



Bureau of Justice Statistics Selected Findings

November 1995, NCJ-155284

Firearms, crime, and criminal justice

Weapons Offenses and Offenders

By Lawrence A. Greenfeld
Marianne W. Zawitz
BJS Statisticians

What are weapons offenses?

Weapons offenses are violations of statutes or regulations that control deadly weapons. *Deadly weapons* include firearms and their ammunition, silencers, explosives, and certain knives. About 2% of arrests nationwide in 1993 were for weapons offenses.

All States, some localities, and the Federal Government have criminal laws concerning deadly weapons, including restrictions on their —

- possession
- carrying
- use
- sales or trafficking
- manufacturing
- importing and exporting.

Many of these laws are specific to *firearms*. For example, in 1994 all States and the District of Columbia had statutes concerning the carrying of firearms; some required permits to carry a concealed weapon, and some prohibited open carrying of firearms.

Federal law regulates the importation, manufacture, and distribution of firearms; bans certain firearms such as machine guns and semiautomatic assault weapons; and prohibits the sale

Highlights

- Weapons arrestees are predominantly male, age 18 or over, and white. However, weapons arrest rates per 100,000 population are highest for teens and for blacks. *page 2*
 - Arrests of juveniles comprise an increasing proportion of weapons arrests. *page 3*
 - The number of Federal weapons offenses investigated and prosecuted has increased at least 4-fold since 1980. *page 4*
 - Average prison sentence lengths for Federal weapons offenders have increased, while those for State offenders have decreased. *page 5*
 - Of the defendants in felony weapons cases in the 75 largest counties in 1992, two-fifths were on probation, parole, or pretrial release at the time of the offense, and a third had previously been convicted of a felony. *page 5*
 - Weapons offenders are making up an increasing proportion of admissions to State and Federal prisons. *page 5*
 - Although many more offenders are admitted to Federal prison for drug offenses than for weapons offenses, from 1985 to 1992 the rate of increase in admissions of weapons offenders was 4 times greater than the rate of increase of drug offenders. *page 6*
 - Weapons charges as an addition to other charges are more common at the Federal level than the State level. *page 7*
- This report is the second in a series on firearms, crime, and criminal justice. The first report in the series, *Guns Used in Crime* (NCJ-148201, July 1995), includes definitions of commonly used firearm terms.

of some firearms to restricted classes of people, including convicted felons and juveniles.

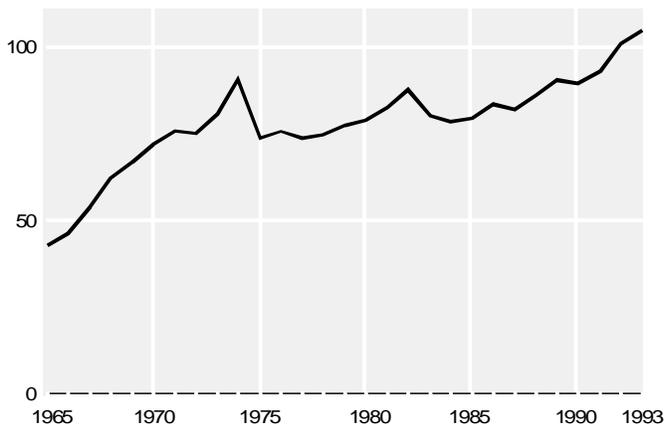
How many arrests for weapons offenses are made annually?

The FBI's *Crime in the United States, 1993*, estimated that State and local law enforcement agencies made 262,300 arrests in which a weapons offense was the most serious charge.

From 1974 to 1993, the number of arrests for weapons offenses increased 54%, while the total number of arrests for all crimes increased 55%. The proportion of all arrests that were for weapons offenses remained fairly constant during the period. The number of violent offenses (murders, robberies, and aggravated assaults) committed with a firearm increased 78%.

After 1965, arrest rates for weapons offenses more than doubled

Weapons offense arrest rates per 100,000 population



Sources: FBI, Uniform Crime Reports, *Age-specific Arrest Rates and Race-Specific Arrest Rates For Selected Offenses, 1965-1992*, December 1993; and FBI, *Crime in the United States, 1993*, December 1994.

Who is arrested for weapons offenses?

