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Felony Sentences in the United States, 1992

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In 1992 Federal courts convicted 41,673 persons of violent, property, drug, and other felonies. State courts convicted 893,630, bringing the combined U.S. total to 935,303 felons convicted.

Felony convictions, 1986-92

The 866,028 felony convictions in State and Federal courts in 1990 were 41% greater than the 614,301 in 1986 (table 1).¹ This rise from 1986 to 1990 largely resulted from a total increase of 111% in the number of drug traffick-

¹An annual change of 9.0% over 4 years accumulates to a 41% change from 1986 to 1990.

ing convictions. From 1990 to 1992 total felony convictions went up 8%.

This increase was not driven by drug trafficking convictions, which rose just 3% during this period, despite a 17% increase in Federal drug trafficking cases in the 2-year period.

Table 1. Convictions in State and Federal courts for all felonies and for drug trafficking, 1986 and 1992

Convictions	1986	1990	1992	Annual percent change	
				1986 to 1990	1990 to 1992
All felonies					
Total	614,301	866,028	935,303	9.0%	3.9%
State	582,764	829,344	893,630	9.2	3.8
Federal	31,537	36,684	41,673	3.9	6.6
Drug trafficking					
Total	87,096	183,358	188,358	20.5%	1.4%
State	76,437	168,360	170,806	21.8	.7
Federal	10,659	14,998	17,551	8.9	8.2

Highlights

- In 1992 Federal courts convicted 41,673 persons of violent, property, drug, and other felonies. State courts convicted 893,630, bringing the combined U.S. total to 935,303 felons convicted. Federal courts accounted for 5% of the national total.
- Between 1990 and 1992 the number of felony convictions increased 8% in State courts and 14% in Federal courts.
- In 1992 State and Federal courts together imposed a prison sentence on 45% of all persons convicted of a felony. Federal courts sentenced 59% of felons to prison; and State courts, 44%.
- State and Federal courts together sentenced to prison 60% of the 168,000 felons convicted of a violent crime in 1992.
- In 1992 the average prison sentence imposed was the same in State and Federal courts: about 6½ years.
- On average before release from prison in 1992, Federal felons had served 76% of their sentence and State felons had served 43%. If these percentages are applied to 1992 sentences, felons sent to prison would serve an estimated average of about 5 years if convicted in a Federal court and 3 years if convicted in a State court.

Table 2. Number of felony convictions in State and Federal courts, 1992

Most serious conviction offense	Felony convictions			Federal felony convictions as percent of total
	Total	State	Federal	
All offenses	935,303	893,630	41,673	4.5%
Violent offenses	167,858	165,099	2,759	1.6%
Murder/nonnegligent manslaughter ^a	12,672	12,548	124	1.0
Rape	21,957	21,655	302	1.4
Robbery	53,781	51,878	1,903	3.5
Aggravated assault	59,158	58,969	189	.3
Other violent ^b	20,290	20,049	241	1.2
Property offenses	307,801	297,494	10,307	3.3%
Burglary	114,745	114,630	115	.1
Larceny ^c	120,830	119,000	1,830	1.5
Motor vehicle theft	19,665	19,332	333	1.7
Other theft	101,165	99,668	1,497	1.5
Fraud/forgery ^d	72,226	63,864	8,362	11.6
Fraud ^d	38,007	30,245	7,762	20.4
Forgery	34,219	33,619	600	1.8
Drug offenses	297,955	280,232	17,723	5.9%
Possession	109,598	109,426	172	.2
Trafficking	188,357	170,806	17,551	9.3
Weapons offenses	30,290	26,422	3,868	12.8%
Other offenses^e	131,399	124,383	7,016	5.3%

^aDoes not include negligent manslaughter.

^bIncludes offenses such as negligent manslaughter, sexual assault, and kidnapping.

^cIncludes motor vehicle theft.

^dIncludes embezzlement.

^eComposed of nonviolent offenses such as receiving stolen property and immigration offenses.

Combined volume of State and Federal felony convictions

Of the 935,303 total volume of felony convictions in 1992, State courts accounted for about 95% and Federal courts accounted for about 5% (table 2). Federal courts accounted for few of the Nation's violent felony convictions (1.6%) but a relatively large fraction of convictions for fraud and embezzlement (20%), drug trafficking (9%), and weapons offenses (13%).

