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State Court Organization 1998

Courts and judges

Judicial selection and service

Judicial branch

Appellate courts

Trial courts

The jury

The sentencing context

Court structure

PART VII: The sentencing context

The seven tables in this section describe different facets of the sentencing process. The tables provide definitions of basic sentencing terms in each state; powers and procedures of the courts in the sentencing process; the use of intermediate sanctions and sentencing guidelines; the consequences of a felon conviction, and provisions affecting sentence reductions.

In Table 44, basic definitions are given for key terms used in the sentencing process. First, felony and misdemeanor offenses are described in terms of minimum and maximum sentence lengths, and for felonies in terms of possible fines. Next, the table defines the sentence enhancement provisions and mandatory minimums resulting from the use of deadly weapons in the course of a crime and from habitual offender statutes. Finally, the table indicates what is the most severe sentence other than the death penalty in a state. For those states with capital punishment, this specific sentence is often the default if the jury cannot agree on the appropriate sentence. Many states have provisions for a sentence to “life without the possibility of parole.”

Courts of general jurisdiction have unlimited authority to hear and dispose of felony cases. However, courts of limited jurisdiction in most states conduct preliminary hearings and bind over felony defendants for trial, and in the course of doing so may have the jurisdiction to accept a guilty plea to a misdemeanor and then impose sentence. In some states, this extends to accepting a guilty plea to a felony charge and, rarely, to imposing sentence. Table 45 describes how jurisdiction over felony cases is distributed within each state’s court system. Also described are the authority of a trial court judge to alter a sentence once it has been implemented and the authority of an appellate justice or court to alter a sentence.

Sentencing responsibilities in felony cases are presented in Table 46. The table addresses capital felony cases and non-capital felony cases separately because of the different responsibilities in each type of case. For capital cases the table identifies who sets the sentence, whether the jury must be unanimous, whether there is an automatic default when the jury fails to agree, and whether the judge can alter the jury’s sentence. In non-capital cases, the table also identifies who sets the original sentence and whether the judge may alter the jury’s sentence, and whether there is a separate sentencing hearing. The jury sets the sentence for non-capital cases in only five states and gives a recommendation in just two other states. Of those five states, only Texas does not allow the trial judge to change the jury’s sentence. This contrasts with capital felony cases where the jury sets the original sentence in a majority of states.

Sentencing options in the form of intermediate sanctions, those less severe than imprisonment but more intrusive than ordinary probation, are described in Table 47. Specific reference is made to intensive probation, work release, house arrest, electronic monitoring, and shock incarceration, the most widely used intermediate sanctions. Other intermediate sanctions are also noted. Short descriptions of the programs identified in the table are given in notes after the table.

Table 48 offers a look at states which have sentencing commissions or sentencing guidelines (states with neither sentencing commissions nor sentencing guidelines have been omitted from the table). Sentencing commissions are described by noting when each was established, the nature of its authorization, its membership composition, its responsibilities, and whether its jurisdiction is to advise or review sentences. The table also indicates what year the state implemented sentencing guidelines and whether the guidelines are voluntary or mandatory.

Conviction for a felony offense can bring certain “civil disabilities” in the form of collateral consequences. These typically extend beyond the point at which a person leaves prison or is released from probation or parole supervision. However, states differ in whether collateral consequences apply to all convicted felons or only to those incarcerated. Table 49 considers the impact that a felony conviction has on voting rights, parental rights, eligibility for public employment, jury service, and firearm ownership. Whether there is a registration requirement for convicted felons is also indicated. Information is also provided on the duration of the disability.

Truth-in-sentencing laws, which specify a proportion of a sentence length that an offender must serve, are reshaping sentence-reducing mechanisms in state courts. Table 50 describes some important aspects of “back end discretion,” which refers to the reduction of actual prison time served through parole board discretion and by accumulation of “good time.” The availability of “good time” and the rate at which it accrues are detailed, as is the existence of a parole board with discretionary release authority.

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Table 44. Sentencing Statutes: Key Definitions and Provisions for Sentence Enhancement

	Felony Sentence Range	Misdemeanor Maximum Sentence	Felony Fine Range	Deadly Weapon Use—Mandatory Minimum (MM)	Habitual Offender Definition*	Most Serious Non-Capital Sentence
Alabama	More than 1 yr./ Death	1 Yr.	\$0 - 20,000 or twice the pecuniary gain. Up to \$500,000 for drug trafficking depending on quantity.	Not less than 20 yrs. for Class A, 10 for Class B felony.	Punished under next highest class of felony for each prior conviction. On conviction of a Class A felony after 3 priors, MM = LWOP.	LWOP. Governor may not commute sentence.
Alaska	More than 1 yr./ 99 yrs.	1 Yr.	\$0 - 75,000 (\$500,000 for organizations).	MM 7 yrs. for Class A felony.	MM for a Class A, 2nd felony, 10 yrs. 3rd felony, 15 yrs.	20 - 99 yrs., prescribed minimum may not be reduced.
Arizona	6 months/ Death	6 months first offense, up to 22 for 2 nd .	\$0 - 150,000	MM Class 2 felony 7 yrs.	MM 2 nd Class 2 felony 6 yrs. 3 rd Class 2 felony 14 yrs.	LWOP
Arkansas	No minimum/ Death	1 yr.	\$0 - 15,000	Maximum sentenced may extended 15 yrs.	Sentence may be enhanced after 2nd offense and again after 4 th offense.	LWOP
California	16 months/ Death ¹	1 yr.	No minimum, maximum varies according to crime. ²	Additional term of 3, 4 or 10 years depending upon aggravating or mitigating factors.	Felony sentence doubled if one prior "serious" or "violent" felony. If two "serious" or "violent" prior felonies, life with parole (25 to life). Third violent felony, MM=LWOP. Additional 3-year enhancement for each prior serious felony conviction.	Life with parole (15 to life or 25 to life) or LWOP
Colorado	1 yr./ Death	18 months	\$0 - 1 million	N/S	3rd offense within past 10 yrs.; 3 times the presumptive range maximum. 4 th offense ever 4 times presumptive range maximum.	LWOP
Connecticut	More than 1 yr./ Death	1 yr.	\$0 - 20,000 ³	MM = 5 yrs., however, may not be convicted of both criminal use of firearm and underlying felony	Upon 3 rd felony conviction, court allows use of sentence of next most serious felony.	LWOP
Delaware	No minimum/ Death	1 yr.	No min/max, for corporations, 2,3 times amount of gain or \$11,500.	Possession of a deadly weapon is Class B felony: MM = 2 yrs.	4th or subsequent, up to LWOP, 3rd conviction of serious felony (22 listed), then MM = LWOP.	LWOP
District of Columbia	1 yr./ Life	1 yr.	\$0 minimum, maximum varies according to crime.	Additional imprisonment up to life. Minimum 5 yrs. for first offense; 3 times minimum (not less than 5 yrs.) for second or subsequent offense.	2nd felony, up to 1 1/2 maximum sentence, 3rd or more conviction, up to and including life.	LWOP
Florida	More than 1 yr./ Death	1 yr.	\$0-15,000	MM 3 or 8 yrs. additional sentence for any of 17 specified felonies. Firearm use = aggravated battery, felony reclassified to more serious grade.	Where defendant has 2 prior felony convictions (within time constraints). 1 st degree – up to life; 2 nd degree – up to 30 yrs.	Life = 25 yrs. no parole.
Georgia	More than 1 yr./ Death	1 yr.	\$0-100,000 or max any statute. Max penalties related to water resources and endangering life: if by organization, fine up to \$1 million.	First offense, 10 yrs. additional. 2nd or subsequent, life imprisonment.	2nd felony, sentenced to longest period for that offense, may be suspended. 4th felony, MM = maximum sentence w/o parole. 2 nd serious violent felony, MM=LWOP.	Murder: 25 yrs. w/o parole for 2nd life sentence, 30 yrs. max for consecutive life sentences. Capital cases with mitigating circumstances = LWOP.

Legend: N/S=None Stated, MM=Mandatory Minimum
LWOP=Life Without Parole

Table 44. Sentencing Statutes: Key Definitions and Provisions for Sentence Enhancement

	Felony Sentence Range	Misdemeanor Maximum Sentence	Felony Fine Range	Deadly Weapon Use—Mandatory Minimum (MM)	Habitual Offender Definition*	Most Serious Non-Capital Sentence
Hawaii	No minimum/LWOP which is ordered to be commuted after 20 yrs. ⁴	1 yr.	No minimum, maximum varies according to crime; \$50,000 maximum for Class A felony.	Use of firearms in a separate felony is a Class A felony MM decided by parole authority.	3rd Offense: murder and attempted murder in the 2nd degree, 20 yrs.; Class A felony, 13 yrs., 4 months; Class B felony, 6 yrs., 8 months, Class C felony, 3 yrs., 4 months.	Life without possibility of parole to be commuted after 20 yrs.
Idaho	No minimum/Death	6 months	\$0-50,000	Use in serious felony, 15 yrs. added to maximum, applies even where firearm is an element of the offense.	3rd felony, MM = 5 yrs. extendible to Life.	Life = 10 yrs. w/o possibility of parole. LWOP is possible under parole statute.
Illinois	1 yr./ Death	Less than 1 yr.	\$0 - 25,000 for individual \$0-50,000 for corporation.	Use of firearms in armed violence = Class X felony MM = up to 25 years depending on type of weapon used and prior conviction for certain felonies.	MM, 3rd offense (only Class X felony, criminal sexual assault, aggravated kidnapping, or first degree murder) within 20 yrs. = Life.	Minimum of 20, maximum of 60 if brutal or heinous. LWOP for 2nd homicide.
Indiana	1 yr./ Death	1 yr.	\$0 - 10,000	Use in specified felonies, add 5 yrs. to sentence.	3rd or subsequent felony MM = presumptive sentence for current conviction; max = 3 x minimum.	Life = 55 yrs., up to 10 added for aggravating circumstances, 10 subtracted for mitigating. LWOP for 3 rd felony.
Iowa	No minimum ⁵ /LWOP	2 yrs. for aggravated; 1 yr. otherwise.	\$0 - 10,000 + surcharge of 30% for criminal justice programs.	MM = 5 yrs.	MM for 3rd offense, not eligible for parole until served at least 3 yrs.	Class A felon, LWOP.
Kansas	No minimum/Death	1 yr.	\$500,000 maximum.	Part of severity level of crime.	Criminal history used in every sentencing decision.	Life, parole possible after 25 yrs.
Kentucky	1 yr./ Death	1 yr.	\$1,000-\$10,000 for individual; \$20,000 for corporation.	N/S	MM 2nd felony, sentenced for the next highest degree, no probation or conditional discharge. 3rd or more, not less than 20 nor more than Life, 10 yrs. served w/o parole.	Life without parole for 25 yrs., life, or a term of yrs. not less than 20.
Louisiana	No minimum/Death	1 yr. ⁶	No minimum, maximum varies according to crime.	MM 5 yrs. or maximum sentence for crime where used, 5 yrs. no parole.	2nd felony, not less than 1/2 max term. 3rd not less than 2/3 maximum 3rd serious felony or 4th or subsequent, MM = LWOP.	LWOP (only for Habitual Offenders).
Maine	No minimum/Life ⁷	County jail imprisonment may not exceed 1 yr. ⁷	\$0 - 50,000 or twice pecuniary gain. (100,000 for organizations).	MM 1 - 4 yrs. depending on crime. Sentencing class for crime one class higher than normal.	N/S	LWOP or any term of yrs. not less than 25.
Maryland	18 months/Death	3 yrs.	\$500 minimum, maximum varies according to crime.	MM 5 yrs., not eligible for parole.	MM for 4th crime of violence, life no parole. MM for 3rd offense, 25 yrs. w/o parole.	LWOP, or Life. Life = 25 yrs.
Massachusetts	No minimum/Life	30 months	No minimum, maximum varies according to crime.	MM=1year (maximum=5years).	3rd felony punished by maximum term provided by law for the felony for which he is to be sentenced.	Life = 15 yrs. Murder in 1st degree, LWOP.
Michigan	More than 1 yr./Life	Less than 1 yr.	\$0 - 10,000 for any indictable common law offense. Other limits vary with offense.	MMs: 1st Offense, 2 yrs.; 2nd offense, 5 yrs.; 3rd or more, 10 yrs.	Max sentence: 1.5 times for 2 nd , 2 times for 3 rd .	Life = 15 yrs. no eligibility for parole. (LWOP possible under parole statutes).

