



Bureau of Justice Statistics

State Court Sentencing of Convicted Felons, 1996

In State courts

Trends in felony sentencing 1988-96

Felony sentencing

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State Court Sentencing of Convicted Felons, 1996

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Juveniles transferred to adult court, 1996

Defendants are prosecuted in either juvenile courts or adult courts. The defendant's age largely determines which of the two. In 1996, all defendants **16** years of age and older in three States — Connecticut, New York, and North Carolina — were prosecuted in adult courts. All those age **17** or older were prosecuted in adult courts in 10 States: Georgia, Illinois, Louisiana, Massachusetts, Michigan, Missouri, New Hampshire, Texas, South Carolina, and Wisconsin. In the remaining 37 States, prosecution was in adult courts for all defendants age **18** or older.

In exceptional cases, defendants below these ages were also prosecuted in adult courts. Such cases were either statutorily excluded from juvenile court jurisdiction or waived to adult court at the discretion of authorities (juvenile courts or prosecutors). Commonly excluded cases are murders and other serious violent offenses. In addition, several States exclude juveniles charged with felonies if they have prior adjudications or convictions.

Juvenile defendants prosecuted in adult courts are referred to as *transferred cases*. As the term is used here, *transferred* covers both cases excluded from juvenile court by statute and cases transferred to adult court at the discretion of the juvenile court or the prosecutor.

In this chapter, transferred juveniles are compared to adult felony defendants. The sample of transferred juveniles used in the comparison is large although not statistically representative of all transferred juveniles.

Compared to adult felony defendants, transferred juvenile felony defendants were —

More likely

- to be male than female: 96% versus 84% (table 5.1)
- to be black* than white*: 55% versus 45% (table 5.1)
- to have a violent offense as their conviction offense: 53% versus 17% (table 5.1)
- to have robbery as their conviction offense: 23% versus 4% (table 5.1)

*Includes Hispanics.

Less likely

- to have a drug offense as their conviction offense: 11% versus 37% (table 5.1)

Among defendants convicted of the following offenses, transferred juveniles were —

More likely to be sentenced to prison

- burglary: 50% versus 20% (table 5.2)
- larceny: 37% versus 17% (table 5.2)
- weapons offenses: 55% versus 39% (table 5.2)

More likely to be sentenced to longer prison terms

- weapons offenses: 48 months versus 42 months (table 5.3)

Less likely to be sentenced to probation

- property offenses: 27% versus 54% (table 5.2)
- larceny: 21% versus 51% (table 5.2)

Less likely to be sentenced to longer prison terms

- sexual assault: 105 months versus 117 months (table 5.3)
- burglary: 41 months versus 57 months (table 5.3)
- drug offenses: 30 versus 47 months (table 5.3)

Less likely to be sentenced to longer probation terms

- drug trafficking: 27 months versus 42 months (table 5.3)
- weapons offenses: 26 months versus 31 months (table 5.3)

Table 5.1. Transferred juveniles compared to adults by State definition: most serious offense of felons convicted in State courts, 1996

Most serious conviction offense	Total	All persons convicted in State courts	
		Transferred to adult court ^a	Adult by State definition ^b
Gender	100%	100%	100%
Male	84	96	84
Female	16	4	16
Race	100%	100%	100%
White	53	43	53
Black	45	55	45
Other	2	2	2
All offenses	100%	100%	100%
Violent offenses	17%	53%	17%
Murder ^c	1	7	1
Sexual assault ^d	3	4	3
Robbery	4	23	4
Aggravated assault	7	17	7
Other violent ^e	1	1	1
Property offenses	30%	27%	30%
Burglary	9	19	9
Larceny ^f	12	8	12
Fraud ^g	8	1	8
Drug offenses	36%	11%	37%
Possession	14	3	15
Trafficking	22	8	22
Weapons offenses	3%	3%	3%
Other offenses^h	14%	6%	14%

Note: Detail may not sum to total because of rounding. Racial categories include Hispanics.

^aTransferred cases consist of both cases statutorily excluded from juvenile court jurisdiction and cases transferred to adult court at the discretion of the juvenile court or the prosecutor.

^bIncludes persons 16 and older from 3 States, persons 17 and older from 10 States, and persons 18 and older from 37 States.

^cIncludes nonnegligent manslaughter.