State and Federal courts together convicted 167,858 persons of a violent felony and nearly twice that number, 297,955, of a drug felony. Convictions for drug offenses comprised 32% of the national total, while convictions for violent crime comprised 18% (see page 3).

The most frequent violent offense, aggravated assault, comprised 6%.

Comparison of State and Federal sentences for felonies

Three types of sentences — prison confinement (usually for a year or more), jail confinement (usually for under a year), and probation — account for virtually all of the sentences that State and Federal courts impose as punishment for a felony conviction. Probation is a sentence involving supervised release under conditions specified by the court and takes two forms: straight probation and a split sentence. Straight probation is probation with no confinement, and a split sentence is probation combined with confinement (usually short-term).

In most States the place of confinement is a local facility for a jail sentence and a State facility for a prison sentence. The Federal system has no equivalent of a local jail. To make Federal sentences more comparable to State sentences, this report calls Federal incarceration sentences of 1 year or less "jail," and Federal sentences over a year "prison." Nevertheless, State and Federal sentences are not completely comparable, largely because of differences between the types of offenses processed in State and Federal courts (see page 3).

Comparison of State and Federal offenses

Violent crimes comprised 19% of felony convictions in State courts, but only 7% of those in Federal courts. Similarly, violent crimes comprised 25% of State prison sentences but 10% of Federal prison sentences.

Drug offenses comprised 31% of felony convictions in State courts but 43% of those in Federal courts. Similarly, drug crimes comprised 30% of State prison sentences but 58% of Federal prison sentences. Within offense groupings, the offense composition is not similar between State and Federal courts. For example, robbery comprised about 70% of violent Federal convictions but 31% of violent State convictions. Similarly, forgery, fraud,

and embezzlement comprised about 80% of Federal convictions for property crimes but about 20% of State convictions for property crimes.

Individual offense categories also differ. For example, Federal offenses labeled robbery are almost exclusively bank robberies (about 95%), while State robbery offenses seldom include those of banks. Similarly, large-scale international drug crime characterizes a relatively large fraction of Federal drug trafficking cases, but few State cases. Federal weapons offenses may entail importation or manufacture of large quantities of weapons, while State weapons offenses typically involve a single firearm.

Most serious conviction offenses	Percent of convicted felony defendants											
	Felony convictions			Prison sentences			Jail sentences			Probation sentences		
	Total	State	Federal	Total	State	Federal	Total	State	Federal	Total	State	Federal
All offenses	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Violent offenses	17.9%	18.5%	6.6%	24.3%	25.2%	9.6%	14.6%	14.9%	2.5%	11.4%	11.7%	2.1%
Murder	1.4	1.4	.3	2.8	.3	.4	.2	.2	.2	.1	.1	.2
Rape	2.3	2.4	.7	3.6	3.7	.7	1.7	1.8	1.0	1.0	1.1	.6
Robbery	5.8	5.8	4.6	9.6	9.8	7.3	3.1	3.1	.8	2.3	2.3	.5
Assault	6.3	6.6	.5	6.2	6.6	.6	6.9	7.1	.2	5.9	6.2	.2
Other violent	2.2	2.2	.6	1.9	2.0	.5	2.4	2.5	.7	2.3	2.4	.6
Property offenses	32.9%	33.3%	24.7%	30.5%	31.8%	10.6%	31.0%	30.7%	39.3%	38.1%	37.7%	49.3%
Burglary	12.3	12.8	.3	14.3	15.2	.4	11.0	11.3	.2	10.3	10.7	.1
Larceny	12.9	13.3	4.4	10.9	11.5	1.8	13.6	13.8	7.0	15.3	15.5	8.9
Motor vehicle theft	2.1	2.2	.8	1.9	2.0	.6	2.6	2.7	1.4	1.9	1.9	.8
Other theft	10.8	11.2	3.6	8.9	9.4	1.2	11.0	11.2	5.6	13.6	13.8	8.1
Fraud/forgery	7.7	7.1	20.1	5.2	5.0	8.5	6.6	5.8	32.1	12.4	11.4	40.2
Fraud	4.1	3.4	18.6	2.2	1.8	7.9	3.7	2.9	29.7	7.2	6.1	37.3
Forgery	3.7	3.8	1.4	3.0	3.2	.6	2.7	2.7	2.4	5.4	5.5	2.9
Drug offenses	31.9%	31.4%	42.5%	31.6%	29.9%	58.3%	33.4%	33.8%	22.2%	30.9%	31.4%	18.2%
Trafficking	20.1	19.1	42.1	23.0	20.9	58.1	19.9	19.8	21.6	15.0	15.5	.8
Possession	11.7	12.2	.4	8.7	9.2	.2	13.3	13.7	.5	16.0	15.9	17.3
Weapons offenses	3.2%	3.0%	9.3%	3.2%	2.7%	11.5%	3.1%	3.0%	7.7%	3.4%	3.4%	4.9%
Other offenses	14.0%	13.9%	16.8%	11.0%	11.1%	10.0%	16.4%	16.1%	28.0%	16.6%	16.2%	25.6%

