



## Felony sentences in State courts, 1992

In 1992 State courts convicted 894,000 persons of murder, rape, robbery, drug trafficking, and other felony offenses. Courts sentenced 44% of them to prison, 26% to jail (usually for a year or less), and the remaining 30% to probation (table 1.2).

Other results include the following:

- Drug traffickers (19%) and drug possessors (12%) together made up 31% of felons convicted in State courts in 1992. Violent offenders, consisting of murderers (1%), rapists (2%), robbers (6%), assaulters (7%), and others convicted of a violent crime (2%) together made up 18%. Burglars (13%) and larcenists (13%) made up most of the rest (table 1.1).

- The average sentence to local jail was 7 months. The average probation sentence was nearly 4 years (table 1.3).

- Felons sentenced to State prison in 1992 had an average sentence of

6½ years but were expected to serve a third of that sentence — or about 2½ years — before release (table 1.5). State courts nationwide sentenced to life 25% of those convicted of murder or nonnegligent manslaughter (table 1.4).

- The 894,000 felons sentenced

in 1992 were convicted altogether of about 1.1 million felonies. The number of felony convictions exceeds the number of convicted felons because 16% of the felons were convicted of two felony charges and 5% were convicted of three or more (table 1.6).

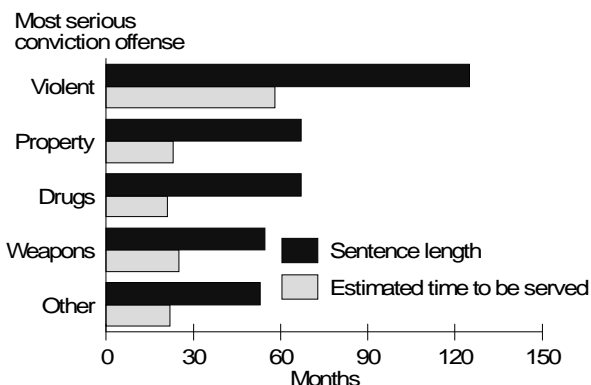
- The likelihood of a prison sentence rose from 40% for those convicted of one felony, to

55% for two, and to 59% for three or more (table 1.7).

The mean sentence to incarceration also increased from 3 years and 9 months for those convicted of one felony to 6 years for those convicted of two or more (table 1.8).

- A fine was imposed on 18% of convicted felons, restitution on 16%,

**Average sentence to State prison and estimated time to be served for a felony, 1992**



Violent offenders sentenced to prison had an average sentence of about 10 years but were likely to serve 46% of that sentence - or about 5 years - before release.

### Trends in the United States: 1988 to 1992

From 1988 to 1992 the volume of felony convictions rose 34%. The number of convictions for murder, rape, and robbery each rose about 39%.

The greatest increases in the number of convictions were for aggravated assault (up 57%) and drug trafficking (up 53%).

Offense	1988-92 percent change in number of felony —		
	Adult arrests	Convictions	Prison sentences
Murder	-1%	+34%	+37%
Rape	-1	+39	+37
Robbery	+10	+39	+37
Aggravated assault	+19	+57	+53
Burglary	-9	+13	+9
Drug trafficking	+8	+53	+79

Sources: *Crime in the United States, 1988* (FBI, 1989) and *1992* (FBI, 1993), provided data on arrests, and NJRP provided data on convictions and sentences.

The number of convictions and prison sentences rose more than that of adult arrests. For example, regarding violent crime, adult arrests went up 15%, but felony convictions rose 45% and prison sentences rose 41%.

Despite the relatively large increase in convictions, cases generally took no longer in 1992 than in 1988. In both years, average elapsed time from arrest to sentencing was around 7 months.

There was no indication that to keep pace with the 1988 processing time courts disposed a larger percentage of 1992 cases by guilty plea. In both years guilty pleas accounted for about 92% of felony convictions.

The only demographic change identified over this period was in the racial distribution of defendants. Roughly corresponding to changes in the racial distribution of persons arrested, the number of black felons as a percentage of all persons convicted rose from 41% in 1988 to 47% in 1992.

Sentencing patterns were generally unchanged except for drug traffickers. Prison sentences overall accounted for 44% of sentences in both 1988 and 1992. The average prison sentence was about 6½ years in 1992, not significantly different from what it was in 1988.