Legend: N/S=None Stated, MM=Mandatory Minimum, LWOP=Life Without Parole

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Minnesota	More than 1 yr./ Life	Less than 90 days; 1 yr. for gross misdemeanors.	\$0 - 50,000 + 20% surcharge for crime victim account and \$20 fee.	MM 3 yrs., 5 yrs. for 2nd or subsequent offense.	Enhanced sentences for dangerous repeat offender (see 609.152).	Life = 30 yrs. no eligibility for parole.
Mississippi	More than 1 yr./ Death	1 yr.	No minimum, maximum varies according to crime.	Robbery, MM = 3 yrs.	MM for 2nd or subsequent violent offense = LWOP 3 rd offenders generally shall be sentenced to max term possible.	LWOP (only for Habitual Offenders).
Missouri	More than 1 yr./ Death	1 yr.	\$0 - 5,000 (10,000 for corporations) or twice gain, not more than \$20,000.	MMs: additional sentence 1st offense, 3 yrs.; 2nd offense, 5 yrs.; 3rd or more, 10 yrs.	Up to 30 years. Extended terms of imprisonment may be ordered for persistent offenders convicted of two or more felonies committed at different times.	LWOP
Montana	More than 1 yr./ Death	1 yr. in state prison or any term in county jail.	\$0 - 50,000	MMs: Additional sentence 1st offense, 2 yrs.; 2nd offense, 4 yrs.	If 21 or older, MM 5 yrs. for 2nd or subsequent offense, 10 yrs. if prior was within past 5 yrs.	LWOP, ⁸ Life or a term of yrs. not less than 10 nor more than 100.
Nebraska	6 months/ Death	1 yr.	\$0 - 25,000	N/S	MM for 3rd offense = 10 yrs.	Life, indeterminate sentencing.
Nevada	1 yr./ Death	6 months, "Gross" Misdemeanor, 1 yr.	\$0 - 10,000 unless greater provided by statute (i.e., up to \$500,000 for drug trafficking).	Use of firearm doubles the sentence of underlying crime.	For 3rd felony, MM is 5 to 20 years or 10 to life without possibility of parole.	LWOP or Life without parole for 20 yrs.
New Hampshire	More than 1 yr./ Death ⁹	1 yr.	\$0 - 4,000 (100,000 for corporations).	MMs: 1st offense, 3 yrs.; 2nd offense, 6 yrs.	N/S	Life without eligibility for parole.
New Jersey ¹⁰	5 yrs./Death for 1 st and 2 nd degree "crime"	6 months for "offenses"; 3-5 yrs. for 3 rd degree; up to 18 months for 4 th degree "crime". ¹¹	\$0-200,000 for 1 st degree; \$0-150,000 for 2 nd degree "crime".	MM = 1/3 or 1/2 of sentence or 3 yrs., whichever is greater.	May be sentenced to extended term of imprisonment.	30 yrs. to life, no parole for 30 yrs.
New Mexico	18 months/ Death	364 days	\$5,000-15,000	MM: additional yr. for 1st offense, 3 yrs. additional for 2nd or subsequent. 3 rd violent felony = life; 2 nd violent sexual offense = life.	MM = additional yr. for 2nd offense, 4 yrs. additional for 3rd, 8 yrs. for 3rd or subsequent.	No parole for 30 yrs. = Life.
New York	More than 1 yr./Life	1 yr.	\$0 - 5,000 (10,000 for corporations) or twice gain, + \$155 surcharge. ¹²	N/S	3 rd violent felony = 20, 16, or 12 yr. minimums; 3 rd felony may be sentenced as a higher severity.	LWOP
North Carolina	11 months/ Death	150 days	Fine set at the discretion of the court unless the statute specifies.	60 months	Habitual offender = 3 prior felony convictions. Increase in sentence to that of a Class C felony unless convicted of A-B felony. Violent habitual felony = 2 prior violent felonies mandatory LWOP.	LWOP
North Dakota	No minimum/ LWOP	1 yr.	\$0-10,000 (\$50,000 for organizations) + crime stoppers reward. ¹³	MM: 4 yrs. for Class A or B felony, 2 yrs. for Class C + no parole.	"Dangerous special offenders" may be given extended sentences = LWOP for Class A, 20 yrs. for B, 10 yrs. for C. Habitual offenders = 2 previous felony convictions.	LWOP

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Ohio	1 yr./ Death	1 yr.	Drug cases mandatory fines start at \$1,500 ¹⁴ \$0-25,000.	MM: 3 yr. or 6 yr. additional term.	Prior felonies affect type of sentence given, e.g., for a second aggravated felony of the first degree a minimum term of 10 - 15 yrs. actual incarceration must be imposed. Add 10 yrs. to maximum sentence for 1 st and 2 nd degree felony. If longest sentence inadequate, add up to 5 yrs.	LWOP
Oklahoma	More than 1 yr./ Death	1 yr.	\$0-10,000	Increase by 2 sentencing levels on sentencing matrices.	If subsequent felony occurs within 10 yrs. of last, increase 1-6 levels on sentencing matrices for each prior depending on type of offense.	LWOP or Life (for parole consideration purposes only, life is considered 45 yrs.).
Oregon	More than 1 yr./ Death	1 yr.	\$0 - 300,000 or double the amount of gain. (\$50,000 for corps).	MMs: 5 yrs. for 1st, 10 yrs. for 2nd, 30 yrs. for 3rd offense. Greater sentence for machine gun, use of silencer, shotgun. ¹⁵	The maximum indeterminate sentence of imprisonment for a "Dangerous Offender" is 30 yrs.	LWOP or Life. Life = 30 yrs.
Pennsylvania	No minimum/ Death	5 yrs.	No minimum, maximum varies according to crime. \$0-50,000.	MM 5 yrs.	10 yrs. for 2 nd offense, 25 yrs. for 3 rd violent offense.	LWOP (contained in parole section).
Puerto Rico	6 months/1 day through 99 yrs.	6 months or \$500 or both	\$0-5,000	Is an aggravating circumstance for any offense and bears the maximum penalty for the particular crime. Carrying firearm: 1 yr. minimum-5 yrs. maximum.	2 nd conviction = penalty increased again by half; aggravated recidivism = MM of 20 yrs. Permanent separation from society without eligibility for parole in 30 natural yrs.	99 yrs. without eligibility for parole in 25 yrs.
Rhode Island	More than 1 yr./ LWOP	1 yr.	\$1,000-50,000 ¹⁶	MMs: 3 yrs. for 1st, 10 yrs. for 2nd, 15 yrs. for 3rd offense. Includes explosive substance, noxious liquid or acid.	3rd or subsequent offense may be sentenced to additional term not exceeding 25 yrs.	LWOP
South Carolina	3 month minimum/ Death	3 yrs.	No minimum, maximum varies according to crime.	MM 5 yrs. if used in a violent crime.	Add 1-5 yrs. for any subsequent conviction depending on length of time since last conviction. LWOP for 2 nd conviction (if previous conviction was "most serious") or for 3 rd conviction (if previous convictions were "serious" offenses).	LWOP ¹⁷
South Dakota	No minimum/ Death	1 yr.	\$0 - 25,000	MMs: 5 yrs. for 1st, 10 yrs. for 2nd or subsequent offenses.	2nd or subsequent felony, sentence enhanced by changing class to next most severe.	LWOP (person under life sentence not eligible for parole).
Tennessee	1 yr./ Death	11 months 29 days	\$ 0 - 50,000 (\$350, 000 for corporations) ¹⁸ \$0 minimum.	Enhancement factor	Repeat violent offenders (2 prior violent offense convictions) = LWOP; multiple offenders = increase in sentencing range; career offenders = maximum sentence.	LWOP (no less than 25 full calendar yrs.).
Texas	180 days/ Death	1 yr.	\$0 - 10,000 (20,000 for corporations; 50,000 for corporations if death).	N/S	2nd felony, 15 to 99 yrs., if 1 st degree felony; for 2 nd or 3 rd degree felony, increase sentence to next degree. Life if 2 nd sexual offense conviction.	Life, no parole for 35 yrs.