Felony sentences in the Nation's combined State and Federal courts

State and Federal courts imposed the most severe sentence, prison, on 45% of convicted felons nationwide in 1992 (table 3). Another 26% of convicted felons received a jail sentence. The remaining 30% received straight probation.

Table 3. Types of felony sentences imposed by State and Federal courts, by offense category, 1992

Most serious conviction offense	Total	Percent of felons sentenced to			
		Total	Incarceration		Straight probation
			Prison	Jail	
All offenses					
State and Federal	100%	70%	45%	26%	30%
State	100	70	44	26	30
Federal	100	76	59	18	24
Violent offenses^a					
State and Federal	100%	81%	60%	21%	19%
State	100	81	60	21	19
Federal	100	93	85	7	7
Property offenses^b					
State and Federal	100%	66%	41%	24%	34%
State	100	66	42	24	34
Federal	100	53	25	28	47
Drug offenses^c					
State and Federal	100%	71%	44%	27%	29%
State	100	70	42	28	30
Federal	100	90	81	9	10
Weapons offenses					
State and Federal	100%	69%	44%	25%	31%
State	100	66	40	26	34
Federal	100	88	73	15	12
Other offenses^d					
State and Federal	100%	65%	35%	30%	35%
State	100	65	35	30	35
Federal	100	64	35	29	36

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. Both State and Federal sentences included 1% or 2% not designated as prison, jail, or probation. The table classifies them under probation.

^aIncludes murder, rape, robbery, aggravated assault, and other violent.

^bIncludes burglary, larceny, motor vehicle theft, forgery, fraud, and embezzlement.

^cIncludes drug trafficking and drug possession.

^dComposed of nonviolent offenses such as receiving stolen property and immigration offenses.

Overall, prison was the sentence imposed on more than half of the felons convicted of these offenses: murder/manslaughter (93%), rape (68%),

robbery (75%), burglary (52%), and drug trafficking (51%) (tables 4-6). Death sentences are included with prison sentences. Straight probation,

the least severe penalty, was the sentence given to more than half of all felons convicted of one type of offense: fraud and embezzlement (53%).

Table 4. Type of State and Federal felony sentences, by violent offenses, 1992

Most serious violent offense	Percent of felons sentenced to				
	Total	Incarceration			Straight probation
		Total	Prison	Jail	
Murder/manslaughter^a					
State and Federal	100%	97%	93%	4%	3%
State	100	97	93	4	3
Federal	100	83	77	6	17
Rape					
State and Federal	100%	87%	68%	19%	13%
State	100	87	68	19	13
Federal	100	80	56	24	20
Robbery					
State and Federal	100%	88%	75%	13%	12%
State	100	88	74	14	12
Federal	100	98	95	3	2
Aggravated assault					
State and Federal	100%	72%	44%	28%	28%
State	100	72	44	28	28
Federal	100	89	81	8	11
Other violent^b					
State and Federal	100%	68%	39%	29%	32%
State	100	68	39	29	32
Federal	100	76	54	22	24

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. Both State and Federal sentences included 1% or 2% not designated as prison, jail, or probation. The table classifies them under probation.

^aIncludes nonnegligent manslaughter.

^bIncludes offenses such as negligent manslaughter, sexual assault, and kidnaping.

