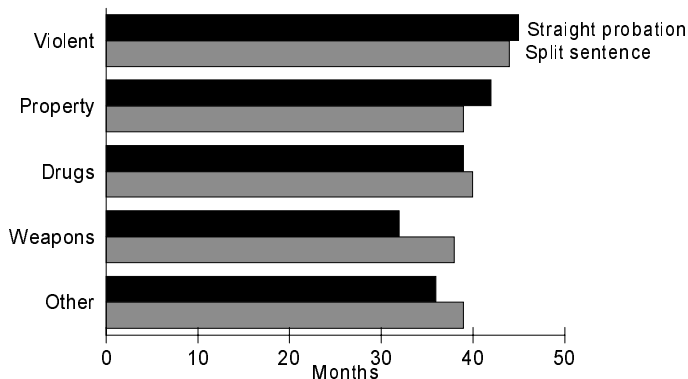
- State courts sentenced to probation an estimated 430,000 convicted felons (table 3.1).
- Nationwide, probation sentences had an average length of about 3¹/₃ years (table 3.3).

- The average jail sentence was 5 months; the average prison sentence, 4 years and 2 months (table 3.4).

- The average age of probationers nationwide was 30 years (table 3.10). Females made up 17% of all felons placed on probation (table 3.7). Whites were 56% of probationers, and blacks were 43% (table 3.8).

Average probation sentence for felons convicted in State courts, 1994

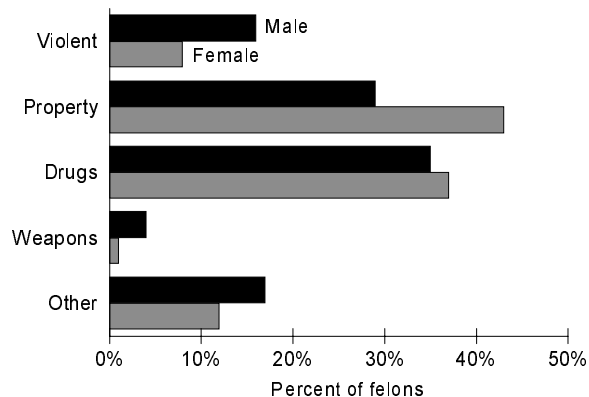
Most serious conviction offense



Probation sentence lengths were similar between straight probation and split sentences.

Offense distribution of felons sentenced to probation, by sex, 1994

Most serious conviction offense



About 43% of women versus 35% of men sentenced to probation had a property conviction offense.

Table 3.1. Estimated number of felony convictions in State courts, by whether sentenced to probation and by offense, 1994

Most serious conviction offense	1994 felony convictions		Percent of felony convictions by —					
	Total	Probation	Sentence type within offense			Offense within sentence type		
			Total	Probation	No probation	Total	Probation	No probation
All offenses	872,216	429,694	100%	49%	51%	100%	100%	100%
Violent offenses	164,583	60,426	100%	37%	63%	19%	14%	24%
Murder ^a	12,007	1,176	100	10	90	1	--	2
Rape	20,068	7,101	100	35	65	2	2	3
Robbery	46,028	10,980	100	24	76	5	3	8
Aggravated assault	65,174	30,375	100	47	53	7	7	8
Other violent ^b	21,307	10,793	100	51	49	2	3	2
Property offenses	275,198	138,459	100%	50%	50%	32%	32%	31%
Burglary	98,109	42,810	100	44	56	11	10	12
Larceny ^c	113,026	57,707	100	51	49	13	13	13
Fraud ^d	64,063	37,942	100	59	41	7	9	6
Drug offenses	274,245	144,481	100%	53%	47%	31%	34%	29%
Possession	108,815	67,697	100	62	38	12	16	9
Trafficking	165,430	76,784	100	46	54	19	18	20
Weapons offenses	31,010	15,532	100%	50%	50%	4%	4%	3%
Other offenses^e	127,180	70,796	100%	56%	44%	15%	16%	13%

Note: Detail may not sum to total because of rounding. In this table persons are counted as probation cases so long as their sentences included probation and without regard to whether a term of incarceration was also included.
 --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.
^eComposed of nonviolent offenses such as receiving stolen property and vandalism.