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Utah	No minimum/ Death	1 yr.	\$0 - 10,000 (20,000 for corporations) or twice damages.	Indeterminate term, not less than 5 yrs.	Additional 3 yr. term for each prior felony sexual offense, LWOP for 3rd conviction. Violent habitual offender = 2 previous convictions of a violent felony. Increases sentence to that of 1 st degree felony for 2 nd or 3 rd degree felony; for first degree felony, penalty the same but no chance for parole.	LWOP
Vermont	More than 2 yrs./ Life	2 yrs.	\$0 - 10,000	Felon shall be imprisoned not more than 5 yrs.	4th felony may be sentenced to Life or LWOP ¹⁹ or 3 rd felony for crimes of violence.	LWOP
Virginia	1 yr./ Death	1 yr.	\$0 - 100,000	Separate crime if used during 10 specified serious felonies. MM of 3 yrs. for 1st offense, 5 yrs. for 2nd or subsequent.	2 previous convictions for acts of violence = LWOP.	Life
Washington	More than 1 yr./ Death	1 yr. for Gross Misdemeanor; 90 days for Misdemeanor.	\$0 – 50,000	Firearm enhanced add 5 yrs., 3 yrs. or 18 months to sentence. Other deadly weapon, add 2 yrs., 1 yr., or 6 months to sentence (for A, B, C felonies).	3rd felony conviction results in LWOP.	LWOP
West Virginia	1 yr./ LWOP	1 yr.	No minimum, maximum varies according to crime.	Armed felon not eligible for probation.	2nd felony, maximum increased by 5 yrs. 3rd or subsequent, must be sentenced to Life. 2nd conviction for petit larceny a felony (1 yr.).	Life, indeterminate sentencing (with eligibility for parole).
Wisconsin	No minimum/ Life	9 months	\$0 -10,000	Presumptive minimum is 3 yrs. for 1st offense, 5 for 2nd. Maximum may be increased by up to 5 yrs.	Maximum may be increased 2, 6 or 10 yrs. "Repeater if actor was convicted of a felony during 5 yr. period immediately preceding the crime or for 2 felonies at any preceding term."	Life
Wyoming	1 yr./ Death	1 yr.	\$500 minimum, maximum varies.	Sentence enhanced by not more than 10 yrs. for 1st offense, 20 yrs. 2nd.	If convicted of violent felony, MM 10 yrs. for 3rd offense, Life for 3rd or subsequent.	LWOP
Federal Courts	More than 1 yr./ Death	1 yr.	\$100 - 250,000 (For organizations, \$500,000).	Under the sentencing guidelines, "Armed Career Criminals" receive an enhanced sentence.	Under sentencing guidelines, "Career Offenders" having at least 2 prior felonies, receive sentence at or near maximum term authorized (felonies of violence or controlled substance offense).	Under sentencing guidelines varies. LWOP is possible for major drug traffickers. ²⁰

DEFINITIONS:

***Habitual Offender:** Where Habitual Offender statutes are especially complex, only the minimum sentence for the maximum class of offense is stated.

Life: Listed here for capital offenses is the "minimum maximum" (short of death); usually "Life" does not mean that the inmate will die incarcerated and often "life without parole" does not mean the same as "life without possibility of parole".

FOOTNOTES:

California:

¹Felony minimums; state does not divide felonies into classes and some crimes may be either felonies or misdemeanors with prison or less than 1 yr. in county jail as options.

²Fines: for example, a 2nd or subsequent money laundering offense carries a maximum fine of \$500,000 or 5 times amount gained.

Connecticut:

³The court can impose an alternative fine, where the defendant has gained money or property through the commission of any felony, misdemeanor or violation, up to an amount fixed by the court which cannot exceed double the amount of the defendant's gain.

Hawaii:

⁴Indeterminate sentencing is used; no definite sentence distinction between felony and misdemeanor. Minimum sentence, even in "life w/o parole," is determined by paroling authority.

Iowa:

⁵First felony offense, court may sentence less than mandatory minimum if mitigating circumstances exist.

Louisiana:

⁶In Louisiana, the distinction between a felony and a misdemeanor is not based on the length of the sentence. Felonies are defined as any crime which is punishable by death or imprisonment at hard labor. Misdemeanors are any other crimes.

Table 44. Sentencing Statutes: Key Definitions and Provisions for Sentence Enhancement

Maine:

⁷Criminal code does not use felony, misdemeanor terminology. Crimes are classed as murder or A - E crimes.

Montana:

⁸Court may impose restriction that defendant be ineligible for parole. The court must state the reasons for this in writing as part of the judgment. LWOP may be applied to any felony, not just Habitual Offenders or 1st Degree Murder.

New Hampshire:

⁹150 days are added to each to each yr. of a sentence; these days may be subtracted for good behavior at rates of 12 1/2 days for each month of good behavior.

New Jersey:

¹⁰Crimes are classified as "crimes" (1st, 2nd, 3rd & 4th degree) and "offenses" (lesser degree of severity).

¹¹3rd degree "crimes" include "high misdemeanors"; 4th degree crimes include "misdemeanors."

New York:

¹²Fine amounts include \$155 mandatory surcharge of which \$5 is for victim assistance. Maximum may be up to \$100,000 if for drug trafficking crimes.

North Dakota:

¹³Convicted felons must also repay awards paid by "crimestoppers" program. Reparations may also include treatment costs for sex offender victims.

Ohio:

¹⁴In drug cases maximum fine may be \$25,000. Certain crimes require convicted felon to reimburse agencies for their investigation and prosecution costs.

Oregon:

¹⁵Enhanced penalty for use of firearm doubles to 10 and 20 yrs. respectively if the firearm is a machine gun, short barreled rifle or shotgun, or has a silencer.

Rhode Island:

¹⁶Fines vary, e.g., money laundering is \$500,000 or 2 times value, in bribery, fine is up to three times gift amount.

South Carolina:

¹⁷Governor has the power to commute a LWOP sentence to a term of yrs.

Tennessee:

¹⁸In drug cases, mandatory minimum felony fine is \$1,000 up to a maximum of \$500,000.

Vermont:

¹⁹Governor has the power to commute a LWOP sentence to a term of yrs.

Federal:

²⁰Prior to 1984 Life = 10 yrs. before eligible for parole. Under sentencing reform, parole was abolished in favor of sentencing guidelines. Major drug traffickers face LWOP under 21 USC 848.

Table 45. Jurisdiction for Adjudication and Sentencing of Felony Cases

	Preliminary Hearing Jurisdiction		Guilty Plea Jurisdiction		Can felonies in this court be:			Can Judge alter a sentence after it begins?	
	Available	Prohibited	Felony reduced to misdemeanor	Felony cases	Filed	Dismissed	Sentenced	Trial judge	Appellate Court/Justice
Alabama									
G Circuit Court		1	■	■	■ After indictment 1	■	■	■ 2	■
L District Court	■		■	■	■ 1	■	■	■ 2	■
Alaska									
G Superior Court			■	■	■	■	■	■	■
L District Court	■		■		■			N/S	N/S
Arizona									
G Superior Court	■		■	■	■	■	■	■ In limited circumstances N/S	■
L Justice of the Peace Court	■		■		■ Preliminary hearings	■ Preliminary hearings		N/S	N/S
Arkansas									
G Circuit Court	N/S	N/S	■	■	■	■	■	■	■
L Municipal Court	N/S	N/S	■		■			N/S	N/S
California									
G Superior Court	■ 3	4	■	■	■ 5	■	■	■ 6	■ 7
L Municipal	■		■	■	■	■	■ 8	■ 6	■ 7
Colorado									
G District Court	■		■	■	■	■	■	■	■
G Denver Juvenile Court	N/S	N/S	■	■		■	■	■	■
L County Court	■		■		■	■		N/S	N/S
Connecticut									
G Superior Court	Subseq. to arraignment		■	■	■	■	■	■	
Delaware									
G Superior Court	N/S	N/S	■	■	■	■	■	■	
L Just. of the Peace Ct.	N/S	N/S	■		■			N/S	N/S
L Family Court	N/S	N/S	■		■	■		N/S	N/S
L Ct. of Common Pleas	N/S	N/S	■		■	■		N/S	N/S
L Alderman's Court	N/S	N/S	■					N/S	N/S
District of Columbia									
G Superior Court	■		■	■	■	■	■	■	■
Florida									
G Circuit Court	■		■	■	■	■	■	■	
L County Court	N/S	N/S	■					N/S	N/S
Georgia									
G Superior Court	■		■	■	■		■	■	
L Civil Court		N/S				■ 9		N/S	N/S
L State Court	■					■ 9		N/S	N/S
L Magistrate Court	■					■ 9		N/S	N/S
L Columbus/Muscogee County	■					■ 9		N/S	N/S
L County Recorder Courts	■					■ 9		N/S	N/S
Hawaii									
G Circuit and Family Court	■		■	■	■ 10	■ 11	■	■	■
L District Court	■				■ 10	■ 11		N/S	N/S
Idaho									
G District Court	N/S	N/S	■	■	■	■	■	■	■
L Magistrates	N/S	N/S	■		■	■		N/S	N/S
Illinois									
G Circuit Court	■		■	■	■	■	■		■

Legend: N/S = Not stated, ■ = Yes

Table 45. Jurisdiction for Adjudication and Sentencing of Felony Cases

	Preliminary Hearing Jurisdiction		Guilty Plea Jurisdiction		Can felonies in this court be:			Can Judge alter a sentence after it begins?	
	Available	Prohibited	Felony reduced to misdemeanor	Felony cases	Filed	Dismissed	Sentenced	Trial judge	Appellate Court/Justice
Indiana									
G Superior Court	■		■	■	■	■	■	■	■
G Circuit Court	■		■	■	■	■	■	■	■
L County Court	■		■	■	■	■	■	■	■
Iowa									
G District Court	■		■	■	■	■	■	■	
Kansas									
G District Court	■		■	■	■	■	■	■ ¹²	■
Kentucky									
G Circuit Court	■		■	■	■	■	■	■	■
L District Court	■		■		■	■		N/S	N/S
Louisiana									
G District Court	■		■	■	■	■	■	■	■
Maine									
G Superior Court		■	■	■	■	■	■	■	■
L District Court	■		■	■	■	■	■	■	■
								Within 1 yr	Within 1 yr
Maryland									
G Circuit Court	■		■	■	■	■	■	■	
L District Court	■		■	■	■	■	■	■	
Massachusetts¹³									
G Superior Court	■		■	■	■	■	■	■	■
L District Court	■		■	■	■	■	■	■	■
L Boston Mun. Court	■		■	■	■	■	■	■	■
L Juvenile Court	■		■	■	■	■	■	■	■
L Housing Court	■		■	■	■	■	■	■	■
Michigan									
G Circuit Court		■	■	■		■	■	■	
L District Court	■		■		■	■		N/S	N/S
L Municipal Court	■		■		■	■		N/S	N/S
Minnesota									
G District Court	■		■	■	■	■	■	■	
Mississippi									
G Circuit Court	■		■	■	■	■	■		■
L County Court	■		■	■	■	■	■	N/S	N/S
L Municipal Court	■				■	■		N/S	N/S
Missouri									
G Circuit Court	■		■	■	■	■	■	■	■
Montana									
G District Court	■		■	■	■	■		N/S	
L Just. of the Peace Ct.	N/S	N/S	■			■		N/S	N/S
Nebraska									
G District Court	■		■	■	■	■	■	■ ¹⁴	■
L County Court	■		■		■	■		N/S	N/S
Nevada									
G District Court			■	■		■	■	■ ¹⁵	
L Justice Court	■		■		■ ¹⁶	■		N/S	N/S
New Hampshire									
G Superior Court			■	■	■ ¹⁷	■	■	■ ¹⁷	■
L District Court	N/S	N/S			■	■		N/S	N/S
L Municipal Court	N/S	N/S			■	■		N/S	N/S