Table 6. Type of State and Federal felony sentences, by drug offenses, 1992

Most serious drug offense	Percent of felons sentenced to				
	Total	Incarceration			Straight probation
		Total	Prison	Jail	
Possession					
State and Federal	100%	62%	33%	29%	38%
State	100	62	33	29	38
Federal	100	52	31	21	48
Trafficking					
State and Federal	100%	76%	51%	25%	24%
State	100	75	48	27	25
Federal	100	90	81	9	10

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. Both State and Federal sentences included 1% or 2% not designated as prison, jail, or probation. The table classifies them under probation.

Table 5. Type of State and Federal felony sentences, by property offenses, 1992

Most serious property offense	Percent of felons sentenced to				
	Total	Incarceration			Straight probation
		Total	Prison	Jail	
Burglary					
State and Federal	100%	75%	52%	23%	25%
State	100	75	52	23	25
Federal	100	90	77	13	10
Larceny^a					
State and Federal	100%	65%	38%	27%	35%
State	100	65	38	27	35
Federal	100	52	24	28	48
Motor vehicle theft					
State and Federal	100%	73%	41%	32%	27%
State	100	73	41	32	27
Federal	100	75	44	31	25
Other theft					
State and Federal	100%	63%	37%	26%	37%
State	100	63	37	26	37
Federal	100	47	20	27	53
Fraud/forgery^b					
State and Federal	100%	52%	30%	22%	48%
State	100	52	31	21	48
Federal	100	53	25	28	47
Fraud^b					
State and Federal	100%	47%	24%	23%	53%
State	100	46	24	22	54
Federal	100	53	25	28	47
Forgery					
State and Federal	100%	56%	37%	19%	44%
State	100	56	37	19	44
Federal	100	52	23	29	48

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. Both State and Federal sentences included 1% or 2% not designated as prison, jail, or probation. The table classifies them under probation.

^aIncludes motor vehicle theft.

^bIncludes embezzlement.

Drug traffickers and violent offenders: 1992 felony sentences compared

Federal courts sentenced convicted drug traffickers almost as severely as convicted violent offenders:

- 81% of drug traffickers and 85% of violent offenders received a prison sentence (tables 3 and 6).
- Average prison sentences were almost 8 years for drug traffickers and just over 8 years for violent offenders (tables 7 and 10).

Felony drug traffickers and violent offenders in State and Federal courts

	Percent sentenced to prison	
	State	Federal
Drug traffickers	48%	81%
Violent offenders	60	85

	Average prison sentence length	
	State	Federal
Drug traffickers	72 mo	92 mo
Violent offenders	125	100

State courts nationwide sentenced convicted violent offenders more severely than convicted drug traffickers:

- 48% of drug traffickers and 60% of violent offenders received a prison sentence (tables 3 and 6).
- Average prison sentences were 4 years for drug traffickers and 10½ years for violent offenders (tables 7 and 10).

However, not all State courts sentenced violent felony offenders more severely than drug traffickers, according to survey results from the 1992 National Judicial Reporting Program. Of the 300 counties that participated in the survey, courts in 274 convicted at least 1 drug trafficker and 1 violent offender in 1992. Seventy-four of the 274 — or 27% of the courts — sentenced a greater fraction of drug traffickers than violent offenders to prison:

- In the 74 State courts where prison sentences were imposed more often on drug traffickers than violent offenders, on average prison sentences were imposed on 76% of convicted drug traffickers and 55% of convicted violent offenders.

These results suggest that about a quarter of the Nation's State courts imprison a higher percentage of drug traffickers than violent offenders.

In some State courts, longer prison sentences were imposed on drug traffickers than on violent offenders. Of the 246 State courts that sentenced to prison at least 1 drug trafficker and 1 violent offender in 1992, 30 — or 12% — sentenced drug traffickers to longer terms of imprisonment than violent offenders:

- In the 30 State courts where sentences were longer for drug traffickers than violent offenders, the average prison sentence imposed was nearly 12 years for drug traffickers and 9 years for violent offenders.