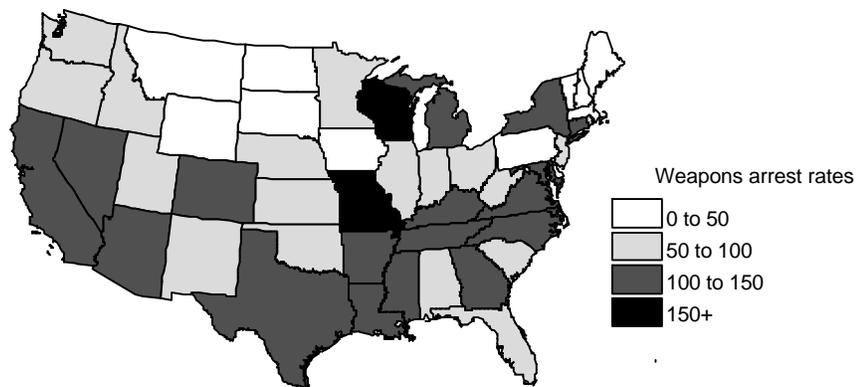
Of those persons arrested by State and local agencies for weapons offenses in 1993 —

- 92% were males
- 77% were age 18 or over
- 55% were white.

Race	Percent of persons arrested for weapons offenses		
	Total	Age 18 or over	Under age 18
Total	100.0%	76.6%	23.4%
White	55.4	41.0	14.4
Black	43.0	34.4	8.5
Asian or Pacific Islander	1.1	.8	.3
American Indian or Alaskan Native	.5	.4	.1

Source: FBI, *Crime in the United States, 1993*, December 1994.

Weapons offense arrest rates vary by State



Weapons arrest rates are 5 times greater for blacks than for whites

Race	Weapons offense arrests per 100,000 population		
	Total	Age 18 or over	Under age 18
Total	105	109	94
White	70	69	73
Black	362	430	221
Other	40	41	37

Source: FBI, Uniform Crime Reports, 1993 preliminary arrest data adjusted to reporting populations.

Most arrests for weapons offenses were made in cities

Most arrests for all types of offenses are made in urban areas; however, weapons offense arrests are more likely to occur in urban areas.

Place of occurrence	Percent of 1993 arrests	
	All arrests	Weapons offense arrests
Urban	77%	81%
Suburban	16	14
Rural	8	5

Source: FBI, *Crime in the United States, 1993*, December 1994.

Of all arrests for weapons offenses, 20% were of juveniles in cities.

1993 weapons offense arrest rates per 100,000 population by State

State	Rate	State	Rate	State	Rate
District of Columbia	301	Michigan	107	Alabama	67
Missouri	199	Kentucky	106	Minnesota	61
Wisconsin	165	Maryland	104	Rhode Island	60
Georgia	149	New York	102	Hawaii	60
Louisiana	142	Ohio	97	Indiana	59
Nevada	141	New Jersey	94	Idaho	52
Colorado	140	Kansas*	94	Pennsylvania	49
Texas	139	Oklahoma	91	South Dakota	41
Mississippi	135	Utah	85	Massachusetts	35
California	135	Oregon	81	Wyoming	31
North Carolina	132	Nebraska	78	Delaware	30
Tennessee	131	West Virginia	77	Iowa	30
Virginia	129	South Carolina	77	North Dakota	25
Arkansas	126	Washington	75	Maine	23
Connecticut	116	Illinois*	75	New Hampshire	16
Arizona	114	New Mexico	71	Montana	12
Alaska	107	Florida	68	Vermont	1

*1993 arrest data were not available for these States. An average of their 1991 and 1992 rates was used.
Source: FBI, *Crime in the United States, 1993*, December 1994.

Arrests of juveniles comprise an increasing proportion of weapons offense arrests

Juveniles accounted for 16% of those arrested for weapons offenses in 1974 and 23% in 1993. Between 1985 and 1993, the number of juvenile arrests for weapons offenses increased by more than 100%, from just under 30,000 to more than 61,000; at the same time, adult arrests grew by 33%.

Older teens have the highest weapons offense arrest rates

Among all age and gender groups, males at age 18 have the highest per capita arrest rates for weapons offenses.