Table 3.2. Felony convictions in State courts, by type of sentence to probation or incarceration and offense, 1994

Most serious conviction offense	Percent of felony convictions by type of —							
	Straight probation	Probation sentence			No incarceration	Nonprobation sentence		
		Total	Split sentence	Jail		Total	Incarceration	Jail
All offenses	26%	24%	8%	16%	4%	47%	37%	10%
Violent offenses	15%	22%	9%	13%	3%	60%	53%	7%
Murder ^a	3	7	6	1	1	90	89	1
Rape	11	24	12	12	1	63	59	4
Robbery	10	14	8	6	3	73	69	5
Aggravated assault	21	26	9	17	4	50	40	10
Other violent ^b	21	30	9	20	4	45	35	10
Property offenses	28%	23%	8%	15%	5%	45%	34%	10%
Burglary	21	23	9	14	4	52	45	7
Larceny ^c	29	22	6	16	5	44	31	12
Fraud ^d	35	25	9	16	6	35	24	11
Drug offenses	27%	26%	8%	18%	4%	43%	34%	9%
Possession	32	30	7	23	1	36	27	9
Trafficking	23	23	9	14	6	48	39	9
Weapons offenses	27%	23%	7%	17%	4%	46%	36%	11%
Other offenses^e	31%	25%	9%	17%	3%	41%	28%	13%

Note: See note on table 3.1.

Detail may not sum to total because of rounding.

^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 3.3. Average probation sentence of felons convicted in State courts, by offense, 1994

Most serious conviction offense	Probation sentence (in months) in case of —				
	Total	Straight probation	Split sentence		
			Total	Prison	Jail
Mean sentence					
All offenses	40 mo	40 mo	40 mo	45 mo	37 mo
Violent offenses	45 mo	45 mo	44 mo	50 mo	41 mo
Murder ^a	54	59	52	54	42
Rape	56	60	54	59	48
Robbery	48	51	47	50	42
Aggravated assault	41	42	41	46	39
Other violent ^b	43	43	42	47	40
Property offenses	41 mo	42 mo	39 mo	43 mo	37 mo
Burglary	44	47	41	45	38
Larceny ^c	39	40	36	41	34
Fraud ^d	41	41	40	44	38
Drug offenses	39 mo	39 mo	40 mo	46 mo	37 mo
Possession	38	37	38	43	36
Trafficking	41	40	42	48	38
Weapons offenses	35 mo	32 mo	38 mo	43 mo	36 mo
Other offenses^e	37 mo	36 mo	39 mo	41 mo	37 mo
Median sentence					
All offenses	36 mo	36 mo	36 mo	36 mo	36 mo
Violent offenses	36 mo	36 mo	36 mo	48 mo	36 mo
Murder ^a	60	60	60	60	36
Rape	48	48	48	60	36
Robbery	36	48	36	60	36
Aggravated assault	36	36	36	36	36
Other violent ^b	36	36	36	48	36
Property offenses	36 mo	36 mo	36 mo	36 mo	36 mo
Burglary	36	36	36	36	36
Larceny ^c	36	36	36	36	36
Fraud ^d	36	36	36	36	36
Drug offenses	36 mo	30 mo	36 mo	48 mo	36 mo
Possession	36	24	36	36	36
Trafficking	36	36	36	48	36
Weapons offenses	36 mo	24 mo	36 mo	36 mo	36 mo
Other offenses^e	36 mo	30 mo	36 mo	36 mo	36 mo

Note: See note on table 3.1.

Means exclude sentences to death or to life in prison.

^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 3.4. Average State court sentence to incarceration for felons receiving sentences with or without probation, by offense, 1994

Most serious conviction offense	Maximum incarceration sentence length (in months) for —					
	Split sentence			Incarceration without probation		
	Total	Prison	Jail	Total	Prison	Jail
Mean sentence						
All offenses	21 mo	50 mo	5 mo	63 mo	76 mo	7 mo
Violent offenses	31 mo	65 mo	6 mo	115 mo	127 mo	7 mo
Murder ^a	97	116	6	281	284	9
Rape	46	83	6	168	174	8
Robbery	46	73	8	115	121	10
Aggravated assault	21	51	5	71	85	7
Other violent ^b	21	48	6	64	76	7
Property offenses	26 mo	58 mo	6 mo	64 mo	71 mo	9 mo
Burglary	22	52	6	48	58	7
Larceny ^c	17	45	5	35	45	7
Fraud ^d	22	51	4	38	51	6
Drug offenses	19 mo	48 mo	5 mo	53 mo	64 mo	7 mo
Possession	13	40	4	41	52	4
Trafficking	25	52	6	59	70	9
Weapons offenses	16 mo	43 mo	4 mo	39 mo	48 mo	7 mo
Other offenses^e	15 mo	35 mo	5 mo	32 mo	43 mo	6 mo
Median sentence						
All offenses	6 mo	36 mo	4 mo	36 mo	48 mo	6 mo
Violent offenses	12 mo	48 mo	5 mo	72 mo	84 mo	6 mo
Murder ^a	60	72	6	300	300	12
Rape	12	60	6	120	120	6
Robbery	23	60	7	84	84	10
Aggravated assault	8	36	4	48	60	6
Other violent ^b	8	36	4	36	48	6
Property offenses	12 mo	48 mo	5 mo	48 mo	54 mo	6 mo
Burglary	7	36	4	36	42	6
Larceny ^c	6	36	4	24	36	6
Fraud ^d	6	40	2	24	36	4
Drug offenses	6 mo	36 mo	4 mo	36 mo	48 mo	6 mo
Possession	4	36	3	24	36	3
Trafficking	9	48	6	36	48	6
Weapons offenses	6 mo	36 mo	3 mo	24 mo	36 mo	6 mo
Other offenses^e	6 mo	24 mo	3 mo	24 mo	32 mo	5 mo