Table 7. Length of felony sentences imposed by State and Federal courts, by offense category, 1992

Most serious conviction offense	Mean maximum sentence length in months for felons sentenced to			
	Incarceration			Straight probation
	Total	Prison	Jail	
All offenses				
State and Federal	53 mo	79 mo	7 mo	47 mo
State	53	79	7	47
Federal	60	79	7	40
Violent offenses^a				
State and Federal	95 mo	125 mo	8 mo	52 mo
State	95	125	8	52
Federal	91	100	8	41
Property offenses^b				
State and Federal	44 mo	66 mo	7 mo	47 mo
State	45	67	7	47
Federal	23	41	7	40
Drug offenses^c				
State and Federal	46 mo	70 mo	6 mo	48 mo
State	43	67	6	48
Federal	83	92	8	45
Weapons offenses				
State and Federal	38 mo	57 mo	6 mo	38 mo
State	36	55	6	38
Federal	48	65	8	38
Other offenses^d				
State and Federal	32 mo	52 mo	6 mo	42 mo
State	32	53	6	42
Federal	23	42	6	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. Both State and Federal sentences included 1% or 2% not designated as prison, jail, or probation. The table classifies them under probation.

^aIncludes murder, rape, robbery, aggravated assault, and other violent.

^bIncludes burglary, larceny, motor vehicle theft, forgery, fraud, and embezzlement.

^cIncludes drug trafficking and drug possession.

^dComposed of nonviolent offenses such as receiving stolen property and immigration offenses.

Average sentence lengths

Felons sent to State and Federal prisons had an average imposed sentence length of 79 months (table 7). Those sent to jail had an average sentence of 7 months. Straight probation sentences had an average length of 47 months.

Unlike jail sentence lengths, which generally varied little from the 7-month overall national average, prison sentence lengths varied widely from offense to offense (tables 8-10). The

average prison sentence for murder was about 21 years; for rape, 13½ years; for robbery, nearly 10 years; for motor vehicle theft, 5½ years; for drug possession, 4½ years.

Offenses with average prison sentences over 6 years were each of the violent offense categories (excluding other violent) plus burglary (about 6.3 years) and drug trafficking (6.25 years).

Table 8. Length of felony sentences imposed by State and Federal courts, by violent offenses, 1992

Most serious violent offense	Mean maximum sentence length in months for felons sentenced to			
	Incarceration			Straight probation
	Total	Prison	Jail	
Murder/manslaughter^a				
State and Federal	237 mo	250 mo	10 mo	77 mo
State	238	251	10	78
Federal	142	153	7	65
Rape				
State and Federal	129 mo	163 mo	8 mo	70 mo
State	130	164	8	71
Federal	41	57	7	38
Robbery				
State and Federal	101 mo	116 mo	11 mo	62 mo
State	101	117	11	62
Federal	97	99	8	55
Aggravated assault				
State and Federal	56 mo	87 mo	7 mo	45 mo
State	56	87	7	45
Federal	78	84	7	40
Other violent^b				
State and Federal	33 mo	54 mo	6 mo	42 mo
State	32	53	6	42
Federal	75	101	8	41

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. Mean sentence lengths exclude sentences to death or to life in prison.

^aIncludes nonnegligent manslaughter.

^bIncludes offenses such as negligent manslaughter, sexual assault, and kidnapping.

Table 10. Length of felony sentences imposed by State and Federal courts, by drug offenses, 1992

Most serious drug offense	Mean maximum sentence length in months for felons sentenced to			
	Incarceration			Straight probation
	Total	Prison	Jail	
Possession				
State and Federal	32 mo	55 mo	4 mo	45 mo
State	32	55	4	45
Federal	38	60	5	29
Trafficking				
State and Federal	54 mo	75 mo	8 mo	51 mo
State	50	72	8	51
Federal	84	92	8	43

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. Mean sentence lengths exclude sentences to death or to life in prison.