^dIncludes rape.

^eIncludes offenses such as negligent manslaughter and kidnapping.

^fIncludes motor vehicle theft.

^gIncludes forgery and embezzlement.

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

Table 5.2. Transferred juveniles compared to adults by State definition: most serious offense, by the type of felony sentence imposed in State courts, 1996

Most serious conviction offense	Percent of felons who were under 18, transferred to adult court, and sentenced to — ^a					Percent of felons convicted as adults and sentenced to — ^b				
	Total	Incarceration			Probation	Total	Incarceration			Probation
		Total	Prison	Jail			Total	Prison	Jail	
All offenses	100%	79%	60%	19%	21%	100%	60%	37%	23%	40%
Violent offenses	100%	85%	75%	9%	15%	100%	83%	78%	5%	17%
Murder ^c	100	97	96	2	3	100	96	95	1	4
Sexual assault ^d	100	77	73	4	23	100	88	75	12	12
Robbery	100	88	79	9	12	100	81	78	4	19
Aggravated assault	100	79	67	12	21	100	81	75	6	19
Other violent ^e	100	66	30	35	34	100	57	52	4	43
Property offenses	100%	73%	46%	27%	27%	100%	46%	18%	28%	54%
Burglary	100	72	50	22	28	100	43	20	23	57
Larceny ^f	100	79	37	42	21	100	49	17	33	51
Fraud ^g	100	40	23	17	63	100	57	15	42	43
Drug offenses	100%	67%	31%	36%	33%	100%	62%	34%	28%	38%
Possession	100	70	21	48	30	100	64	28	37	36
Trafficking	100	66	34	32	34	100	61	37	23	39
Weapons offenses	100%	74%	55%	20%	25%	100%	56%	39%	17%	44%
Other offenses^h	100%	80%	37%	43%	20%	100%	59%	22%	37%	41%

^aTransferred cases consist both of cases statutorily excluded from juvenile court jurisdiction and cases transferred to adult court at the discretion of the juvenile court or the prosecutor.

^bIncludes persons 16 and older from 3 States, persons 17 and older from 10 States, and persons 18 and older from 37 States.

^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 5.3. Transferred juveniles compared to adults by State definition: mean length of felony sentence imposed in State courts, by the type of sentence and most serious offense, 1996

Most serious conviction offense	Mean maximum sentence length (in months) for felons sentenced to —		
	Prison	Jail	Probation
Transferred to adult court^a			
All offenses	91 mo	6 mo	44 mo
Violent offenses	118 mo	8 mo	55 mo
Murder ^b	277	6	77
Sexual assault ^c	105	7	67
Robbery	101	8	48
Aggravated assault	80	9	57
Other violent ^d	79	5	48
Property offenses	39 mo	6 mo	43 mo
Burglary	41	5	45
Larceny ^e	33	6	37
Fraud ^f	27	5	41
Drug offenses	30 mo	6 mo	29 mo
Possession	21	6	36
Trafficking	32	5	27
Weapons offenses	48 mo	6 mo	26 mo
Other offenses^g	48 mo	6 mo	33 mo
Adults by State definition^h			
All offenses	59 mo	6 mo	38 mo
Violent offenses	101 mo	7 mo	46 mo
Murder ^b	250	8	74
Sexual assault ^c	117	7	72
Robbery	95	10	48
Aggravated assault	66	6	38
Other violent ^d	53	6	41
Property offenses	46 mo	6 mo	38 mo
Burglary	57	6	43
Larceny ^e	38	6	35
Fraud ^f	40	5	37
Drug offenses	47 mo	6 mo	39 mo
Possession	38	5	33
Trafficking	52	6	42
Weapons offenses	42 mo	5 mo	31 mo
Other offenses^g	41 mo	6 mo	36 mo

^aTransferred cases consist both of cases statutorily excluded from juvenile court jurisdiction and cases transferred to adult court at the discretion of the juvenile court or the prosecutor.

^bIncludes nonnegligent manslaughter.

^cIncludes rape.

^dIncludes offenses such as negligent manslaughter and kidnaping.

^eIncludes motor vehicle theft.

^fIncludes forgery and embezzlement.

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

^hIncludes persons 16 and older from 3 States, persons 17 and older from 10 States, and persons 18 and older from 37 States.