Note: See note on table 3.1.

Means exclude sentences to death or to life in prison.

^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 3.5. Number of conviction offenses for felons sentenced to probation in State courts, by offense, 1994

Most serious conviction offense	Percent of felons sentenced to probation when their conviction offenses numbered —			
	One or more	One	Two	Three or more
All offenses	50%	51%	44%	46%
Violent offenses	38%	40%	32%	27%
Murder ^a	10	13	6	3
Rape	36	40	33	26
Robbery	25	27	19	15
Aggravated assault	49	50	44	45
Other violent ^b	51	52	50	41
Property offenses	51%	51%	48%	51%
Burglary	44	45	42	41
Larceny ^c	51	51	53	53
Fraud ^d	60	61	55	59
Drug offenses	53%	54%	46%	57%
Possession	62	62	56	77
Trafficking	47	47	43	52
Weapons offenses	50%	51%	46%	56%
Other offenses^e	56%	56%	56%	56%

Note: See note on table 3.1.

^aIncludes nonnegligent manslaughter, sexual assault, and kidnaping.

^bIncludes offenses such as negligent manslaughter.

^cIncludes motor vehicle theft.

^dIncludes forgery and embezzlement.

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

Table 3.6. Sex of felons sentenced to probation or to incarceration without probation in State courts, by offense, 1994

Most serious conviction offense	Percent of sentences to probation			Percent of sentences to incarceration without probation		
	All	Male	Female	All	Male	Female
All offenses	100%	100%	100%	100%	100%	100%
Violent offenses	14%	16%	8%	24%	25%	15%
Murder ^a	--	--	--	3	3	2
Rape	2	2	--	3	3	1
Robbery	3	3	2	9	9	4
Aggravated assault	7	7	5	8	8	6
Other violent ^b	2	3	1	2	2	2
Property offenses	31%	29%	43%	30%	30%	36%
Burglary	10	11	4	13	14	6
Larceny ^c	13	12	16	12	11	17
Fraud ^d	8	6	22	6	4	13
Drug offenses	35%	35%	37%	31%	30%	37%
Possession	16	16	18	9	9	14
Trafficking	19	19	19	21	21	23
Weapons offenses	3%	4%	1%	4%	4%	1%
Other offenses^e	16%	17%	12%	11%	11%	11%

Note: See note on tables 2.1 and 3.1.

Detail may not sum to total because of rounding.

--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.

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

Table 3.7. Offense of felons sentenced to probation or to incarceration without probation in State courts, by sex of felons, 1994

Most serious conviction offense	Percent of sentences to probation			Percent of sentences to incarceration without probation		
	All	Male	Female	All	Male	Female
All offenses	100	83%	17%	100	87%	13%
Violent offenses	100	91%	9%	100	92%	8%
Murder ^a	100	80	20	100	90	10
Rape	100	99	1	100	96	4
Robbery	100	91	9	100	95	5
Aggravated assault	100	88	12	100	90	10
Other violent ^b	100	92	8	100	87	13
Property offenses	100%	77%	23%	100	85%	15%
Burglary	100	92	8	100	94	6
Larceny ^c	100	78	22	100	83	17
Fraud ^d	100	55	45	100	69	31
Drug offenses	100%	82%	18%	100	84%	16%
Possession	100	81	19	100	80	20
Trafficking	100	82	18	100	86	14
Weapons offenses	100%	95%	5%	100	96%	4%
Other offenses^e	100%	87%	13%	100	88%	12%

Note: See note on tables 2.1 and 3.1. Detail may not sum to total because of rounding.