The percentage of drug traffickers receiving a prison sentence rose from 41% in 1988 to 48% in 1992, and the average prison sentence rose from 5½ years in 1988 to 6 years in 1992.

**Table 1.1. Estimated number of felony convictions in State courts, 1992**

Most serious conviction offense	Felony convictions	
	Number	Percent
<b>All offenses</b>	893,630	100.0%
<b>Violent offenses</b>	165,099	18.4%
Murder/manslaughter	12,548	1.4
Murder	9,079	1.0
Manslaughter <sup>a</sup>	3,469	.4
Rape	21,655	2.4
Robbery	51,878	5.8
Armed	13,810	1.5
Unarmed	20,154	2.3
Unspecified	17,914	2.0
Aggravated assault	58,969	6.6
Other violent <sup>b</sup>	20,049	2.2
<b>Property offenses</b>	297,494	33.5%
Burglary	114,630	12.9
Residential	16,649	1.9
Nonresidential	45,159	5.1
Unspecified	52,822	5.9
Larceny	119,000	13.4
Motor vehicle theft	19,332	2.2
Other theft <sup>c</sup>	99,668	11.2
Fraud/forgery <sup>d</sup>	63,864	7.2
Fraud <sup>d</sup>	30,245	3.4
Forgery	33,619	3.8
<b>Drug offenses</b>	280,232	31.3%
Possession	109,426	12.2
Trafficking	170,806	19.1
Marijuana	16,376	1.8
Other	125,333	14.0
Unspecified	29,097	3.3
<b>Weapons offenses</b>	26,422	3.0%
<b>Other offenses<sup>e</sup></b>	124,383	13.8%

Note: Detail may not sum to total because of rounding. Data specifying the conviction offense were available for 893,630 cases.

<sup>a</sup>Manslaughter is defined as nonnegligent manslaughter only. Where a case was known to be either murder or nonnegligent manslaughter, but which of the two was unknown (a small number of cases), the case was classified under manslaughter.

<sup>b</sup>Includes offenses such as negligent manslaughter, sexual assault, and kidnaping.

<sup>c</sup>Includes a small number of convictions with unspecified offenses.

<sup>d</sup>Includes embezzlement.

<sup>e</sup>Composed of nonviolent offenses such as receiving stolen property and driving while intoxicated.

community service on 6%, and treatment was ordered for 7% (table 1.9).

**Table 1.2. Types of felony sentences imposed by State courts, by offense, 1992**

Most serious conviction offense	Percent of felons sentenced to —				
	Total	Incarceration		Jail	Probation
<b>All offenses</b>	100%	70%	44%	26%	30%
<b>Violent offenses</b>	100%	81%	60%	21%	19%
Murder <sup>a</sup>	100	97	93	4	3
Rape	100	87	68	19	13
Robbery	100	88	74	14	12
Aggravated assault	100	72	44	28	28
Other violent <sup>b</sup>	100	68	39	29	32
<b>Property offenses</b>	100%	66%	42%	24%	34%
Burglary	100	75	52	23	25
Larceny <sup>c</sup>	100	65	38	27	35
Fraud <sup>d</sup>	100	52	31	21	48
<b>Drug offenses</b>	100%	70%	42%	28%	30%
Possession	100	62	33	29	38
Trafficking	100	75	48	27	25
<b>Weapons offenses</b>	100%	66%	40%	26%	34%
<b>Other offenses<sup>e</sup></b>	100%	65%	35%	30%	35%

Note: See note on table 1.1. 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 886,359 cases.

<sup>a</sup>Includes nonnegligent manslaughter.

<sup>b</sup>Includes offenses such as negligent manslaughter, sexual assault, and kidnaping.

<sup>c</sup>Includes motor vehicle theft.

<sup>d</sup>Includes forgery and embezzlement.

<sup>e</sup>Composed of nonviolent offenses such as receiving stolen property and driving while intoxicated.