Table 45. Jurisdiction for Adjudication and Sentencing of Felony Cases

	Preliminary Hearing Jurisdiction		Guilty Plea Jurisdiction		Can felonies in this court be:			Can Judge alter a sentence after it begins?	
	Available	Prohibited	Felony reduced to misdemeanor	Felony cases	Filed	Dismissed	Sentenced	Trial judge	Appellate Court/Justice
New Jersey									
G Superior Court	May occur but rare		■	■	■	■	■	■ Within 75 days of conviction	■ N/S
L Municipal Court	■		■		■				N/S
New Mexico									
G District Court	■		■	■	■	■	■	■ Within 90 days, or anytime for illegal sentence	
L Magistrate Court	■		■		■	■		N/S	N/S
L Bernalillo Metro Ct.	■		■		■	■		N/S	N/S
New York									
G Supreme Court	N/S	N/S	■	■	■	■	■		Remands to trial court
G County Court	N/S	N/S	■	■	■	■	■	Unless illegal, unauthorized, or invalid	Remands to trial court
L District Court	N/S	N/S	■		■	■		N/S	N/S
L City Court	N/S	N/S	■		■	■		N/S	N/S
L Criminal Ct. of NYC	N/S	N/S	■		■	■		N/S	N/S
L Town and Village	N/S	N/S	■		■	■		N/S	N/S
North Carolina									
G Superior Court	■		■	■ ¹⁸	■	■	■	■	
L District Court	■		■		■	■		N/S	N/S
North Dakota									
G District Court	■		■	■	■	■	■	■ Within 120 days or any-time if illegal	
Ohio									
G Ct. of Common Pleas	N/S		■	■	■	■	■	■	■
L Municipal Court	N/S		■		■	■		N/S	N/S
L County Court	N/S	N/S	■		■	■		N/S	N/S
Oklahoma									
G District Court	N/S	N/S	■	■	■	■	■	■ Within 12 months	
Oregon									
G Circuit Court	■		■	■	■	■	■	■	
L Justice Court	–	–	■		■	■		N/S	N/S
Pennsylvania									
G Ct. of Common Pleas	■		■	■	■	■	■	■	
L Phil. Municipal Court	■		■		■	■		N/S	N/S
L District Justice Court	■		With limited exceptions		■	■		N/S	N/S
L Pitts. City Magistrates	■		■		■	■		N/S	N/S
Puerto Rico									
G Superior Court	N/S	N/S	■	■	■	■	■	■	■
Rhode Island									
G Superior Court	■		■	■	■	■	■		
L District Court	N/S	N/S	■		■	■		N/S	N/S
South Carolina									
G Circuit Court	■	N/S	■	■	■	■	■		
L Family Court	N/S	N/S	■	■	■	■	■	N/S	N/S

Table 45. Jurisdiction for Adjudication and Sentencing of Felony Cases

	Preliminary Hearing Jurisdiction		Guilty Plea Jurisdiction		Can felonies in this court be:			Can Judge alter a sentence after it begins?	
	Available	Prohibited	Felony reduced to misdemeanor	Felony cases	Filed	Dismissed	Sentenced	Trial judge	Appellate Court/Justice
South Dakota									
G Circuit Court	N/S	N/S	■	■	■	■	■	■ within 1 year	■
Tennessee									
G Circuit Court	N/S		■	■		■	■	■	■
G Criminal Court	N/S		■	■		■	■	■	N/S
Texas									
G District Courts	■		■	■	■	■	■	N/S	
L County Courts at Law	■		Some	Some	Some	Some	Some		
Utah									
G District Court	■	N/S	■	■	■	■	■	■	
L Justice Court	N/S	N/S	■					N/S	N/S
L Juvenile Court	■	N/S	■	■	■	■		N/S	N/S
Vermont									
G Superior Court	N/S	N/S	■	■	Authorized but rare	■	■	■	
G District Court	N/S	N/S	■	■	■	■	■	N/S	N/S
Virginia									
G Circuit Court		■	■	■	■	■	■	■	¹⁹
L District Court			■	■	■	■	■	N/S	N/S
L Juvenile Court	■	²⁰	■	■	■	■	■	N/S	N/S
Washington									
G Superior Court	■		■	■	■	■	■	■	
L District Court	■		■	²¹	■	²¹	²¹	N/S	N/S
West Virginia									
G Circuit Court	N/S	N/S	■	■	■	■	■	■	■
L Magistrate Court	■		²²		■	■			■
Wisconsin									
G Circuit Court	■		■	■	■	■	■	■	
Wyoming									
G District Court	■		■	■	■	■	■	■	
L Just. of the Peace Ct.					■	■		■	N/S
L County Court	■				■	■		■	N/S
Federal									
G U.S. District Courts	N/S	N/S	■	■	■	■	■	■ ²³	Remands to District Court for further sentencing proceedings

Note: Courts without felony jurisdiction do not appear on this table.

FOOTNOTES:

Alabama:

¹Exclusive original jurisdiction to hold preliminary hearings and concurrent jurisdiction with circuit court to receive felony guilty pleas.

²If sentenced pursuant to Alabama's split sentence law.

California:

³If unified superior court.

⁴Yes, if non-unified superior court.

⁵If the Superior Court is a unified court; otherwise, only indictments may be filed in a superior court. A unified Superior Court is one created by the voluntary unification of the Superior and Municipal Courts under Proposition 220, approved by voters on June 2, 1998.

⁶For a limited time.

⁷If sentence is found unlawful on appeal.

⁸Only on guilty plea, and not in capital case.

Georgia:

⁹Only as courts acting as committal court.

Hawaii:

¹⁰For preliminary hearing.

¹¹If they can find no probable cause.

Kansas:

¹²A statutory procedure is provided in lieu of habeas corpus which begins in the trial court that imposed the sentence.

Massachusetts:

¹³A misdemeanor is a crime punishable by up to 2 ½ years in jail, a felony by 2 ½+ in prison. Some courts, District Court and Boston Municipal Court, can try felonies punishable by up to 5 years in prison, but can only sentence to 2 ½ years in jail. Most major felonies are tried in the Superior Court but it is possible to try limited classes of felonies in the Juvenile Courts or Housing Courts.

Table 45. Jurisdiction for Adjudication and Sentencing of Felony Cases

Nebraska:

¹⁴Within 10 days of sentence being imposed.

Nevada:

¹⁵Upon petition by the parole board.

¹⁶Preliminary hearings only are conducted in justice court.

New Hampshire:

¹⁷Review board may alter the sentence. Trial judge may not.

North Carolina:

¹⁸Under G.S. 7A-272 of the N.C. General Statutes: With the consent of the presiding District Court judge, the prosecutor, and the defendant, the District Court has jurisdiction to accept a defendant's plea of guilty or no contest to a Class H or I felony if: (1) the defendant is charged with a felony in an information filed pursuant to G.S. ISA-6441, the felony is pending in District Court, and the defendant has not been indicted for the offense; or (2) the defendant has been indicated for a criminal offense but the defendant's case is transferred from Superior Court to District Court pursuant to G.S. ISA-1029.

Virginia:

¹⁹May convert death penalty to life imprisonment.

²⁰When treated as adults, no preliminary hearing available.

Washington:

²¹Except for Title 75.

West Virginia:

²²If not bound over to circuit court.

Federal:

²³The court may reduce a sentence for changed circumstances within 1 year of imposition of the sentence. The court may correct a sentence within 7 days after imposition of sentence if sentence was imposed as a result of arithmetical, technical, or clerical error or anytime for extraordinary and compelling reasons or for the age of the defendant. May also correct if determined on appeal under 18§3742 to have been imposed in violation of the law.

