



Bureau of Justice Statistics

State Court Sentencing of Convicted Felons, 1996

In State courts

Trends in felony sentencing 1988-96

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State Court Sentencing of Convicted Felons, 1996

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Felony sentences in State courts, 1996

In 1996 State courts convicted over 997,000 adults of murder, rape, robbery, drug trafficking, and other felony offenses. Thirty-eight percent of convicted felons were sentenced to a State prison, and 31% were sentenced to a local jail (usually for a year or less). The remaining 31% were sentenced to straight probation with no jail or prison time to serve (table 1.2).

Other results include the following:

- Drug traffickers (21.3%) and drug possessors (13.6%) together made up 34.8% of felons convicted in State courts in 1996. Violent offenders, consisting of murderers (1.1%), sexual assaulters (3.0%), robbers (4.3%), assaulters (7.0), and others convicted of a violent crime (1.4%) together made up 16.8%. Burglars (9.3%) and larcenists (12.3%) made up most of the rest (table 1.1).

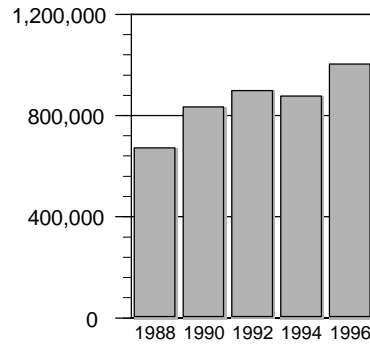
- The average sentence to local jail was 6 months. The average probation sentence was just under 3½ years (table 1.3).

- Felons sentenced to State prison in 1996 had an average sentence of just over 5 years. But, assuming they were to serve the same fraction of their imposed sentence as did those released in 1996, felons were expected to serve 45% of that sentence — or 2 years and 4 months — before release (table 1.5).

- State courts nationwide sentenced to life 26% of those convicted of murder or nonnegligent manslaughter (table 1.4).

- The 997,970 felons sentenced in 1996 were convicted altogether of about 1.2 million felonies. The number of felony convictions exceeds the number

Number of felony convictions in State courts



of convicted felons because 20% of the felons were convicted of two felony charges and 4% were convicted of three or more (table 1.6).

- The likelihood of a prison sentence rose from 35% for those convicted of one felony, to 45% for two, and 52% for three or more (table 1.7).

- The mean sentence to incarceration also increased from 2.75 years for those convicted of one felony to just over 4 years for those convicted of two or more (table 1.8).

- A fine was imposed on 20% of convicted felons, restitution on 14%, community service on 6%, and treatment was ordered for 6% (table 1.9).

Violent offenders sentenced to prison had an average sentence of about 8¾ years but were likely to serve 51% of that sentence, or about 4½ years, before release