**Table 1.3. Mean and median sentence lengths for felony sentences imposed by State courts, 1992**

Most serious conviction offense	Maximum sentence length (in months) for felons sentenced to —			
	Incarceration			Probation
	Total	Prison	Jail	
<b>Mean sentence</b>				
<b>All offenses</b>	53 mo	79 mo	7 mo	47 mo
<b>Violent offenses</b>	95 mo	125 mo	8 mo	52 mo
Murder <sup>a</sup>	238	251	10	78
Rape	130	164	8	71
Robbery	101	117	11	62
Aggravated assault	56	87	7	45
Other violent <sup>b</sup>	55	88	6	52
<b>Property offenses</b>	45 mo	67 mo	7 mo	47 mo
Burglary	56	76	8	55
Larceny <sup>c</sup>	34	53	7	43
Fraud <sup>d</sup>	44	69	6	44
<b>Drug offenses</b>	43 mo	67 mo	6 mo	48 mo
Possession	32	55	4	45
Trafficking	50	72	8	51
<b>Weapons offenses</b>	36 mo	55 mo	6 mo	38 mo
<b>Other offenses<sup>e</sup></b>	32 mo	53 mo	6 mo	42 mo
<b>Median sentence</b>				
<b>All offenses</b>	24 mo	48 mo	5 mo	36 mo
<b>Violent offenses</b>	60 mo	84 mo	6 mo	36 mo
Murder <sup>a</sup>	252	288	10	60
Rape	72	108	6	60
Robbery	66	84	9	60
Aggravated assault	24	60	6	36
Other violent <sup>b</sup>	24	60	4	36
<b>Property offenses</b>	24 mo	42 mo	5 mo	36 mo
Burglary	36	48	6	36
Larceny <sup>c</sup>	18	36	4	36
Fraud <sup>d</sup>	24	36	3	36
<b>Drug offenses</b>	24 mo	48 mo	5 mo	36 mo
Possession	12	36	3	36
Trafficking	36	48	6	36
<b>Weapons offenses</b>	16 mo	36 mo	4 mo	24 mo
<b>Other offenses<sup>e</sup></b>	12 mo	28 mo	4 mo	36 mo

Note: See note on table 1.2. Means exclude sentences to death or to life in prison. Sentence length data were available for 854,592 incarceration and probation sentences.

<sup>a</sup>Includes nonnegligent manslaughter.

<sup>b</sup>Includes offenses such as negligent manslaughter, sexual assault, and kidnaping.

<sup>c</sup>Includes motor vehicle theft.

<sup>d</sup>Includes forgery and embezzlement.

<sup>e</sup>Composed of nonviolent offenses such as receiving stolen property and driving while intoxicated.

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**Table 1.4. Estimated percent of felons sentenced to life in prison, 1992**

Most serious conviction offense	Percent sentenced to life
<b>All offenses</b>	.7%
Murder <sup>a</sup>	25.0
Rape	2.3
Robbery	1.1
Aggravated assault	.3
Other violent <sup>b</sup>	.2
Burglary	.2
Larceny <sup>c</sup>	--
Fraud <sup>d</sup>	--
Drug possession	.3
Drug trafficking	.5
Weapons	.2
Other <sup>e</sup>	.1

--Less than 0.05%.

<sup>a</sup>Includes nonnegligent manslaughter.

<sup>b</sup>Includes offenses such as negligent manslaughter, sexual assault, and kidnaping.

<sup>c</sup>Includes motor vehicle theft.

<sup>d</sup>Includes forgery and embezzlement.

<sup>e</sup>Includes such offenses as being an habitual offender.

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**Table 1.5. Estimated time to be served in State prison, 1992**

Most serious conviction offense	Percent of sentence served in prison <sup>a</sup>	Mean prison sentence	Estimated time to be served in prison <sup>b</sup>
<b>All offenses</b>	38%	79 mo	30 mo
<b>Violent offenses</b>	46%	125 mo	58 mo
Murder <sup>c</sup>	44	251	110
Rape	50	164	82
Robbery	46	117	54
Aggravated assault	48	87	42
Other violent <sup>d</sup>	46	88	40
<b>Property offenses</b>	34%	67 mo	23 mo
Burglary	35	76	27
Larceny <sup>e</sup>	33	53	17
Fraud <sup>f</sup>	30	69	21
<b>Drug offenses</b>	32%	67 mo	21 mo
Possession	27	55	15
Trafficking	34	72	24
<b>Weapons offenses</b>	46%	55 mo	25 mo
<b>Other offenses<sup>g</sup></b>	42%	53 mo	22 mo

Note: See note on tables 1.1, 1.2, and 1.3. Means and sentence-served percentages exclude sentences to death or to life in prison.