^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 3.8. Offense of felons sentenced to probation or to incarceration without probation in State courts, by race of felons, 1994

Most serious conviction offense	Percent of sentences to probation				Percent of sentences to incarceration without probation			
	All	White	Black	Other	All	White	Black	Other
All offenses	100%	56%	43%	1%	100%	47%	52%	1%
Violent offenses	100%	57%	42%	1%	100%	44%	56%	1%
Murder ^a	100	34	65	1	100	37	62	1
Rape	100	68	31	1	100	62	37	1
Robbery	100	34	66	1	100	27	72	1
Aggravated assault	100	58	40	1	100	49	50	1
Other violent ^b	100	76	23	1	100	71	29	--
Property offenses	100%	63%	36%	1%	100%	57%	43%	1%
Burglary	100	65	34	1	100	55	44	1
Larceny ^c	100	63	36	1	100	57	42	1
Fraud ^d	100	61	38	1	100	61	39	--
Drug offenses	100%	45%	55%	--	100%	36%	63%	--
Possession	100	48	51	1	100	44	55	1
Trafficking	100	42	57	--	100	33	67	--
Weapons offenses	100%	43%	56%	1%	100%	32%	67%	1%
Other offenses^e	100%	72%	26%	2%	100%	61%	37%	1%

Note: See note on tables 2.1 and 3.1.
 Detail may not sum to total because of rounding.
 --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.
^eComposed of nonviolent offenses such as receiving stolen property and vandalism.

Table 3.9. Race of felons sentenced to probation or to incarceration without probation in State courts, by offense, 1994

Most serious conviction offense	Percent of sentences to probation				Percent of sentences to incarceration without probation			
	All	White	Black	Other	All	White	Black	Other
All offenses	100%	100%	100%	100%	100%	100%	100%	100%
Violent offenses	14%	14%	14%	17%	23%	21%	25%	26%
Murder ^a	--	--	--	--	2	2	3	3
Rape	2	2	1	1	3	3	2	4
Robbery	3	2	4	2	8	5	11	9
Aggravated assault	7	7	7	11	9	9	8	10
Other violent ^b	2	3	1	3	2	3	1	1
Property offenses	32%	36%	27%	35%	32%	38%	26%	30%
Burglary	10	12	8	15	13	15	11	11
Larceny ^c	13	14	11	14	13	15	10	17
Fraud ^d	9	9	8	6	6	8	5	3
Drug offenses	36%	29%	46%	15%	30%	23%	37%	18%
Possession	17	15	21	11	9	8	10	10
Trafficking	19	14	25	4	21	15	27	7
Weapons offenses	4%	3%	5%	4%	3%	2%	4%	2%
Other offenses^e	14%	18%	9%	29%	11%	15%	8%	24%

Note: See note on tables 2.1 and 3.1.

Detail may not sum to total because of rounding.

--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.

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

Table 3.10. Average age of felons sentenced to probation or to incarceration without probation in State courts, by offense, 1994

Most serious conviction offense	Age at time of sentencing			
	Probation		Incarceration without probation ^a	
	Mean	Median	Mean	Median
All offenses	30 yrs	28 yrs	30 yrs	29 yrs
Violent offenses	30 yrs	28 yrs	29 yrs	27 yrs
Murder ^b	29	27	28	25
Rape	34	31	34	32
Robbery	24	22	26	24
Aggravated assault	30	29	29	28
Other violent ^c	32	30	33	32
Property offenses	29 yrs	27 yrs	30 yrs	29 yrs
Burglary	27	24	29	28
Larceny ^d	29	26	31	30
Fraud ^e	31	30	32	31
Drug offenses	30 yrs	29 yrs	31 yrs	29 yrs
Possession	31	30	31	30
Trafficking	30	28	31	29
Weapons offenses	28 yrs	26 yrs	28 yrs	26 yrs
Other offenses^f	32 yrs	31 yrs	31 yrs	30 yrs

Note: See note on tables 2.1 and 3.1.

^aIncludes a small number who received only a fine, community service, treatment, or other type sanction without probation.

^bIncludes nonnegligent manslaughter.

^cIncludes offenses such as negligent

manslaughter, sexual assault, and kidnaping.

^dIncludes motor vehicle theft.

^eIncludes forgery and embezzlement.

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

Table 3.11. Felons sentenced to probation in State courts, by offense and age at sentencing, 1994

Most serious conviction offense	Percent of felons age group who received a probation sentence			
	Under 20	20-29	30-39	40 or older
All offenses	52%	47%	46%	48%
Violent offenses	34%	33%	35%	38%
Murder ^a	9	8	13	7
Rape	45	34	32	35
Robbery	32	21	20	20
Aggravated assault	36	43	43	47
Other violent ^b	65	52	47	45
Property offenses	59%	51%	43%	44%
Burglary	57	45	32	35
Larceny ^c	62	52	43	42
Fraud ^d	58	59	56	55
Drug offenses	60%	50%	50%	50%
Possession	67	60	60	59
Trafficking	56	44	42	45
Weapons offenses	58%	43%	47%	53%
Other offenses^e	57%	53%	53%	58%

Note: See note on tables 2.1 and 3.1.

^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.