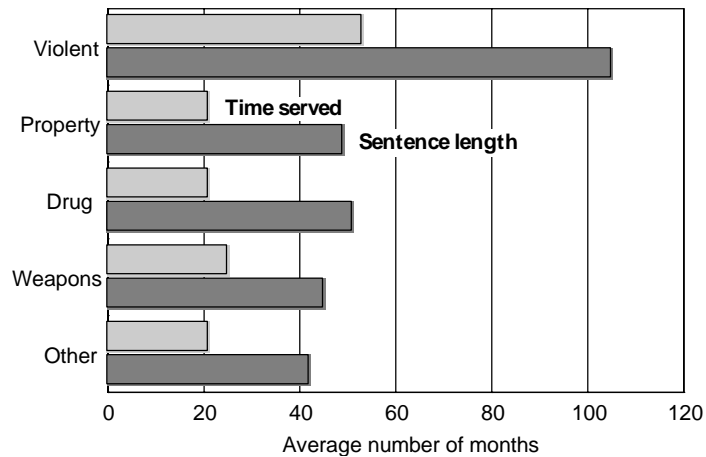


Table 1.1. Estimated number of felony convictions in State courts, 1996

Most serious conviction offense	Felony convictions in State court	
	Number	Percent
All offenses	997,970	100.0%
Violent offenses	167,824	16.8%
Murder ^a	11,430	1.1
Murder	8,564	0.9
Manslaughter	2,866	0.3
Sexual assault ^b	30,057	3.0
Rape	13,559	1.4
Other sexual assault	16,498	1.7
Robbery	42,831	4.3
Armed	12,041	1.2
Unarmed	12,155	1.2
Unspecified	18,635	1.9
Aggravated assault	69,522	7.0
Other violent ^c	13,984	1.4
Property offenses	298,631	29.9%
Burglary	93,197	9.3
Residential	10,605	1.1
Nonresidential	18,220	1.8
Unspecified	64,371	6.5
Larceny ^d	123,201	12.3
Motor vehicle theft	17,794	1.8
Other theft	105,406	10.6
Fraud ^e	82,233	8.2
Fraud	41,480	4.2
Forgery	40,753	4.1
Drug offenses	347,774	34.8%
Possession	135,270	13.6
Trafficking	212,504	21.3
Marijuana	20,618	2.1
Other	68,985	6.9
Unspecified	122,901	12.3
Weapons offenses	33,337	3.3%
Other offenses^f	150,404	15.1%

Note: Detail may not sum to total because of rounding. Data specifying the conviction offense were available for 997,970 cases.

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

^bIncludes rape.

^cIncludes offenses such as negligent manslaughter and kidnaping.

^dIncludes a small number of convictions with unspecified offenses.

^eIncludes embezzlement.

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

Table 1.2. Type of felony sentence imposed by State courts, by offense, 1996

Most serious conviction offense	Percent of felons sentenced to —				
	Total	Incarceration			Probation
		Total	Prison	Jail	
All offenses	100%	69%	38%	31%	31%
Violent offenses	100%	79%	57%	22%	21%
Murder ^a	100	95	92	3	5
Sexual assault ^b	100	79	63	16	21
Robbery	100	87	73	14	13
Aggravated assault	100	72	42	30	28
Other violent ^c	100	73	38	34	27
Property offenses	100%	62%	34%	28%	38%
Burglary	100	71	45	26	29
Larceny ^d	100	63	31	32	37
Fraud ^e	100	50	26	24	50
Drug offenses	100%	72%	35%	37%	28%
Possession	100	70	29	41	30
Trafficking	100	73	39	33	27
Weapons offenses	100%	67%	40%	27%	33%
Other offenses^f	100%	63%	31%	32%	37%

Note: For persons receiving a combination of sentences, the sentence designation came from the most severe penalty imposed — prison being the most severe, followed by jail, then probation. Prison includes death sentences. Data on sentence type were available for 997,906 cases.

^aIncludes nonnegligent manslaughter.

^bIncludes rape.

^cIncludes offenses such as negligent manslaughter and kidnaping.

^dIncludes motor vehicle theft.

^eIncludes forgery and embezzlement.

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

Table 1.3. Length of felony sentence imposed by State courts, by offense and type of sentence, 1996

Most serious conviction offense	Maximum sentence length in months for felons sentenced to —				
	Total	Incarceration			Probation
		Total	Prison	Jail	
Mean					
All offenses	39 mo	38 mo	62 mo	6 mo	41 mo
Violent offenses	72 mo	78 mo	105 mo	7 mo	48 mo
Murder ^a	241	249	257	8	72
Sexual assault ^b	92	98	120	8	66
Robbery	84	87	101	10	52
Aggravated assault	43	43	69	6	41
Other violent ^c	36	34	59	6	44
Property offenses	33 mo	30 mo	49 mo	6 mo	40 mo
Burglary	43	41	60	6	46
Larceny ^d	27	22	40	6	38
Fraud ^e	31	24	43	5	39
Drug offenses	32 mo	28 mo	51 mo	6 mo	42 mo
Possession	24	20	41	5	37
Trafficking	36	34	55	7	45
Weapons offenses	31 mo	29 mo	45 mo	5 mo	35 mo
Other offenses^f	30 mo	24 mo	42 mo	6 mo	40 mo
Median					
All offenses	24 mo	16 mo	36 mo	6 mo	36 mo
Violent offenses	36 mo	38 mo	60 mo	6 mo	36 mo
Murder ^a	254	288	300	8	60
Sexual assault ^b	60	60	72	6	60
Robbery	60	60	72	9	60
Aggravated assault	24	23	48	6	36
Other violent ^c	23	12	36	6	36
Property offenses	24 mo	13 mo	36 mo	6 mo	36 mo
Burglary	30	24	48	6	36
Larceny ^d	23	12	24	6	36
Fraud ^e	24	12	30	4	36
Drug offenses	23 mo	12 mo	36 mo	6 mo	36 mo
Possession	12	9	24	5	36
Trafficking	24	16	36	6	36
Weapons offenses	24 mo	16 mo	30 mo	4 mo	36 mo
Other offenses^f	24 mo	12 mo	32 mo	5 mo	36 mo