<sup>a</sup>Percent of sentence served includes credited jail time. Sentence length data were available for 382,011 new court commitments in 27 States. Percent of sentence served was tabulated from data in the National Corrections Reporting Program that accounted for almost 86% of persons released from State prisons in 1992.

<sup>b</sup>Derived by multiplying the percent of sentence actually served by the mean sentence imposed.

<sup>c</sup>Includes nonnegligent manslaughter.

<sup>d</sup>Includes offenses such as negligent manslaughter, sexual assault, and kidnaping.

<sup>e</sup>Includes motor vehicle theft.

<sup>f</sup>Includes forgery and embezzlement.

<sup>g</sup>Composed of nonviolent offenses such as receiving stolen property and driving while intoxicated.

**Table 1.6. Number of offenses for which convicted and sentenced in 1992 in State courts, by most serious felony conviction offense**

Most serious conviction offense	Percent of convicted felons with —			
	Total	One felony conviction	Two felony convictions	Three or more felony convictions
<b>All offenses</b>	100%	79%	16%	5%
<b>Violent offenses</b>	100%	71%	20%	9%
Murder <sup>a</sup>	100	64	25	11
Rape	100	65	22	13
Robbery	100	67	23	10
Aggravated assault	100	74	19	7
Other violent <sup>b</sup>	100	81	14	5
<b>Property offenses</b>	100%	77%	17%	6%
Burglary	100	70	23	7
Larceny <sup>c</sup>	100	86	11	3
Fraud <sup>d</sup>	100	72	19	9
<b>Drug offenses</b>	100%	81%	15%	4%
Possession	100	90	9	1
Trafficking	100	75	19	6
<b>Weapons offenses</b>	100%	80%	16%	4%
<b>Other offenses<sup>e</sup></b>	100%	88%	10%	2%

Note: See note on table 1.1. Data on number of convictions were available for 872,559 cases. Number of convictions pertains to current convictions, not past convictions.

<sup>a</sup>Includes nonnegligent manslaughter.

<sup>b</sup>Includes offenses such as negligent manslaughter, sexual assault, and kidnaping.

<sup>c</sup>Includes motor vehicle theft.

<sup>d</sup>Includes forgery and embezzlement.

<sup>e</sup>Composed of nonviolent offenses such as receiving stolen property and driving while intoxicated.

**Table 1.7. Percent sentenced to prison by State courts, by number of offenses for which convicted and sentenced in 1992, and by most serious felony conviction offense**

Most serious conviction offense	Percent of convicted felons sentenced to prison with —		
	One felony conviction	Two felony convictions	Three or more felony convictions
<b>All offenses</b>	40%	55%	59%
<b>Violent offenses</b>	53%	69%	77%
Murder <sup>a</sup>	91	95	97
Rape	61	77	80
Robbery	70	79	86
Aggravated assault	39	55	62
Other violent <sup>b</sup>	35	49	64
<b>Property offenses</b>	38%	51%	50%
Burglary	48	58	63
Larceny <sup>c</sup>	36	48	44
Fraud <sup>d</sup>	27	38	37
<b>Drug offenses</b>	39%	52%	54%
Possession	32	42	37
Trafficking	44	55	57
<b>Weapons offenses</b>	36%	52%	57%
<b>Other offenses<sup>e</sup></b>	34%	41%	34%

Note: See note on tables 1.1 and 1.2. Data on number of felony conviction offenses were available for 376,592 cases. Number of convictions pertains to current convictions, not past convictions.

<sup>a</sup>Includes nonnegligent manslaughter.

<sup>b</sup>Includes offenses such as negligent manslaughter, sexual assault, and kidnaping.

<sup>c</sup>Includes motor vehicle theft.

<sup>d</sup>Includes forgery and embezzlement.

<sup>e</sup>Composed of nonviolent offenses such as receiving stolen property and driving while intoxicated.



