



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



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The data and the report, as well as others from the Bureau of Justice Statistics, are available through the Internet--

<http://www.ojp.usdoj.gov/bjs/>

Highlights

Trends in felony sentencing in the United States

The volume of felony convictions in State courts fluctuated during the period 1988-94. The decline from 1992 to 1994 (894,000 to 872,000) reversed the upward trend after 1988 (page 3).

Though 1994 had considerably more convictions than 1988, there were indications that courts were able to handle the increased workload. In 1988 the typical convicted felon was sentenced 7 months after arrest; in 1994, just under 6½ months. Despite the increased volume of work, courts actually processed cases a little faster in 1994 than in 1988 (page 3).

The proportions of felons sentenced to incarceration or probation in 1994 were generally unchanged from 1988. Prison sentences accounted for 44% of felony sentences in 1988 and 45% in 1994 (page 3).

Persons age 30 or older comprised 40% of persons convicted in 1988 but 47% in 1994. The median age of convicted felons was 27 years in 1988 but 29 years in 1994. A notable exception to the trend was the younger age of convicted murderers. Teenagers accounted for 10% of convicted murderers in 1988 but 18% in 1994 (page 3).

Juveniles transferred to adult court

In 1994 a total of 872,000 adults was convicted of a felony in State courts. Of them, an estimated 12,000 were juveniles who had been transferred to adult courts. These transfers occurred in one of two ways: either the case was excluded by statute from the jurisdiction of the juvenile court (because of the serious charge against the defendant or because of the defendant's lengthy prior record), or the juvenile was transferred at the discretion of the juvenile court or the prosecutor.

- Transferred juveniles differed from other convicted felons in terms of conviction offenses. Over half (53%) of transferred juveniles had a violent offense as their conviction offense (table 6.4). That compares to 19% among all persons convicted of a felony in State courts in 1994 (table 6.1)

- Compared to convicted adults in their first year of adulthood, transferred juveniles were generally more likely to receive a prison sentence. For rape, for example, the percentage receiving a prison sentence was 84% of transferred juveniles and 71% of young adults; for assault, 81% of transferred juveniles and 60% of young adults (table 6.7).

- Compared to convicted adults in their first year of adulthood, transferred juveniles received longer prison sentences. For example, the average prison sentence for assault was 6.5 years among transferred juveniles and about 5.5 years among adults in their first year of adulthood (table 6.7).

Felony sentences in State courts

- In 1994 State courts convicted over 870,000 adults of murder, rape, robbery, drug trafficking, and other felony offenses (table 1.1). Forty-five percent of convicted felons were sentenced to a State prison, and 26% were sentenced to a local jail (usually for a year or less). The remaining 29% were sentenced to straight probation with no jail or prison time to serve (table 1.2).

- Drug traffickers (19%) and drug possessors (12.5%) together made up 31.4% of felons convicted in State courts in 1994. Violent offenders, consisting of murderers (1.4%), rapists (2.3%), robbers (5.3%), assaulters (7.5%), and others convicted of a violent crime (2.4%) together made up 18.9%. Burglars (11.2%) and larce-

nists (13%) made up most of the rest (table 1.1).

- State courts sentenced to State prison 62% of felons convicted of a violent offense, 42% convicted of a property offense, 42% convicted of a drug offense, and 42% of those felons convicted of a weapons offense in 1994 (table 1.2).

Regional variation in adjudication and sentencing

- State courts in the South sentenced to prison 49% of the felons they convicted in 1994. That compares to 43% in State courts elsewhere (table 5.2).

- Felony prison sentences were longer in the South than elsewhere. Overall, the average prison sentence in the South in 1994 was 84 months (7 years), compared to 59 months (almost 5 years) outside the South. The average State prison sentence was longer in the South for every offense except murder (table 5.3).

Felons sentenced to probation

- 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).

Profile of felons convicted

- The average age of felons convicted in 1994 was 30 years (table 2.3).

- In 1994 men comprised 85% of persons convicted of a felony (table 2.1). An estimated 50% of males received a State prison sentence, compared to 33% of females (table 2.4).

Felony case processing

- An estimated 58% of felons convicted by a jury received a prison sentence, compared to 58% of those convicted by a judge and 44% of those who pleaded guilty (table 4.4).
- Prison sentences were much longer for felons convicted by a jury trial (12 years) than for felons who pleaded guilty (5 years) or were convicted at trial by a judge (7 years) (table 4.5).
- In 39% of jury trial convictions nationwide, felons were found guilty of multiple offenses. Eighteen percent of the guilty pleas and 21% of the bench trial convictions involved multiple offenses (table 4.7).
- Mean elapsed time from date of arrest to date of felony conviction was about 6 months. Jury cases took the longest time (about 9 months). Guilty plea cases took about 5½ months and bench trials took almost 8 months. The longest average time was for murder or nonnegligent manslaughter, about 11 months; and the shortest, 5 months for drug possession (table 4.9).
- Cases decided by juries had a mean elapsed time from arrest to sentencing of about 10 months; those disposed by bench trial had a mean of 8½ months; those disposed by guilty plea had a mean of 6 months (table 4.11).

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National Judicial Reporting Program

The National Judicial Reporting Program (NJRP), a biennial sample survey, compiles information on the sentences that felons receive in State courts nationwide and on characteristics of the felons. Surveys of felony sentencing in State courts were previously conducted in 1986 (see *Felony Sentences in State Courts, 1986*, BJS, NCJ-115210, February 1989), 1988 (see *Felony Sentences in State Courts, 1988*, BJS, NCJ-126923, December 1990), 1990 (see *Felony Sentences in State Courts, 1990*, BJS, NCJ-149077, September 1994), and in 1992 (see *Felony Sentences in State Courts, 1992*, BJS, NCJ-151167, January 1995).

The 1994 survey was based on a sample of 300 counties selected to be nationally representative. The sample consisted of virtually the same jurisdictions as in the 1988 survey and included the District of Columbia and at least one county from every State except, by chance, Vermont. Among sampled counties, two sentenced no felons during 1994. The 1994 survey excluded Federal courts and those State or local courts that did not adjudicate felony cases. Federal courts convicted 41,673 persons of a felony offense in 1994. That number represents about 5% of the combined State and Federal total number of felony convictions during 1994.

The 1994 survey included only offenses that State penal codes defined as felonies. Felony offenses are widely defined as crimes that have the potential of being punished by more than 1 year in prison. States usually designate specific courts to try felony offenses, although in some counties more than one court may handle such cases.

The term felony is not uniform in either its usage or definition in the United States. Two jurisdictions (Maine and

New Jersey) do not use the term to classify their criminal offenses, and six others offer no explicit definition of the term, even though they use it as a criminal designation. In the 43 States that use and define the term felony, common elements do exist. With few exceptions, criminal codes define felonies by reference to place of imprisonment. Most often, felony definitions identify the place of imprisonment but not the duration, as in Idaho, where a felony is a "crime punishable by death or by imprisonment in the State prison." Nearly as frequent is a definition that specifies the duration of imprisonment but not the place, as in Georgia, where a felony is a "crime punishable by death, by imprisonment for life, or by imprisonment for more than 12 months."

This publication summarizes results from the 1994 survey. Each of the sections addresses a different aspect of felony convictions in State courts during 1994.