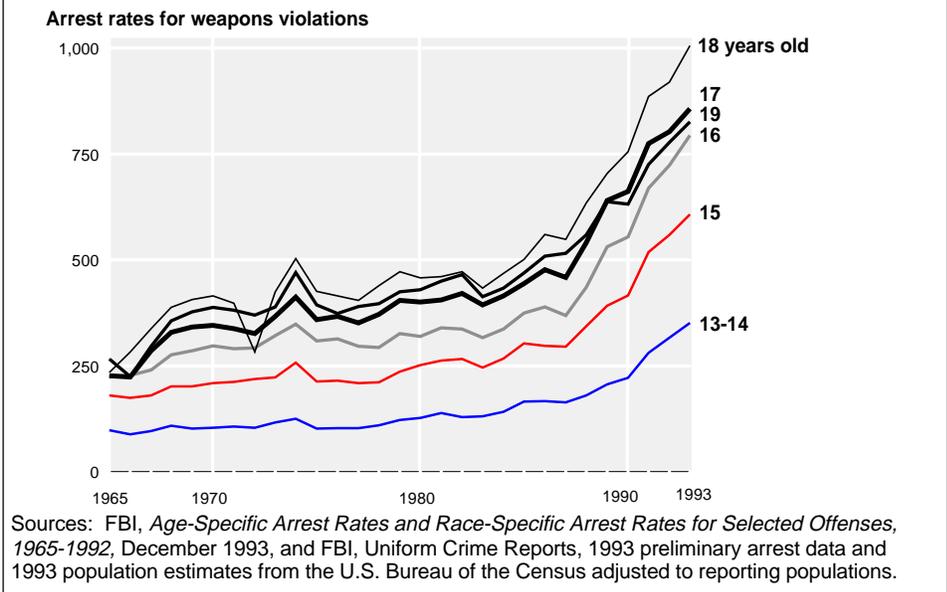
Age group	1993 weapons offense arrest rates per 100,000 population	
	Males	Females
12 or under	15.2	2.1
13-14	350.9	47.7
15	607.8	56.1
16	793.9	59.4
17	857.8	50.7
18	1,007.0	48.6
19	826.5	42.0
20	683.7	36.2
21	630.4	39.2
22	601.2	38.7
23	546.5	43.3
24	447.7	36.7
25-29	317.0	30.0
30-34	210.5	24.6
35-39	153.9	18.6
40-44	108.4	11.7
45-49	82.2	8.3
50-54	60.2	5.5
55-59	40.7	3.0
60-64	26.6	1.4
65 or over	14.6	.9

Source: FBI, Uniform Crime Reports, 1993 preliminary arrest data adjusted to reporting populations.

Juveniles are subject to additional weapons restrictions in many jurisdictions

Both the States and the Federal Government have jurisdiction over the possession of firearms by juveniles.

For teenage males, arrest rates for weapons offenses rose dramatically since the mid-1980's



At the Federal level, the Youth Handgun Safety Act of 1994 prohibits the possession of handguns by anyone under age 18 and provides criminal sanctions of up to 10 years in prison for anyone convicted of providing a handgun to a person under age 18. There are a number of exceptions to the prohibition including possession for employment, for hunting, and for firearm safety training. Prior to enactment of this law, Federal firearms licensees were prohibited from selling handguns to anyone under age 21 and rifles and shotguns to anyone under age 18. However, the earlier Federal law did not prohibit the sale of firearms to juveniles by unlicensed persons and did not prohibit the possession of any type of firearm by juveniles.

According to a 1994 study of State laws by the National Criminal Justice Association, all 50 States and the District of Columbia have firearms laws that specifically apply to juveniles. In addition —

- half the States prohibit or restrict a juvenile's possession of firearms without some form of parental or adult supervision or permission
- 24 States explicitly prohibit or restrict a juvenile's possession of a handgun.

The ages covered by firearms restrictions on juveniles vary; in some States the laws apply to persons under age 16, and in others, to persons under age 21.

More than two-thirds of the States have enacted general prohibitions against the possession of a firearm in or near a school or similar facility, such as a daycare center.

How many delinquency cases involving weapons offenses are handled by the juvenile courts?

Juveniles who commit criminal law violations are handled by the juvenile justice system in delinquency cases. Adults who commit the same acts are prosecuted in the criminal courts. In 1992 juvenile courts processed an estimated 41,000 delinquency cases (about 3% of those processed) in which the most serious offense involved weapons. Between 1988 and 1992, the number of delinquency cases involving weapons grew 86%, more than any other offense type.

The National Center for Juvenile Justice reported that of the weapons offenses cases involving juveniles that were disposed of in 15 States in 1992, 57% were handled formally (petitioned) by juvenile courts. Of those weapons cases petitioned, 63% were formally adjudicated by the court. Of the adjudicated weapons cases, about 31% resulted in an out-of-home placement, 56% resulted in probation, 6% received other sanctions, and 6% were dismissed.