Note: See note on table 2. Means exclude sentences to death or to life in prison. Sentence length data were available for 997,906 incarceration and probation sentences.
^aIncludes nonnegligent manslaughter.
^bIncludes rape.
^cIncludes offenses such as negligent manslaughter and kidnapping.
^dIncludes motor vehicle theft.
^eIncludes forgery and embezzlement.
^fComposed of nonviolent offenses such as receiving stolen property and vandalism.

Table 1.4. Estimated percent of felons sentenced to life in prison, by offense, 1996

	Life sentences as a percent of —	
	All sentences	All prison sentences
All offenses	0.5%	1.2%
Murder	25.7	27.7
Sexual assault	1.3	2.0
Robbery	1	1.4
Aggravated assault	0.3	0.8
Other violent	0.1	0.4
Burglary	0.2	0.4
Larceny	--	0.2
Fraud	--	--
Drug possession	0.1	0.5
Drug trafficking	0.1	0.2
Weapons	0.1	0.2
Other	--	--

--Less than 0.05%.

Table 1.5. Estimated time to be served in State prison, by offense, 1996

Most serious conviction offense	Mean prison sentence	To be served in prison, estimated —	
		Percent of sentence ^a	Time ^b
All offenses	62 mo	45%	28 mo
Violent offenses	105 mo	51%	53 mo
Murder ^c	257	50	128
Sexual assault ^d	120	51	61
Robbery	101	47	48
Aggravated assault	69	54	38
Other violent ^e	59	51	30
Property offenses	49 mo	42%	21 mo
Burglary	60	42	25
Larceny ^f	40	44	17
Fraud ^g	43	39	17
Drug offenses	51 mo	41%	21 mo
Possession	41	40	16
Trafficking	55	42	23
Weapons offenses	45 mo	56%	25 mo
Other offenses^h	42 mo	49%	21 mo

^aPercentages are based on data from 231,857 persons released from State prisons in 1996 (National Corrections Reporting Program, 1996 tables 2-8 and 2-12). These percentages included credited jail time.

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

^cIncludes nonnegligent manslaughter.

^dIncludes rape.

^eIncludes offenses such as negligent manslaughter and kidnaping.

^fIncludes motor vehicle theft.

^gIncludes forgery and embezzlement.

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

Table 1.6. Number of offenses for felons convicted and sentenced in State courts, by most serious felony conviction offense, 1996

Most serious conviction offense	Percent of convicted felons with —			
	Total	One felony conviction	Two felony convictions	Three or more conviction
All offenses	100%	76%	20%	4%
Violent offenses	100%	70%	24%	6%
Murder ^a	100	62	29	9
Sexual assault ^b	100	67	26	7
Robbery	100	68	26	7
Aggravated	100	72	23	5
Other violent ^c	100	79	18	3
Property offenses	100%	73%	23%	5%
Burglary	100	64	31	5
Larceny ^d	100	84	14	2
Fraud ^e	100	65	27	8
Drug offenses	100%	78%	19%	3%
Possession	100	87	12	1
Trafficking	100	72	24	4
Weapons offenses	100%	76%	20%	4%
Other offenses^f	100%	88%	10%	2%

Note: Data on number of convictions were available for 983,545 cases. The number of convictions pertains to current, not past, convictions.

^aIncludes nonnegligent manslaughter.

^bIncludes rape.

^cIncludes offenses such as negligent manslaughter and kidnaping.

^dIncludes motor vehicle theft.

^eIncludes forgery and embezzlement.

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

Table 1.7. Convicted felons sentenced to prison by State courts, by number of conviction offenses, 1996

Most serious conviction offense	Percent of felons sentenced to prison following —		
	One felony conviction	Two felony convictions	Three or more felony convictions
All offenses	35%	45%	52%
Violent offenses	51%	65%	75%
Murder ^a	90	94	97
Sexual assault ^b	58	69	81
Robbery	69	80	85
Aggravated assault	37	51	58
Other violent ^c	35	47	65
Property offenses	32%	39%	41%
Burglary	43	47	55
Larceny ^d	30	39	42
Fraud ^e	23	29	30
Drug offenses	34%	40%	49%
Possession	29	30	36
Trafficking	37	43	50
Weapons offenses	38%	45%	54%
Other offenses^f	30%	38%	42%

Note: See note on table 2. Data on number of conviction offenses were available for 983,481 cases. The number of convictions pertains to current, not past, convictions.