Table 46. Sentencing Procedures in Capital and Non-Capital Felony Cases

	Capital Felony Cases				Non-Capital Felony Cases		
	Original sentence set by	Unanimous jury required	Life without parole if no jury agreement	Judge can alter jury sentence	Original sentence set by	Judge can alter jury sentence	Separate sentencing hearing
Alabama	Judge w/jury recommendation	■ ¹		■	Judge		■
Alaska	<i>No death penalty</i>				Judge		■
Arizona	Judge				Judge		■
Arkansas ²	Jury	■	■	■	Jury	■	■
California	Jury ³	■		■ ⁴	Judge		■
Colorado	3 judge panel				Judge		■
Connecticut	Jury ⁵	■	■		Judge		■
Delaware	Judge w/jury recommendation			■	Judge		■
District of Columbia	<i>No death penalty</i>				Judge		■ ⁶
Florida	Judge w/jury recommendation			■	Judge		■
Georgia	Judge w/jury recommendation ⁷	■		■ ⁷	Judge		■ ⁸
Hawaii	<i>No death penalty</i>				Judge		■
Idaho	Trial judge w/out jury input				Judge		■
Illinois ⁹	Jury	■			Judge		■
Indiana	Judge w/jury recommendation	■		■	Judge w/jury recommendation	■	■
Iowa	<i>No death penalty</i>				Judge		■
Kansas	Jury	■		■	Judge		■
Kentucky	Judge w/jury recommendation	■		■	Judge w/jury recommendation	■	■
Louisiana	Jury	■	■		Judge		
Maine	<i>No death penalty</i>				Judge		■ ¹⁰
Maryland	Jury	■			Judge		■ ¹¹
Massachusetts	<i>No death penalty</i>				Judge		■
Michigan	<i>No death penalty</i>				Judge		■
Minnesota	<i>No death penalty</i>				Judge		■
Mississippi	Jury	■			Judge		■ ¹²
Missouri	Jury or judge ¹³	■	■		Jury	■	■
Montana	Trial judge w/out jury input				Judge		■
Nebraska	Trial judge w/out jury input ¹⁴				Judge		■
Nevada	Jury ¹⁵	■			Judge		■
New Hampshire	Jury	■	■		Judge		■ ¹⁶
New Jersey	Jury	■	■ ¹⁷		Judge		■
New Mexico	Jury or trial judge ¹⁸	■			Judge		■ ¹⁹
New York	Jury	■			Judge		■
North Carolina ²⁰	Jury ²¹	■	■		Judge		■
North Dakota	<i>No death penalty</i>				Judge		■
Ohio	Judge w/out jury input ²²				Judge		■
Oklahoma	Jury	■		■	Judge		■ ²³
Oregon	Jury	■			Judge		■ ²⁴
Pennsylvania	Jury	■			Judge		■
Puerto Rico	<i>No death penalty</i>				Judge		■
Rhode Island	<i>No death penalty</i>				Judge		■

Table 46. Sentencing Procedures in Capital and Non-Capital Felony Cases

	Capital Felony Cases				Non-Capital Felony Cases		
	Original sentence set by	Unanimous jury required	Life without parole if no jury agreement	Judge can alter jury sentence	Original sentence set by	Judge can alter jury sentence	Separate sentencing hearing
South Carolina	Jury	■	■	■	Judge		
South Dakota	Jury	■	■		Judge		■ ²⁵
Tennessee	Jury	■ ²⁶			Judge		■
Texas	Jury	■ ²⁶	■ ²⁸		Jury		■
Utah	Jury	■ ²⁷	■ ²⁸		Judge		■
Vermont	<i>No death penalty</i>				Judge		■
Virginia	Jury	■		■	Jury	■	■
Washington	Jury	■	■		Judge		■
West Virginia	<i>No death penalty</i>				Judge ²⁹		■
Wisconsin	<i>No death penalty</i>				Judge		■
Wyoming	Jury	■	■		Judge		■
Federal Courts ³⁰	Jury	■			Judge		■

Note: Generally, during the "aggravation and penalty" phase the defendant may elect sentencing by the judge, sentencing jury, or a new jury if "good cause" is shown.

FOOTNOTES:

Alabama:

¹Unanimous on conviction but not necessary on recommended sentence. Alabama has a bifurcated death penalty process. Jury must be unanimous in guilt phase but unanimity not required in sentencing recommend phase.

Arkansas:

²Jury verdict must contain written findings of certain enumerated aggravating circumstances.

California:

³If the jury cannot agree unanimously that one or more special circumstances are true, the court shall dismiss the jury and order a new jury impaneled.

⁴Down, not up.

Connecticut:

⁵Can be the court if the defendant moves for the court to hear the death penalty phase of the case and the court approves, and the prosecution consents.

District of Columbia

⁶The judge has the discretion to sentence at the time of the verdict.

Georgia:

⁷Where there is a trial by jury, the judge may not impose the death sentence unless the verdict contains at least one statutory aggravating circumstance and a recommend that such a sentence be imposed.

⁸The judge has the discretion to sentence at the time of the verdict.

Illinois:

⁹Sentencing phase is bifurcated into a phase to the existence of statutory aggravating factors justifying eligibility for the death penalty followed by a separate phase to determine whether the penalty will actually be imposed.

Maine:

¹⁰The judge has the discretion to sentence w/out a hearing for Class D and E felonies.

Maryland:

¹¹The judge has the discretion to sentence at the time of the verdict.

Mississippi:

¹²The judge has the discretion to sentence at the time of the verdict.

Missouri:

¹³Defendant may waive trial by jury. Judge may accept guilty plea or find the defendant guilty and assess the death penalty.

Nebraska:

¹⁴Chief Justice may be requested by the trial judge to appoint two other trial judges to create sentencing panel of three.

Nevada:

¹⁵Jury decides punishment only for first degree murder whether or not death penalty is sought.

New Hampshire:

¹⁶The judge has the discretion to sentence at the time of the verdict.

New Jersey:

¹⁷LWOP is automatic when jury fails to agree for criminal sexual contact; sexual assault; and the murder of a law enforcement officer or someone less than fourteen years old.

New Mexico:

¹⁸Upon finding of beyond a reasonable doubt and specification of at least one aggravating circumstance.

¹⁹The judge has the discretion to sentence at the time of the verdict.

North Carolina:

²⁰Jury considers evidence of aggravating and mitigating circumstance(s). When jury recommends death, it must make written findings showing that the statutory aggravating circumstance(s) were found beyond a reasonable doubt, are sufficiently substantial to call for the death penalty, and that any mitigating circumstance(s) do not outweigh the aggravating circumstance(s).

²¹Jury renders a sentence recommendation, and the judge imposes such sentence.

Ohio:

²²Court or three-judge panel makes final determination. Defendant may elect to have the panel of three judges if he waives trial by jury, or trial judge, if he is tried by jury, determine the existence of aggravating circumstances.

Oklahoma:

²³A separate sentencing hearing is only conducted if the defendant is a repeat offender; prior convictions are then taken into account.

Oregon:

²⁴The judge has the discretion to sentence at the time of the verdict.

South Dakota:

²⁵Court may order a separate sentencing hearing, but not mandatory.

Texas:

²⁶Requires a jury determination even when defendant pleads guilty.

Table 46. Sentencing Procedures in Capital and Non-Capital Felony Cases**Utah:**

²⁷If jury fails to agree as to death, then consider LWOP. Only ten jurors must agree as to LWOP. If not = life.

²⁸If the jury is unable to impose the death sentence, the court shall instruct the jury to determine by a ten to two vote whether the penalty of life imprisonment w/out parole should be imposed. If the jury is unable to agree, the court will sentence to life imprisonment.

West Virginia:

²⁹Though the state does not have death penalty, certain offenses are considered capital felonies and carry penalty of life with or life without mercy (eligibility for parole). In these cases, the jury determines the sentence, which the judge may not alter.

Federal Courts:

³⁰Includes U.S. Military Court

Table 47. The Availability of Intermediate Sanctions

	Intensive Probation	Work Release	House Arrest	Electronic Monitoring Program	Shock Incarceration*	Other
Alabama	■	■	■	■	■	Supervised Intensive Restitution
Alaska	■	■	■	■	■	Community service, day fine, periodic imprisonment
Arizona	■	■ local option	■ local option	■ local option	■	Day Reporting Center, Day Fines (Phoenix), Community Service Program (Local option), weekend sentencing and diversionary treatment
Arkansas	■	■	■	■	■	Community Punishment Programs
California	■	■	■ prob. condition	■ prob. condition	■	Weekend Sentencing, day reporting, community service, diversion treatment for specific first offenders
Colorado	■	■	■	■	■	Day reporting, community corrections, specialized restitution
Connecticut	■	■	■	■	■	Community Service, Day Reporting Center, Day Fines
Delaware	■	■	■	■	■	Community Service
Dist. Of Columbia	■	■	■	■	■	Community Service, Community Management Resource Program for youthful offenders ages 18-26
Florida	■	■	■	■	■	Nonsecure, residential and secure drug treatment; workcamps, probation and restitution centers
Georgia	■	■	■	■	■	Restitution, Community Service, Weekend Sentences
Hawaii	■	■	■	■	■	Restitution
Idaho	N/S	■	N/S	■	■	None
Illinois	■	■	■	■	■	Community Service, periodic imprisonment
Indiana	■	■	■	■	■	Community Corrections Programs, day reporting
Iowa	■	■	■	■	■	Residential Community Corrections
Kansas	■	■	■	■	■	Residential Community Corrections
Kentucky	■	■	■	■	■	Community Correction Program
Louisiana	■	■	■	■ ¹	■	Community Rehabilitation Center; Community Service
Maine	■	■	■	■	■	Community Service, Residential Community Correction
Maryland	■	■	■	■	■	Weekend Sentencing, Community Service Program, Community Rehabilitation Center
Massachusetts	■	■	■	N/S	■	Day Reporting Center; Community Service
Michigan	■	■	■	■	■	Community Service, Community Corrections
Minnesota	■	■	■	■	■	Day Reporting Center, Diversionary Treatment Program operated privately by court referral
Mississippi	■ ²	■	■ ²	■ ²	■	None
Missouri	■	■	■	■	■	Day Reporting Centers, Diversionary Treatment Programs, Community Service, Residential Community Corrections
Montana	■	■	■	■	■	Residential community Corrections
Nebraska	■	■	■	■	■	Residential Community Corrections, Community Service
Nevada	■	■	■	■	■	Community Service, Residential Centers, Restitution
New Hampshire	■	■	■	■	■	Community Service, Restitution, Weekend Sentencing
New Jersey	■	■	■ (in one county only)	■	■	Diversionary Treatment, Super. Community Service, Juvenile Residential Center (County), SLAP, Restitution, Weekend Sentencing
New Mexico	■	■	■	■	■	Restitution, Community Service
New York	■	■	■	■	■	Restitution, Ignition Interlock, alcohol and substance abuse treatments, community service, day reporting
North Carolina	■	■	■	■	■	Community Service, Diversionary Treatment, Residential Community Corrections, Weekend Sentencing, Curfew
North Dakota	■	■	■	■	■	Restitution, Treatment Programs, Residential Community Corrections, Curfew
Ohio	■	■	■	■	■	Community-based Corrections, Community Service Treat., Restitution, Curfew, VictOff Mediations, Ignition Interlock
Oklahoma	■	■	■	■	■	Treat. Programs; Residential Community Corrections; Weekend Sent, Restitution, Vic. Imp. Panels, Ignition Interlock
Oregon	■	■	■	N/S	■	Day Fines (Portland), Community Service
Pennsylvania	■	■	■	■	■	Community Service
Puerto Rico	■	■	N/S	■	■	Restitution fine, Residential Community Corrections
Rhode Island	■	■	■	■	■	Community Confinement
South Carolina	■	■	■	■	■	Community Control Centers
South Dakota	■	■	N/S	■	■	Community Service, Community Corrections

Legend: * = Shock Incarceration (applicable to adult only)
 NS = Not Stated, ■ = Yes

Table 47. The Availability of Intermediate Sanctions

	Intensive Probation	Work Release	House Arrest	Electronic Monitoring Program	Shock Incarceration*	Other
Tennessee	■	■	■	■	■	Community Service
Texas	■	■	■	■	■	Residential Community Corrections, Community Service
Utah	■	■	■	■	N/S	Community Service
Vermont	■	■	N/S	N/S		Supervised Community Sentencing
Virginia	■	■	■	■	■	Community-based corrections systems, Diversion Centers
Washington		■		■		Community service, diversionary treatment, restitution, work ethic camp
West Virginia		■ if 1 yr. or less	■	■	■	Weekend jail, Community Service Work Programs
Wisconsin	■	■	■	■	■ ³	Alcohol/drug abuse/mental health treatment community service, restitution, residential community corrections.
Wyoming	■	■	■	■	■	Community Corrections
Federal ⁴	■	■	■ Curfew Parole	■		Drug Treatment Program, Community Service Program ⁵ Restitution ⁶

DEFINITIONS:

Community Service Program:

An exception to unconstitutional servitude, requires offenders to pay for their crimes while helping others by working "pro bono" for nonprofit or tax-supported agencies.