Some juveniles may be prosecuted for weapons offenses in criminal court

In some States, some juveniles charged with selected offenses may be prosecuted in criminal court. Juveniles come under criminal court jurisdiction in one of three ways:

- *statutory exclusion* where the State law specifically excludes certain offenses from juvenile court jurisdiction
- *prosecutorial discretion* where the prosecutor may file certain juvenile cases in either juvenile or criminal court
- *judicial waiver* where a juvenile court judge may waive jurisdiction and transfer the case to criminal court.

According to the Office of Juvenile Justice and Delinquency Prevention's *Juvenile Offenders and Victims: A National Report*, the provisions used vary by State:

- Cases involving juveniles accused of a weapons offense are excluded by statute from the juvenile court in four States; at age 15 in Illinois and at age 16 in Indiana, Maryland, and Oklahoma.
- Prosecutors may decide whether to prosecute juveniles of a minimum age for any criminal offense in three States and for weapons offenses in two States (Colorado and Florida).
- Judges have discretion to transfer any case that involves a juvenile of a minimum age to adult court for any criminal offense in 23 States and for any felony charge in 25 States. Such authority is provided to judges specifically in weapons cases involving

juveniles in six States (Arkansas, California, the District of Columbia, Montana, New Jersey, and New Mexico).

According to the BJS National Judicial Reporting Program, an estimated 640 persons under age 18 were convicted as adults of felony weapons offenses in State criminal courts in 1992.

Most defendants charged with weapons offenses are released pending trial

In 1992, 71% of the defendants charged with felony weapons offenses in the Nation's 75 largest counties were released prior to trial. The remainder included 4% held without bail and 25% held although bail had been set. Of all weapons defendants, 28%

were granted a nonfinancial release including 18% released on personal recognizance.

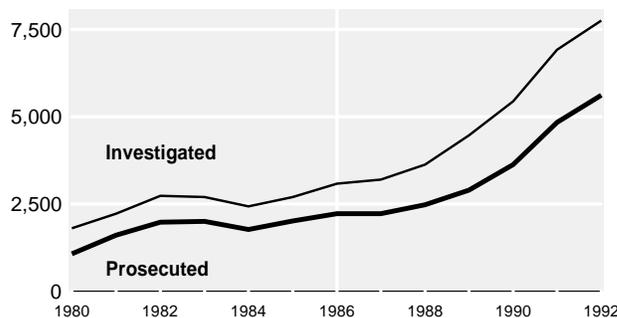
Federal courts in 1990 released 80% of the felony weapons offense defendants prior to trial. The remainder included 16% held without bail and 5% held although bail had been set. Of all weapons defendants, 60% were granted a nonfinancial release including 15% released on personal recognizance.

How many felony weapons defendants had a criminal justice status or prior criminal history at the time of the offense?

According to *Felony Defendants in Large Urban Counties, 1992*, 42% of the felony weapons defendants had a

The number of Federal weapons offenses investigated and prosecuted has increased since 1980

Number of weapons offense suspects in matters concluded by the U.S. attorneys



Sources: BJS, *Federal Criminal Case Processing, 1980-87*, NCJ-120069, May 1990; BJS, *Federal Criminal Case Processing, 1980-90*, NCJ-136945, September 1992; BJS, *Federal Criminal Case Processing, 1982-91, with Preliminary Data for 1992*, NCJ-144526, November 1993; and BJS, *Compendium of Federal Justice Statistics, 1992*, NCJ-148949, forthcoming.

- In 1992 U.S. attorneys investigated 7,971 suspects and prosecuted 5,613 suspects who had a Federal weapons violation as their most serious offense. Between 1980 and 1992, the number investigated increased 4-fold, and the number prosecuted increased 5-fold.

- The proportion of all suspects investigated and prosecuted by U.S. attorneys and whose most serious charge was a weapons offense more than doubled from 1980 to 1992, growing from 3% to 7% of all investigations and from 3% to 8% of all prosecutions.

- Increases in the number of Federal investigations and prosecutions for weapons offenses may have been due to new Federal statutes enacted during the last decade. For example, the Omnibus Drug Initiative Act of 1988 added several provisions prohibiting the acquisition or transfer of firearms in furtherance of drug trafficking crimes, and the Crime Control Act of 1990 added several provisions, including a prohibition on assembling from imported parts any rifle or shotgun that may not legally be imported into the United States.

criminal justice status at the time of the offense including —

- 17% on probation
- 10% on parole
- 14% on pretrial release.