**Table 1.8. Mean sentence lengths for felony sentences imposed, by number of offenses for which convicted and sentenced in 1992, and by most serious conviction offense**

Most serious conviction offense	Maximum sentence length (in months) for felons sentenced to —			
	Total	Prison	Jail	Probation
<b>One conviction offense</b>				
<b>All offenses</b>	45 mo	70 mo	6 mo	45 mo
<b>Violent offenses</b>	75 mo	105 mo	7 mo	50 mo
Murder <sup>a</sup>	217	232	10	73
Rape	91	122	8	66
Robbery	85	101	10	60
Aggravated assault	43	72	7	43
Other violent <sup>b</sup>	44	74	6	48
<b>Property offenses</b>	40 mo	62 mo	7 mo	45 mo
Burglary	49	70	7	56
Larceny <sup>c</sup>	33	52	7	42
Fraud <sup>d</sup>	40	68	5	42
<b>Drug offenses</b>	40 mo	64 mo	6 mo	46 mo
Possession	31	54	4	44
Trafficking	46	69	8	47
<b>Weapons offenses</b>	33 mo	53 mo	5 mo	37 mo
<b>Other offenses<sup>e</sup></b>	32 mo	54 mo	6 mo	42 mo
<b>Two or more conviction offenses</b>				
<b>All offenses</b>	73 mo	98 mo	9 mo	55 mo
<b>Violent offenses</b>	130 mo	158 mo	9 mo	64 mo
Murder <sup>a</sup>	276	286	10	110
Rape	190	223	9	82
Robbery	124	139	13	70
Aggravated assault	81	111	8	52
Other violent <sup>b</sup>	90	130	6	80
<b>Property offenses</b>	54 mo	72 mo	8 mo	52 mo
Burglary	63	80	10	53
Larceny <sup>c</sup>	37	54	8	50
Fraud <sup>d</sup>	52	74	7	52
<b>Drug offenses</b>	54 mo	76 mo	8 mo	62 mo
Possession	37	57	6	51
Trafficking	58	79	9	66
<b>Weapons offenses</b>	44 mo	58 mo	8 mo	42 mo
<b>Other offenses<sup>e</sup></b>	31 mo	47 mo	9 mo	46 mo

Note: See note on tables 1.1, 1.2, and 1.3. Means exclude sentences to death or life in prison. Where the sentence imposed was a range, the maximum was used to calculate the mean. Sentence length data were available for 829,910 cases. Number of convictions pertains to current convictions, not past convictions.

<sup>a</sup>Includes nonnegligent manslaughter.

<sup>b</sup>Includes offenses such as negligent manslaughter, sexual assault, and kidnaping.

<sup>c</sup>Includes motor vehicle theft.

<sup>d</sup>Includes forgery and embezzlement.

<sup>e</sup>Composed of nonviolent offenses such as receiving stolen property and driving while intoxicated.

**Table 1.9. Felons sentenced to additional penalty by State courts, 1992**

Most serious conviction offense	Percent of felons with an additional penalty of —				
	Fine	Restitution	Treatment	Community service	Other
<b>All offenses</b>	18%	16%	7%	6%	10%
<b>Violent offenses</b>	12%	14%	7%	4%	9%
Murder <sup>a</sup>	9	8	2	1	3
Rape	13	12	10	2	8
Robbery	7	12	3	2	6
Aggravated assault	14	18	9	7	11
Other violent <sup>b</sup>	18	11	15	8	13
<b>Property offenses</b>	15%	26%	6%	7%	9%
Burglary	13	24	6	6	9
Larceny <sup>c</sup>	16	23	5	7	9
Fraud <sup>d</sup>	17	35	5	9	9
<b>Drug offenses</b>	20%	9%	8%	6%	9%
Possession	20	6	11	8	10
Trafficking	20	12	6	4	9
<b>Weapons offenses</b>	14%	7%	4%	5%	7%
<b>Other offenses<sup>e</sup></b>	27%	13%	7%	6%	13%

Note: See note on table 1.1. 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. Note also that a person receiving more than one kind of additional penalty appears under more than one table heading. Data on additional penalty were available for 893,630 cases.

<sup>a</sup>Includes nonnegligent manslaughter.

<sup>b</sup>Includes offenses such as negligent manslaughter, sexual assault, and kidnaping.

<sup>c</sup>Includes motor vehicle theft.

<sup>d</sup>Includes forgery and embezzlement.

<sup>e</sup>Composed of nonviolent offenses such as receiving stolen property and driving while intoxicated.