Day Fines:

Court determines the monetary penalties under a formula that multiplies a set number of days by an amount of money determined on the basis of an offender's ability to pay. Unlike restitution, fines do not compensate the victim, but are paid to treasury.

Day Reporting Centers:

Offender resides in community but there continues to be a high degree of control through daily reporting, intensive surveillance, and strict enforcement of program conditions.

Diversionary Treatment Programs:

Programs respond to need for treatment of drug and alcohol abuse, and sex offenders. Mostly limited to non-violent crimes, includes group therapy, probation, and supervised professional treatment.

Electronic Monitoring Program (EMP):

Requires offender to wear an electronic bracelet around wrist or ankle, location is verified either by telephone or by continuous radio signal.

House Arrest:

Offenders legally ordered to remain in their residences for the duration of their sentences. Usually, they may leave for medical reasons, employment or approved treatment.

Intensive Probation Supervision (IPS):

Offenders are closely supervised on small caseloads; in most programs they must pay victims restitution and perform community service, hold a job, submit to random urine and alcohol testing, and pay a probation supervision fee.

Residential Community Corrections:

Also known as "halfway houses," prerelease programs that serve to facilitate prisoners' successful reintegration into communities. Many include job counseling. Many states use to relieve overcrowding.

Shock Incarceration:

Young, first offenders sentenced to "boot camp" correctional facilities where they are confined for short periods under rigid standards and strict military discipline.

Weekend Sentencing:

A type of "intermittent incarceration," judge orders an offender to serve an incarceration term inside the institution on certain days of the week, generally weekends.

Work Release:

Also known as "intermittent incarceration," offenders leave institution in morning, work, and return in evening for counseling, social activities, and sleep. Usually not imposed in violent, sex or drug offenses.

FOOTNOTES:

Louisiana:

¹R.S. 15:571.32, provides for pilot programs for alternatives to imprisonment, including the use of electronic monitoring devices.

Mississippi:

²§47-5-1001 through §47-5-1015 of Mississippi code authorizing these sanctions expires June 30, 1999.

Wisconsin:

³Wisconsin has one "boot camp" environment for non-violent, alcohol and other drug abuse offenders who are not dealers, operated by the Department of Corrections.

Federal:

⁴There are two federal systems since the Sentencing Commission Guidelines became effective in 1987. Prisoners sentenced under the Guidelines may not be eligible for the same alternatives as those sentenced under Parole Commission authority.

⁵Federal Community Service Program: Subject to budgetary constraints. Parole date advanced by 60 days for 400 hours of community service.

⁶Restitution: Federal law presumes the appropriateness of restitution orders, judges must provide reasons when not doing so. The first \$100,000,000 in federal fines collected each year is paid to Victims Compensation Fund.

Table 48. Active Sentencing Commissions/Sentencing Guideline Systems

	Sentencing Commission Characteristics			Sentencing Guidelines		
	Established	Membership	Responsibilities	Advise Review	Date Established	Mandatory or Voluntary
Arkansas Sentencing Commission	1993	9 voting members composed of 3 judges, 2 prosecuting attorneys, 2 public defenders and 2 private citizens appointed by the Governor to 5 year terms	Evaluate effect of sentencing laws and make revisions to sentencing standards	Review	Yes (1994)	May deviate.
Delaware Sentencing Accountability Commission	1983	4 members of judiciary; Attorney General appointee; Public Defender appointee; corrections appointee; and 4 at large	Review sentencing procedures, prepare alternatives	Advisory, statewide with focus on Superior court felonies	Yes (1987)	May deviate.
Kansas Sentencing Commission	1989	16 members including representatives from 3 main branches, corrections, the bar and 2 members of the public appointed by the Governor	Implement and enforce Kansas Sentencing Guidelines	Review and Advisory	Effective 7/1/93	Presumptive; however, may deviate with sufficient justification.
Maryland Commission on Criminal Sentencing Policy	1996	19 members including judicial representatives, public and private attorneys, legislators, law enforcement & corrections personnel, and private citizens	Descriptive review of sentencing guidelines	Advise	Yes (1983)	Voluntary.
Massachusetts Sentencing Commission	1996	9 voting members and 6 nonvoting members including judicial representatives, attorneys, & law enforcement officers	Recommend Guideline system to legislature and other provide evaluations of sentencing efficiency	Advise	None	~
Michigan State Guidelines Advisory Committee	1995	19 members including legislators, judges, law enforcement and corrections officers, and private citizens	Review, revise and recommend guidelines to legislature	Advisory, felonies	Yes (1998)	Mandatory use-may depart with reason.
Minnesota Sentencing Guidelines Commission	1978	Chief justice, Court of Appeals judge, 2 District court judges appointed by CJ, public defender, county attorney, representatives from law enforcement and corrections, and 2 members of the public chosen by the Governor. 4 year terms.	Establish guidelines and modify as necessary.	Advisory, felonies	Yes (1978)	May depart from guidelines only with written justification. Ten offense categories.
Missouri Sentencing Advisory Commission	1990	11 including 1 appointment by speaker of house, one by president pro tem of senate, six by governor from following: public defender commission; citizens' organizations; board of probation and parole; prosecutors, and members of state Bar. 2 members appointed by Supreme Court.	Establish system of recommended sentences and study its implementation.	Review and advise	Yes (1995)	Voluntary
North Carolina Sentencing and Policy Advisory Commission	1990	Chief Justice Appointee (Chair); 1 judge each: Court of Appeals, Superior Court, District Court; 3 each: House and Senate; attorney general; 1 each: district attorney, defense attorney, sheriff, police chief, county commissioner; 1 representative each: academic, Bar, business, Community Sentencing, Corrections, Crime Control and Public Safety Department, Justice Fellowship Task Force, Parole Commission, public, Victim Assistance Network; 1 appointee each: lieutenant Governor, Commission Chair.	Revamp sentencing laws by recommending structured sentencing policies; develop comprehensive community corrections strategy; outline correctional costs; study restitution policies, evaluate sentencing laws and policies, and availability of sentencing options; develop corrections simulation model; gather/maintain statistical data; report on recidivism.	Advisory, felonies and misdemeanors	Yes (adopted 7/1/93; effective 1/1/95)	Mandatory

Table 48. Active Sentencing Commissions/Sentencing Guideline Systems

	Sentencing Commission Characteristics			Sentencing Guidelines		
	Established	Membership	Responsibilities	Advise Review	Date Established	Mandatory or Voluntary
Ohio Criminal Sentencing Commission	1993	24 members: Chief Justice of Supreme Court; 7 judges; superintendent of State highway patrol; state public defender; Director of rehabilitation and corrections; sheriff; 1 prosecuting attorney; 1 peace officer of a municipality; 1 crime victim; 1 defense attorney; 1 state bar member; 1 city prosecutor; 1 county commissioner; 1 mayor; 2 senators; 2 representatives	Recommends/Implements sentencing structure; study criminal statutes, sentencing patterns, and correctional study impact of sentencing structure; review and advise General Assembly in implementation/revision of laws.	Advise and review	Yes, 1997	Voluntary
Oklahoma Sentencing Commission	1994	11 members, staggered 5 year terms: 1 Supreme Court Justice; 1 indigent defender; 2 state representatives (1 Rep & 1 Dem); 2 state senators (1 Rep & 1 Dem); 1 DA; AG; Director of State Finance; 1 defense attorney is gubernatorial appointee	Establish sentencing criteria; classify criminal offenses; promulgate matrices; long-range planning/recommendations; monitor and review criminal justice and corrections system; review proposed legislation; collect and maintain statistical data	Advise and review	Yes, 1998	Mandatory
Oregon Criminal Justice Commission	1995	7 members: 4-year term. No more than 4 members from either political party or geographic region.	Amends sentencing guidelines, develops and maintains state criminal justice policy	Advise and review	Yes, 11/1/89	Mandatory- May deviate for substantial and compelling reasons.
Pennsylvania Commission on Sentencing	1978	11 members: 2 members of House and 2 from the Senate, 4 judges of record chosen by the Chief Justice, a district attorney, a defense attorney, and a professor of law or criminologist chosen by the Governor. 2 year terms.	Adopts guidelines for sentencing, systematically monitors compliance with guidelines and mandatory sentencing laws.	All felonies (including murder 3 and lesser homicides) and misdemeanors. Does not include summaries, murder 1 and 2.	Readopted 1988	Mandatory, but either prosecution or defense can appeal sentence not statutorily presumed.
South Carolina Sentencing Guidelines Commission	1989	13 voting members: 1 Supreme Court justice and 2 Circuit Court judges, 3 members of the senate, 3 members of the House, a criminal attorney, dean of law school, attorney general, a solicitor and 4 nonvoting law enforcement and corrections representatives. 4 year term.	Prescribe advisory sentencing guidelines and recommend changes in the classification system; develop and recommend policies and present 1, 5, and 10 year plans to relieve jail crowding; study impact of statutes; research and gather data; clearinghouse and information center.	Statewide for all felonies. Advise.		Statutory guidelines have not been adopted by legislature.
Utah Sentencing Commission	1983	27 members: 2 members of House and Senate, representatives from Corrections, Board of Pardons, legal defender, attorney general, sheriff's association, police, a rehabilitation professional, 2 victim's rights members, a citizen, 3 judges, one appellate, the director of youth corrections, chair of Youth Parole Authority, 2 juvenile judges, a juvenile prosecutor, and juvenile rehabilitation professional.	Develop guidelines and propose recommendations to Legislature, Governor, and Judicial Council about sentencing and release policies for juveniles and adults; enhance discretion of judges while preserving role of Board of Pardons.	Advisory, all criminal offenses	Yes, 7/1/85; revised 1998	May deviate