Of the felony weapons defendants, 34% had at least one prior felony conviction, and 17% had at least one misdemeanor conviction. Of those felony weapons defendants with a history of felony convictions, more than half had two or more such convictions. Convicted felons and, in some States, some misdemeanants are prohibited from possessing guns or other deadly weapons.

How many cases with a weapons offense as the most serious charge result in a conviction?

Few weapons arrests (an estimated 11%) result in a felony conviction. Some people arrested for weapons offenses are charged with misdemeanors rather than felonies.

Felony Defendants in Large Urban Counties, 1992, reported that 68% of weapons defendants charged with a felony were convicted: 55% for a felony and 13% for a misdemeanor. Of those convicted of a weapons offense, 93% pleaded guilty.

At the Federal level in 1992, about 84% of weapons cases resulted in a conviction. Of the 3,177 convicted of a Federal weapons offense, 85% pleaded guilty.

In both 1990 and 1992, weapons offenses accounted for about 3% of felony convictions in State courts nationwide. In 1992, for 6% of all those convicted in Federal district court, their most serious conviction offense was a weapons offense.

Where do felony weapons offense convictions occur?

Most felony convictions occur in State courts. Of all felony convictions in 1990, State courts accounted for 96% and Federal courts for 4%. Most felony weapons convictions also occurred

in State courts (90%). While the Federal courts account for about 4% of all felony convictions nationwide, about 10% of felony convictions for weapons violations occur in Federal court.

Who is convicted of felony weapons offenses?

Of those convicted of State felony weapons offenses in 1992 —

- 96% were male
- 60% were black
- half were age 27 or under.

What kinds of sentences are given to offenders convicted of weapons offenses?

In 1992, two-thirds of the estimated 26,000 offenders convicted in State courts of felony weapons offenses were sentenced to incarceration: 40% to prison and 26% to jail. About a third were sentenced to probation. The average sentence length given to weapons offenders was approximately —

- 4 years for those sentenced to prison
- 6 months for those sentenced to jail
- 3 years for those sentenced to probation.

Felony weapons offenders sentenced to prison were almost twice as likely as those receiving jail or probation terms to have had multiple conviction offenses.

Of all offenders convicted of felony weapons offenses, some had additional sanctions attached to their sentences including —

- 14% who were fined
- 7% who had to pay restitution
- 5% who were sentenced to community service
- 4% who were sentenced to treatment.

The additional penalty may have resulted from a secondary conviction offense in addition to the more serious weapons conviction.

Among convicted weapons offenders sentenced in Federal court in 1992, 86% were imprisoned, and 21% received probation. Less than 1% received a sentence of a fine only.

Average sentence length increased for weapons offenders admitted to Federal prison and decreased for those admitted to State prison

Year	Average sentence length for weapons offenders admitted to prison	
	State	Federal
1985	56 months	42 months
1986	53	45
1987	54	53
1988	53	52
1989	50	47
1990	47	47
1991	48	63
1992	45	77

Sources: BJS, *National Corrections Reporting Program*, 1985 through 1992; BJS, *Prisoners in 1993*, Bulletin, NCJ-147036, June 1994; and BJS, *Federal Criminal Case Processing, 1982-91, with Preliminary Data for 1992*, NCJ-144526, November 1993.

Between 1985 and 1992, State prison sentences for weapons offenders declined nearly a year to an average of less than 4 years. Over the same period, average sentences to prison for Federal weapons offenders increased by almost 3 years to almost 6½ years.

Weapons offenders comprise an increasing proportion of admissions to State and Federal prisons

Year	Prison admissions for weapons offenses			
	State		Federal	
	Number	Percent of admissions	Number	Percent of admissions
1985	3,296	1.8%	1,003	4.9%
1986	3,253	1.6	1,174	5.1
1987	3,836	1.7	1,188	5.0
1988	4,661	1.9	1,262	5.4
1989	5,957	2.0	1,647	6.0
1990	6,138	1.9	1,894	6.6
1991	7,296	2.3	2,632	8.6
1992	8,023	2.4	3,426	10.2

Sources: BJS, *National Corrections Reporting Program*, 1985 through 1992; BJS, *Prisoners in 1993*, Bulletin, NCJ-147036, June 1994; and BJS, *Federal Criminal Case Processing, 1982-91, with Preliminary Data for 1992*, NCJ-144526, November 1993.