^aIncludes nonnegligent manslaughter.

^bIncludes rape.

^cIncludes offenses such as negligent manslaughter and kidnaping.

^dIncludes motor vehicle theft.

^eIncludes forgery and embezzlement.

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

Table 1.8. Mean sentence lengths for felony sentences imposed, by the number and category of the conviction offense, 1996

Most serious conviction offense	Mean maximum sentence length (in months) for felons sentenced to —			
	Incarceration			
	Total	Prison	Jail	Probation
One conviction offense				
All offenses	33 mo	56 mo	6 mo	40 mo
Violent offenses	65 mo	93 mo	7 mo	45 mo
Murder ^a	223	231	8	70
Sexual assault ^b	77	97	8	61
Robbery	75	89	10	51
Aggravated	38	65	6	39
Other violent ^c	31	58	6	42
Property offenses	27 mo	46 mo	6 mo	38 mo
Burglary	39	59	7	45
Larceny ^d	21	38	6	37
Fraud ^e	22	40	5	36
Drug offenses	26 mo	48 mo	6 mo	41 mo
Possession	19	40	5	37
Trafficking	31	53	6	45
Weapons offenses	26 mo	41 mo	5 mo	34 mo
Other offenses^f	24 mo	42 mo	6 mo	40 mo
Two or more conviction offenses				
All offenses	51 mo	75 mo	6 mo	46 mo
Violent offenses	100 mo	123 mo	7 mo	57 mo
Murder ^a	292	297	7	83
Sexual assault ^b	131	151	8	88
Robbery	105	116	9	56
Aggravated	54	75	6	49
Other violent ^c	43	62	7	50
Property offenses	36 mo	54 mo	6 mo	45 mo
Burglary	45	62	6	47
Larceny ^d	29	46	7	42
Fraud ^e	28	46	5	45
Drug offenses	35 mo	58 mo	6 mo	43 mo
Possession	25	50	6	38
Trafficking	39	60	6	45
Weapons offenses	38 mo	54 mo	6 mo	38 mo
Other offenses^f	27 mo	43 mo	5 mo	43 mo

Note: See notes on tables 2 and 3. Means exclude sentences to death or life imprisonment. Sentence length data were available for 997,906 cases. The number of convictions pertains to current, not past, convictions.

^aIncludes nonnegligent manslaughter.

^bIncludes rape.

^cIncludes offenses such as negligent manslaughter and kidnaping.

^dIncludes motor vehicle theft.

^eIncludes forgery and embezzlement.

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

Table 1.9. Felons sentenced to an additional penalty by State courts, by offense, 1996

Most serious conviction offense	Percent of felons with an additional penalty of —				
	Fine	Restitution	Treatment	Community service	Other
All offenses	20%	14%	6%	6%	3%
Violent offenses	14%	12%	5%	4%	3%
Murder ^a	8	9	1	1	2
Sexual assault ^b	13	9	8	3	4
Robbery	8	11	3	2	2
Aggravated assault	19	14	5	6	4
Other violent ^c	18	13	6	6	4
Property offenses	20%	25%	4%	7%	4%
Burglary	17	21	4	6	3
Larceny ^d	20	22	5	6	5
Fraud ^e	24	32	4	10	3
Drug offenses	22%	7%	7%	6%	2%
Possession	19	7	10	6	3
Trafficking	23	6	5	6	2
Weapons offenses	16%	6%	3%	4%	2%
Other offenses^f	25%	12%	7%	6%	4%

Note: Where the data indicated affirmatively that a particular additional penalty was imposed, the case was coded accordingly. Where the data did not indicate affirmatively or negatively, the case was treated as not having an additional penalty. These procedures provide a conservative estimate of the prevalence of additional penalties. A felon receiving more than one kind of additional penalty appears under more than one table heading. Data on additional penalties were available for 997,970 cases.

^aIncludes nonnegligent manslaughter.

^bIncludes rape.

^cIncludes offenses such as negligent manslaughter and kidnaping.

^dIncludes motor vehicle theft.

^eIncludes forgery and embezzlement.

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