Table 48. Active Sentencing Commissions/Sentencing Guideline Systems

	Sentencing Commission Characteristics			Sentencing Guidelines		
	Established	Membership	Responsibilities	Advise Review	Date Established	Mandatory or Voluntary
Virginia Criminal Sentencing Commission	1994	17 members: 6 judges/justices, Attorney General, 1 person appointed by Chief Justice as Chairperson, 3 people appointed by the Speaker of the House of Delegates, 2 people appointed by the Senate Committee on Privileges and Elections, and 4 people appointed by the Governor.	Develop statewide guidelines; prepare worksheets to record reasons for departure; prepare guidelines for determining appropriate candidates for alternative sanctions; develop risk assessment instrument; forecasts, study felony statutes for judge and jury sentencing; report on work annually to the General Assembly, Governor, and Chief Justice.	Advise and review	1995	Voluntary
Washington Sentencing Guidelines Commission	1981	20 members include Directors of Corrections and Financial Management, Chairman of Indeterminate Sentence Board, 2 prosecuting attorneys, 2 defense attorneys, 4 Superior Court judges, 4 lay persons, one chief law enforcement officer, 1 county elected government official, 1 city elected government official, 1 administrator of juvenile court services.	Evaluate state sentencing policy; recommend changes in sentencing ranges to state legislature; study criminal code and propose changes; serve as information center for sentencing practices; assume powers/duties of juvenile dispositions standards commission; evaluate disposition standards; solicit comments and make recommendations; report to governor and legislature on 1) racial disproportionality in sentencing; 2) facility capacity; and 3) recidivism rates.	Advise and review	Yes (1984)	Mandatory. 15 offense categories. Must impose within range unless finds a substantial and compelling reason to justify departure.
Federal Sentencing Commission <i>Commission created pursuant to the Sentencing Reform Act of 1984 (P.L. 98-473), Guidelines effective 1987 (28 U.S.C. 991 et seq.). Parole abolished.</i>	1984	7 voting, 2 non-voting ex officio members: President chooses with advice and consent of Senate. Voting members to include at least 3 federal judges. Attorney General is ex officio member. 6 year staggered terms.	Establish sentencing policies and practices. Authority to submit guideline amendments each year.	Advisory, federal criminal system. Decisions are binding on lower courts.	Yes (effective 1987)	Mandatory. 43 offense categories. For atypical cases, may depart but must specify reasons. Subject to appellate review.

Definition of Commission:

Commissions may either be a body that reviews actual individual sentences (review) or a policy-making body that develops and maintains guidelines for future use (advisory).

Table 49. Collateral Consequences of a Felony Conviction

	Voting Rights	Parental Rights Terminated	Criminal Registration	Public Employment	Jury Duty Service
Alabama	Forfeit	Conviction a factor considered	Habitual offenders (3 or more felonies) and criminal sex offenders	Barred	Forfeit, for crime of moral turpitude
Alaska	Restorable, at final discharge	Sexual or child abuse	Sex offenders	Restorable	Forfeit for crime of moral turpitude, until unconditional discharge
Arizona	Suspended, until civil rights restored	Crime shows unfitness or long sentence	Yes ¹	Public office is barred, but other public employment is permitted	Suspended until civil rights restored
Arkansas	Forfeit	Abandonment, neglect, unfitness	Sex offenders	Barred	Forfeit
California	Restorable, at final discharge	Crime shows unfitness	Sex offenders	Barred for designated crimes	Forfeit
Colorado	Restored, at end of incarceration and parole	Crime shows unfitness or long sentence (6+ yrs.)	Sex offenders	Unaffected	~
Connecticut ²	Restorable, at final discharge	Abandonment or neglect	Sex offenders	Public office barred until rights regained. Public employ. permitted.	Forfeit, for 7 years
Delaware	Forfeit	Crime involved or harmed child	Sex offenders	Barred for conviction of an infamous crime	Forfeit
Dist. of Columbia	Restored, at end of incarceration	Conviction a factor considered	Sex offenders	Restorable	Forfeit, for > 1 year after probation/parole ended
Florida	Restorable by governor	Long sentence, nature of crime, harm to child	Yes (sex offenders under separate statute)	Barred only if directly related to position of employment	Restorable by governor
Georgia	Restorable, at final discharge	Conviction a factor considered	Sex offenders	Barred if felony involved moral turpitude	Forfeit, to the extent no longer "upright citizen". Grand Jury forfeit if no pardon or restoration of rights.
Hawaii	Restored, at end of incarceration	Abandonment or neglect	Sex offenders	Restored at final discharge	Forfeit
Idaho ³	Restored, at end of incarceration	Abandonment, neglect or abuse	Yes, certain sex crimes only	Restorable, tied to voting rights	Forfeit, if lost the right to vote
Illinois	Restorable, at final discharge	Specified Crimes	Sex offenders and specified murderers	Restorable, after 5 years for perjury	Must be "free of legal exception"
Indiana	Restored, at end of incarceration	Specified Felonies	Sex offenders	Forfeit	Forfeit, while serving time
Iowa	Forfeit	Abandonment	Sex offenders	Barred	No effect
Kansas	Restorable, at final discharge	Conviction a factor considered	Sex offenders	Restorable, at final discharge	Forfeit, if convicted within past 10 years
Kentucky	Forfeit	Abandonment, neglect or abuse	Sex offenders	Restorable, barred if bribery	Forfeit, if indicted or convicted

Table 49. Collateral Consequences of Felony Conviction

	Voting Rights	Parental Rights Terminated	Criminal Registration	Public Employment	Jury Duty Service
Louisiana	Restorable, at final discharge	Specified Crimes	Sex offenders	Unaffected unless convicted while in State employment	Forfeit, if indicted or convicted
Maine	No effect	Specified Crimes	Sex offenders	~	No effect
Maryland	Restorable, at final discharge for 1 st conviction, pardon for subsequent conviction	If in best interest of the child, or abandoned	Sex offenders	~	Forfeit, if fined over \$500 or sentenced to 6+ months (Restored via pardon)
Massachusetts	Forfeit only for corrupt election practices	If in best interest of the child	Sex offenders	Restorable	Forfeit, for 7 years
Michigan	Restored at end of incarceration	If in best interest of the child	Sex offenders	Barred from working for Dept. of Corrections	Forfeit, while serving sentence
Minnesota	Restorable at final discharge	Abandonment	Sex offenders	Only barred where crime relates to position	Restored, when civil rights restored
Mississippi	Forfeit	Considered if prolonged imprisonment	Sex offenders	~	Forfeit, if convicted of "infamous" crime or sale of alcohol in last 5 years
Missouri	Restored at end of incarceration except for felony connected with right of suffrage	Conviction a factor considered	Sex offenders, offenses against minors	Restorable except for felony connected with right of suffrage	Forfeit
Montana	Restored at end of incarceration	If unfit and convicted of violent crime	Sex offenders	Restorable	Forfeit
Nebraska	Restored by pardon	Abandonment or neglect	Sex offenders	Restorable	Restored by pardon
Nevada	Forfeit, but restorable	Conviction a factor considered	Yes	Forfeit	Forfeit, but restorable
New Hampshire	Restorable, at final discharge ⁴	Offense type & length of sentence	Sex offenders	Restored at final discharge	No effect
New Jersey	Restorable, at final discharge	Abandonment, neglect or abuse	Sex offenders	Restorable	Forfeit
New Mexico	Forfeit	Abandonment, neglect or abuse	Sex offenders	Barred from elected office or appointed office	Forfeit
New York ⁵	Restorable, at final discharge	Permanent neglect	Sex offenders	Restorable except Public Officials	Forfeit
North Carolina	Restorable, at final discharge	Considered for abandonment, abuse, or neglect	Yes, sex offenders, certain crimes against children	Restorable except police or sheriffs	Not "qualified" and subject to challenge for cause
North Dakota	Restored at end of incarceration	Abandonment or neglect	Sex offenders, crimes against children	Restorable	Forfeit if lost right to vote
Ohio	Restored at end of incarceration	Abandonment	Sex offenders	Barred	Forfeit
Oklahoma	Restorable, at final discharge	Child abuse or death of a child	Sex offenders	Restorable, except Public Officials	Restorable

Table 49. Collateral Consequences of a Felony Conviction

	Voting Rights	Parental Rights Terminated	Criminal Registration	Public Employment	Jury Duty Service
Oregon	Restored at end of incarceration	Abuse, neglect, unfitness, extreme conduct, abandonment	Sex offenders	Restorable	Restorable
Pennsylvania	Restored 5 years after end of incarceration	Abandonment or neglect	Sex offenders, child kidnapping	Restorable unless subversive person	Forfeit
Puerto Rico	Forfeit if judicially declared unqualified	Misconduct – conviction a factor considered	No	Restorable	Forfeit
Rhode Island ⁶	Restorable at final discharge	Unfitness, abusive or abandonment	Sex offenders, crimes against children	Barred for three years	Restorable
South Carolina	Restorable (at final discharge if election law violation); or restored at end of incarceration.	Abandonment, neglect or abuse	Sex offenders	Barred	Forfeit
South Dakota	Restorable at final discharge	Murder, sex offense, crimes against children	Sex offenders	Restorable	Forfeit
Tennessee	Forfeit if convicted of a felony.	Abandonment, neglect or abuse, incarcerated 10+ yrs. & child under 8	Sex offenders	Restorable	Forfeit if convicted of infamous, perjury or theft offenses
Texas	Restorable after sentence, parole, probation, etc. completed	Unable to care for child for at least 2 years because imprisoned	Sex offenders	~	Forfeit
Utah	Forfeit if convicted of treason, bribery, election fraud	Conviction a factor considered	Sex offenders	Restorable. May be removed from public office as part of sentence	Forfeit
Vermont	No effect	Unfitness	Sex offenders	Restorable	Forfeit
Virginia	Forfeit	Abandonment or neglect	Sex offender, crimes against minors	Restorable	Forfeit
Washington	Forfeit	Best interest of the child	Sex offenders	Restorable, except for public officials	Forfeit, unless civil rights restored
West Virginia	Restorable, at final discharge	Conviction a factor considered	Sex offenders	Restorable	Forfeit, if convicted of perjury or "infamous" crime
Wisconsin	Restorable, at final discharge	⁷	Sex offenders	Restorable	Restorable
Wyoming	Forfeit, unless civil rights restored	Unfitness	Sex offenders	Restorable	Forfeit, unless civil rights restored
Federal Courts	Dependent on state law	Dependent on state law	Sex offenders	Restorable, unless clear nexus with official duties	Forfeit, unless state has substantially restored civil rights

FOOTNOTES:

Arizona:

¹Judges may require registration at time of sentencing.