Many State and Federal laws concerning weapons offenses provide for mandatory prison terms and sentence length enhancements

According to the report *National Assessment of Structured Sentencing*, prepared for the Bureau of Justice Assistance, 41 States have mandatory minimum sentences to prison for certain weapons offenses such as using a firearm in the commission of a felony. Also, some State statutes permit judges to enhance or lengthen an offender's sentence for a crime committed with a deadly weapon. Marvell and Moody reported that such statutes were in force in 20 States as of 1992.

Federal law concerning the use of firearms provides for both sentencing enhancements and mandatory minimums and includes —

- the Armed Career Criminal Act enacted in 1984, and amended in 1986, which provides enhanced penalties for persons who are convicted of possessing firearms and have three previous State or Federal convictions for violent felonies or serious drug offenses
- the 1986 amendments to the Firearms Owners Protection Act which imposes mandatory penalties for the use or carrying of firearms in the commission of drug trafficking crimes.

Are admissions to prison for weapons offenses growing as rapidly as those for drug offenses?

In recent years, drug offenders made up an increasing proportion of admissions to prison and accounted for a large share of the overall growth in the prison population. Weapons offenders make up a much smaller proportion of prison admissions than drug offenders, but their proportion of all admissions has also grown.

At the State level, admissions for drug offenses grew faster than those for weapons offenses, but at the Federal level the opposite was true:

- Among those entering State prisons, the number of weapons offenders increased more than 140% between

What are the characteristics of weapons offenders in State and Federal prisons?

Characteristic	Prisoners convicted of a weapons offense		
	State	Federal	
Sex			
Male	99%	97%	➤ In both State and Federal prisons, weapons offenders were predominantly male.
Female	1	3	
Race/ethnicity			
White	24%	47%	➤ Weapons offenders in State prison were more likely than those in Federal prison to be black or Hispanic.
Black	56	35	
Hispanic	19	13	
Other	2	5	
Citizenship			
U.S.	97%	92%	➤ While few weapons offenders in prison were not U.S. citizens, State prisoners were more likely than Federal prisoners to be U.S. citizens.
Non-U.S.	3	8	
Criminal history			
No	10%	25%	➤ Most State and Federal weapons offenders in prison had a prior criminal history, but State offenders were more likely than Federal offenders to have a history of prior violence.
Yes	90%	75%	
Prior violence	44	28	
No prior violence	46	47	
Total	12,700	3,100	

Sources: BJS, Survey of Inmates in State Correctional Facilities, 1991, and BJS, Survey of Inmates in Federal Correctional Facilities, 1991.

1985 and 1992, compared to about a 300% increase in the number of drug offenders.

- Over the same years, the number of Federal offenders imprisoned for drug offenses increased just over 60%, while the number of Federal weapons offenders imprisoned increased 4 times as fast, growing about 240%.

State prisons hold more weapons offenders than Federal prisons, but weapons offenders are more prevalent in Federal prisons

In 1991 two simultaneous surveys, the Survey of Inmates in State Correctional Facilities and the Survey of Inmates in Federal Correctional Facilities, revealed that weapons offenders were about 3 times as prevalent in the Federal prison population — 5.7% of Federal prisoners and 1.8% of State prisoners were serving time after conviction for a weapons offense.

However, State prisons held about 4 times as many convicted weapons offenders as Federal prisons; in 1991 an estimated 12,700 weapons offenders were in State prisons, and 3,100 were in Federal prisons.

Average time served in prison is similar for State and Federal weapons offenders

Federal weapons offenders released in 1992 had served an average of 4 months longer in confinement than those released in 1985. By contrast, released State weapons offenders in 1992 served about 1 month longer than those released in 1985.

Year	Average (mean) time releasees served in prison	
	State*	Federal
1985	21 months	19 months
1986	25	19
1987	25	20
1988	23	21
1989	24	21
1990	24	21
1991	23	21
1992	22	23

*Includes an average of 5 months of jail credit against the sentence.

Sources: BJS, *National Corrections Reporting Program*, 1985 through 1992, and BJS, *Federal Criminal Case Processing, 1982-91, with Preliminary Data for 1992*, NCJ-144526, November 1993.

In 1991, 60% of weapons offenders in State prison were on probation or parole at the time of admission

According to the 1991 Survey of Inmates in State Correctional Facilities, 46% of those in prison were probation or parole violators, including 35% who were convicted of a new offense and 10% who had technically violated the conditions of their release. In State prisons, about 2% of all probation violators and parole violators were admitted for a weapons offense.

Federal law and many State laws prohibit convicted felons from possessing guns. In some States, such prohibitions also apply to some misdemeanants. Although 14% of all violators (35,000) reported being armed when they committed their current offense, 1 out of 5 of them (7,000) were actually convicted of a weapons violation.

Probation and parole conditions of release often prohibit offenders from possessing firearms or deadly weapons. Technical violations of the conditions of release may result in revocation of probation or parole. Less than 1% of the violators in prison were there because their probation or parole was revoked for a technical violation involving weapons.

Weapons offense charges may accompany more serious charges

When a weapon is used or possessed during the commission of a crime, the defendant may be charged with a weapons offense in addition to the primary criminal charge. The Congress and many State legislatures have passed laws that target armed offenders with additional sanctions including mandatory minimum terms in prison or enhancements to the length of the prison sentence imposed.

Additional weapons charges in cases brought in State courts are uncommon

In general, most offenders are not charged with or convicted of more than one felony. Offenses in addition to

more serious charges were present for —

- 34% of the defendants charged with a felony
- 21% of convicted offenders
- 35% of State prison inmates.

Few defendants or offenders were charged or convicted of additional weapons offenses. Weapons offenses in addition to more serious offenses were present for —

- 2% of the felony defendants
- 1% of convicted offenders
- 5% of State prison inmates.

Weapons offenses accompanied all types of offenses including property crimes and drug offenses

Defendants and offenders whose most serious offense was a weapons offense were more likely than those charged or convicted of other offenses to have additional weapons charges or convictions.

Most serious offense	Percent of State offenders with a weapons offense in addition to another charge		
	Felony defendants in the 75 largest counties in 1992	Felony convictions in 1992	Inmates in State prisons in 1991
Total [†]	2%	1%	5%
Violent offenses	3%	3%	5%
Murder	3%	8%	5%
Rape	*	*	1%
Robbery	5%	3%	5%
Aggravated assault	3%	4%	8%
Other violent	1%	*	2%
Property offenses	1%	*	1%
Burglary	1%	1%	2%
Larceny and motor vehicle theft	1%	*	1%
Drug offenses	1%	1%	2%
Weapons	12%	7%	5%

*Less than 0.5%.
[†]Includes offenses not displayed in detail.
 Sources: Unpublished BJS data from the National Pretrial Reporting Program, the National Judicial Reporting Program, and the Survey of Inmates in State Correctional Facilities, 1991.

Defendants or offenders charged or convicted of the violent crimes of murder, robbery, and aggravated assault were the next most likely to have additional weapons offenses.

At the Federal level, additional weapons convictions are more common than at the State level

Federal Firearms-related Offenses, a BJS study of U.S. Sentencing Commission data, found that the 2,400 Federal offenders convicted of an additional firearms offense included —

- 21% of convicted violent offenders
- 8% of convicted drug offenders
- 1% of public-order offenders
- 0.4% of property offenders.

Of those convicted of an additional firearms offense, 82% were convicted of the use or carrying of a firearm in the commission of another offense and 10% were convicted of illegally possessing the weapon as a prohibited person (such as convicted felons, mental defectives, or illegal aliens).

Ninety-nine percent of the Federal offenders convicted of an additional weapons offense were sentenced to prison. Violent offenders convicted of a firearms charge in addition to another offense were sentenced to an average of more than 12 years. Over a third of the sentence length imposed for these offenders was attributable to the firearms conviction.

Federal sentencing guidelines also consider the involvement of deadly weapons, particularly firearms

Sentences in Federal courts are determined through the application of sentencing guidelines. Two factors — the seriousness of the offense and the offender's criminal history — determine what sentence a convicted Federal offender will receive. The presence or use of a firearm during the commission of the offense is one measure of seriousness. Even when offenders are not convicted of separate firearms offenses, they may receive additional

sanctions because the use of a firearm during the crime increases the sentence recommended under the guidelines or raises the penalty to that for an "aggravated offense" class.

According to *Federal Firearms-related Offenses*, during the fiscal year ending on September 30, 1993, 1,786 Federal offenders received enhanced sentences under the guidelines because of firearms involvement. Over a quarter of the Federal offenders convicted of a violent crime were given a sentence enhancement because of firearms involvement. Their sentences increased by about 19% because of the firearms involvement.