Connecticut:

²Exception, civil rights are not impaired for failure to pay support (a felony).

Idaho:

³Still has "civil death" statutes for felons sentenced to life imprisonment. However, these laws have been partially abrogated by holdings of appellate courts that denial of access to courts is a violation of equal protection.

Table 49. Collateral Consequences of Felony Conviction

New Hampshire:

⁴Except bribery, treason, or willful violation of election laws which require restoration by Supreme Court.

New York:

⁵Still has "civil death" statutes for felons sentenced to life imprisonment. However, these laws have been partially abrogated by holdings of appellate courts that denial of access to courts is a violation of equal protection.

Rhode Island:

⁶Still have "civil death" statutes for felons sentenced to life imprisonment. However, these laws have been partially abrogated by holdings of appellate courts that denial of access to courts is a violation of equal protection.

Wisconsin:

⁷May terminate if parent has caused death/injury to a child/children resulting in a felony conviction or if parent intentionally/recklessly killed other parent.

Table 50. Good Time Accumulation and Parole

	Is there a parole board with discretionary release authority?	Do incarcerated felons accumulate "good time"?	What rate does "good time" accrue?
Alabama ¹	■	■ ²	Up to 75 days for 30 served
Alaska	■	■	1/3 of term reduced
Arizona ³	■	■	Varies, usually 1 for 2 days served
Arkansas	■	■	Day for day
California	■ ⁴	■	Varies from 15% to 50% ⁵
Colorado	■	■	15 days per month ⁶
Connecticut	■	■	~ ⁷
Delaware	Limited (advisory)	■	90 day/year max
District of Columbia	■	■ ⁸	~
Florida	■	■	~ ⁹
Georgia	■	■	~
Hawaii	■	■	~ ¹⁰
Idaho	■	■ ¹¹	~
Illinois	■	■	Depends on offense ¹²
Indiana	■	■	Day for day/one for two ¹³
Iowa	■	■	Day for day
Kansas	■	■	Max 15% of sentence
Kentucky	■	■	10 days/month
Louisiana	■	■	Day for day
Maine	~ ¹⁴	■	Up to 10 days/month
Maryland	■	■	~ ¹⁵
Massachusetts	■	■ ¹⁵	2½ to 12½ days/month
Michigan	■	■ ¹⁶	5 to 15 days/month ¹⁶
Minnesota	■	■	1 day for 2 days served
Mississippi	■ ¹⁷	■	4.5 days/month
Missouri	■	■	~ ¹⁸
Montana	■	■	~
Nebraska	■	■	7 days for 14 days
Nevada	■	■	10 days/month ¹⁹
New Hampshire	■	■	12.5 days/month
New Jersey	■	■	~ ²⁰
New Mexico	■	■	30 days/month
New York	■ ²¹	■ ²²	1 for 3 days served indeterminate, 1 for 7 days determinate
North Carolina	■	■	~ ²³
North Dakota	■	■	5 days/month
Ohio	■	■	~
Oklahoma	~ ²⁴	■ ²⁷	~ ²⁵
Oregon	~ ²⁶	■	~ ²⁸
Pennsylvania	■	■	~
Puerto Rico	■	■	~ ²⁹
Rhode Island ³⁰	■	■	Varies ³¹
South Carolina ³²	■	■	~ ³³
South Dakota	■	■	~ ³⁴
Tennessee	■	■	~ ³⁵
Texas	■	■	~ ³⁶
Utah	■	■ ³⁷	~ ³⁸
Vermont ³⁹	■	■	Day for day ⁴⁰
Virginia	■	■	~ ⁴¹
Washington	■	■	1 day for 3 days served
West Virginia	■	■	Day for day
Wisconsin	■	■	¼ of term
Wyoming	■	■	Day for day
Federal Courts	■	■	~

Table 50. Good Time Accumulation and Parole

FOOTNOTES:

Alabama:

¹Governor has power to commute a LWOP sentence to a term of years.
²Not applicable to prisoners convicted of Class A felony, sentenced to life or death or who have received a sentence in excess of fifteen years. Defendant's convicted of drug trafficking are prohibited from earning good time.

Arizona:

³Governor does not have power to commute a LWOP sentence to a term of years.

California:

⁴For "life" sentences only.
⁵"Good time" accrual depends upon factors such as offense and/or prior record.

Colorado:

⁶Earned time is also available up to 30 days every 6 months.

Connecticut:

⁷For offenses committed after 7/1/83, 10 days/month for first 5 years, and 12 days/month for each month thereafter.

District of Columbia:

⁸Before June 20, 1994, felon received good time based on sentence structure. After June 20, 1994 no good time.

Florida:

⁹Basic good time accrues 10 days/month. Meritorious good time can be awarded up to 60 days.

Hawaii:

¹⁰Varies by paroling authority.

Idaho:

¹¹Meritorious time only, for prisoners sentenced after 1986.

Illinois:

¹²First degree murder—no good time credit; other serious offenses (e.g., attempt to commit first degree murder, aggravated kidnapping)—no more than 4-5 days per month; other offenses that resulted in great bodily harm to victim (e.g., aggravated vehicular hijacking)—no more than 4-5 days per month; remaining offenses—day for day.

Indiana:

¹³Various meritorious times for education.

Maine:

¹⁴Parole was abolished in 1976, but the Parole Board still exists for pre-1976 cases.

Maryland:

¹⁵Up to 10 days good time, plus 5 days work time, plus 5 days education good time accrual possible in one month.

Michigan:

¹⁶Unless the offense was committed prior to April of 1987, the concept of "good time" is irrelevant to prison sentences. Most prisoners sentenced for offenses committed between April 1987 and December 15, 1998, are eligible to earn "disciplinary credits" of up to 84 days per year. For certain enumerated offenses committed on or after December 15, 1998, prisoners who are convicted of these offenses cannot earn disciplinary credit, are subject to "disciplinary time," and will not be eligible for parole until service of the entire minimum sentence imposed by the court. Effective for all felony offenses committed on or after December 15, 2000, prisoners will not earn disciplinary credit, are subject to disciplinary time, and will not be eligible for parole until service of the entire minimum sentence imposed by the court is completed. This concept is also known as Truth in Sentencing.

Mississippi:

¹⁷On July 1, 2000 the Department of Corrections will assume all powers of the parole board (§47-7-53).

Missouri:

¹⁸Policy of good time credit determined by Department of Corrections.

Nevada:

¹⁹For terms over 270 days; slower accumulation rates for shorter sentences.

New Jersey:

²⁰Custody credits are applied by a formula which takes into account the length of the original sentence, jail credits prior to sentence imposition, and work credits.

New York:

²¹Expires and repealed effective 9/1/99.

²²Repealed effective 9/30/2005.

North Carolina:

²³At discretion of Department of Corrections or Prison custodian, may reduce up to minimum term of imprisonment.

Oklahoma:

²⁴Parole Board makes recommendation to Governor, who has discretionary release authority. Governor not bound by Board.
²⁵Scale depending on class of inmate: 4 classes. 1 credit = 1 day. Class 1: if crime committed before 7/1/98 = 0 credits; on/after 7/1/98 = 0 credits; Class 2: if crime committed before 7/1/98 = 22 credits/month; on/after 7/1/98 = 3 credits/month; Class 3: if crime committed before 7/1/98 = 33 credits/month; on/after 7/1/98 = 5 credits/month; Class 4: if crime committed before 7/1/98 = 44 credits/month; on/after 7/1/98 = 4 credits/month.

Oregon:

²⁶Yes/no (pre-sentence guidelines yes; post-sentence guidelines no).

²⁷If confined to county facility.

²⁸Scale depending on length of sentence: 10-30 days = 1 day for 10 served; 30-90 days = 3 days for 30 served; 90-180 days = 4 days for 30 served; 180-270 days = 5 days for 30 served; 270 + days = 6 days for 30 served.

Puerto Rico:

²⁹For good behavior (1) for a sentence not in excess of 15 years, 12 days per month; (2) for 15 years or more, 13 days per month.

Rhode Island:

³⁰Governor does not have power to commute a LWOP sentence to a term of years.

³¹Number of days of good time earned each month is equal to the number of years of sentence. Can earn 2 additional days per month for participation in institutional industries program.

South Carolina:

³²Governor does not have power to commute a LWOP sentence to a term of years.

³³Twenty days for 30 days served, in addition: 1 day for 2 days work credits; 1 day for 2 days education credit.

Table 50. Good Time Accumulation and Parole

South Dakota:

³⁴Has a graduated scale of reductions from sentence for good conduct. 4 months per year served for years 1-10; 6 months per year after 10 years. Pro-rated.

Tennessee:

³⁵Not more than 8 days per month for good behavior, and not more than 8 days per month for program performance.

Texas:

³⁶Depends on inmate classification: 1) 20 days for 30 served with possibility of 10 more days if trusty; 2) 20 days for 30 served if Class I; 3) 10 days for 30 served if Class II; 4) none if Class IV. All earn 15 more days per month if participants diligently in programs.

Utah:

³⁷For misdemeanors only.

³⁸Five days for 30 days served; if less than 30 days, 2 days for every 10 days served.

Vermont:

³⁹Governor does not have power to commute a LWOP sentence to a term of years.

⁴⁰5 days/month; plus may earn 10 more days reduction if inmate participates in educational, vocational, or treatment programs. Serves to reduce number of days of minimum and maximum term.

Virginia:

⁴¹For crimes committed after July 1981; Level I: day for day; Level II: 20 days good time/30 days served; Level III: 20 days good time/30 days served; Level IV: no good time.