Sources

- ATF, "Legislation Since 1984 Enhancing ATF's Law Enforcement Responsibilities," ATF General Counsel's Office, April 26, 1995.
- BJS, *Compendium of Federal Justice Statistics, 1992*, NCJ-148949, forthcoming.
- BJS, *Correctional Populations in the United States, 1992*, NCJ-146413, January 1995.
- BJS, *Federal Criminal Case Processing, 1980-87*, NCJ-120069, May 1990.
- BJS, *Federal Criminal Case Processing, 1980-90*, NCJ-136945, September 1992.
- BJS, *Federal Criminal Case Processing, 1982-91*, NCJ-144526, November 1993.
- BJS, *Federal Firearms-related Offenses*, Crime Data Brief, NCJ-148950, June 1995.
- BJS, *Felony Defendants in Large Urban Counties, 1992*, NCJ-148826, July 1995.
- BJS, *Felony Sentences in State Courts, 1992*, NCJ-151167, January 1995.
- BJS, *National Corrections Reporting Program, 1985 through 1992*.
- BJS, National Judicial Reporting Program, 1992, unpublished data.
- BJS, National Pretrial Reporting Program, 1992, unpublished data.
- BJS, *Pretrial Release of Federal Felony Defendants*, Special Report, NCJ-145322, February 1994.
- BJS, *Pretrial Release of Felony Defendants, 1992*, Bulletin, NCJ-148818, November 1994.
- BJS, *Prisoners in 1993*, Bulletin, NCJ-147036, June 1994.
- BJS, *Probation and Parole Violators in State Prison, 1991*, Special Report, NCJ-149076, August 1995.
- BJS, Survey of Inmates in State Correctional Facilities, 1991, unpublished data.
- BJS, Survey of Inmates in Federal Correctional Facilities, 1991, unpublished data.
- Butts, Jeffrey A., et al., *Detailed Supplement to Juvenile Court Statistics 1992*, National Center for Juvenile Justice, July 1995.
- FBI, *Age-Specific Arrest Rates and Race-Specific Arrest Rates for Selected Offenses, 1965-1992*, December 1993.
- FBI, *Crime in the United States, 1993*, December, 1994.
- Marvell, Thomas B., and Carlisle E. Moody, Jr., "The Impacts of Enhanced Prison Terms for Felonies Committed with Guns," *Criminology*, Vol. 33, No. 2, May 1995, pp. 247-78.
- National Council on Crime and Delinquency, *National Assessment of Structured Sentencing*, prepared for the Bureau of Justice Assistance, January 1995.
- National Criminal Justice Association, *Compilation of State Firearm Codes that Affect Juveniles*, November 1994, prepared for the Office of Juvenile Justice and Delinquency Prevention and the Bureau of Justice Assistance.
- Office of Juvenile Justice and Delinquency Prevention, *Delinquency Cases in Juvenile Court, 1992*, Fact Sheet #18, July 1994.
- Office of Juvenile Justice and Delinquency Prevention, *Juvenile Offenders and Victims: A National Report*, NCJ-153569, August 1995.

The Bureau of Justice Statistics is the statistical arm of the U.S. Department of Justice. Jan M. Chaiken, Ph.D., is director.

BJS Selected Findings summarize statistics about a topic of current concern from both BJS and non-BJS datasets.

Substantial assistance in preparing this report was provided by Patrick A. Langan, Robyn L. Cohen, Brian A. Reaves, Pheny Z. Smith, Tom Hester, Bruce M. Taylor, and Steven K. Smith of the BJS staff; Joseph Moone of the Office of Juvenile Justice and Delinquency Prevention; Melissa Sickmund, Howard Snyder, and Dennis Sullivan of the National Center for Juvenile Justice; Victoria Major and Sharon Profiter of the FBI's Uniform Crime Reports program; and Steve Rubenstein and Teresa Ficarella of the Bureau of Alcohol, Tobacco and Firearms. Verification and publication review were provided by Ida Hines, Priscilla Middleton, Tom Hester, Marilyn Marbrook, and Yvonne Boston of the Bureau of Justice Statistics.

November 1995, NCJ-155284

This report is part of a series on firearms and crime that will result in the publication of a comprehensive document entitled *Firearms, Crime, and Criminal Justice*. Other topics to be covered in this series include guns used in crime, how criminals obtain guns, and intentional firearm injury. The full report will focus on the use of guns in crime, trends in gun crime, consequences of gun crimes, and characteristics of and sanctions for offenders who use guns. This report will not cover the involvement of firearms in accidents or suicides.