Table 9. Length of felony sentences imposed by State and Federal courts, by property offenses, 1992

Most serious property offense	Mean maximum sentence length in months for felons sentenced to			
	Incarceration			Straight probation
	Total	Prison	Jail	
Burglary				
State and Federal	56 mo	76 mo	7 mo	55 mo
State	56	76	7	55
Federal	55	63	7	34
Larceny^a				
State and Federal	18 mo	36 mo	5 mo	37 mo
State	18	36	4	36
Federal	20	35	7	39
Motor vehicle theft				
State and Federal	40 mo	66 mo	6 mo	54 mo
State	40	67	6	54
Federal	20	29	8	51
Other theft				
State and Federal	32 mo	50 mo	7 mo	41 mo
State	32	50	7	41
Federal	20	38	7	38
Fraud/forgery^b				
State and Federal	24 mo	66 mo	4 mo	36 mo
State	24	69	3	36
Federal	21	36	8	38
Fraud^b				
State and Federal	37 mo	68 mo	5 mo	43 mo
State	42	76	5	44
Federal	21	36	5	38
Forgery				
State and Federal	46 mo	66 mo	7 mo	45 mo
State	46	66	7	45
Federal	19	35	7	36

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. Mean sentence lengths exclude sentences to death or to life in prison.

^aIncludes motor vehicle theft.

^bIncludes embezzlement.

Table 11. Corresponding time to be served in State and Federal prison, by offense, 1992

Most serious felony conviction offense	Mean prison sentences imposed in 1992 ^a			Percent of sentence served among prisoners released in 1992 ^{a,b}			Corresponding time to be served in prison ^c		
	Total	State	Federal	Total	State	Federal	Total	State	Federal
All offenses	79 mo	79 mo	79 mo	45%	43%	76%	36 mo	34 mo	60 mo
Violent offenses	125 mo	125 mo	100 mo	49%	48%	70%	61 mo	60 mo	70 mo
Murder/manslaughter ^d	250	251	153	48	48	70	120	120	107
Rape	163	164	57	56	56	72	91	91	41
Robbery	116	117	99	47	46	69	55	54	68
Aggravated assault	87	87	84	48	48	69	41	41	58
Other violent ^e	54	53	101	47	47	76	26	25	77
Property offenses	66 mo	67 mo	41 mo	43%	42%	77%	28 mo	28 mo	32 mo
Burglary	76	76	63	41	41	80	31	31	50
Larceny ^f	36	36	35	45	45	77	16	16	27
Motor vehicle theft	66	67	29	46	45	73	30	30	21
Other theft	50	50	38	43	43	79	21	21	30
Fraud/forgery ^g	66	69	36	42	38	77	26	26	28
Fraud ^g	68	76	36	48	38 ^h	77	28	29	28
Forgery	66	66	35	39	38 ^h	74	25	25	26
Drug offenses	70 mo	67 mo	92 mo	45%	44%	76%	31 mo	27 mo	70 mo
Possession	55	55	60	40	40	75	22	22	45
Trafficking	75	72	92	45	45	76	35	29	70
Weapons offenses	57 mo	55 mo	65 mo	60%	60%	80%	35 mo	30 mo	52 mo
Other offensesⁱ	52 mo	53 mo	42 mo	50%	50%	79%	26 mo	25 mo	33 mo

^aSentence length and percent of time served did not include in their calculation life or death sentences.

^bState estimates are derived from National Corrections Reporting Program data on first releases (sentences greater than a year) from State prisons in 1992. In calculating State estimates, allowance was made for jail time credited by the judge for time served prior to sentencing but no allowance could be made for post-sentencing time served in jail awaiting transfer to State prison. Federal estimates are from Federal Justice Statistics Program data on first releases (sentences greater than a year) from Federal prisons in 1992.

^cCalculated by multiplying sentence length by percent of time to serve.

^dDoes not include negligent manslaughter.

^eIncludes offenses such as negligent manslaughter, sexual assault, and kidnaping.

^fIncludes motor vehicle theft.

^gIncludes embezzlement.

^hThe 38% for the combined category "forgery/fraud/embezzlement" was the basis for this estimate.

ⁱComposed of nonviolent offenses such as receiving stolen property and immigration offenses.

Sentence length versus time to serve

The amount of prison time a convicted offender receives at sentencing is almost always longer than the actual amount of time the offender will serve before release from prison. Two primary reasons explain this difference between sentence imposed and actual time to serve:

- Most States, but not the Federal system, have a parole board that decides when a prisoner is released. In those States, the sentence imposed equals the amount of time the offender serves before release only if the offender is never paroled. Because the vast majority of offenders eventually are paroled, relatively few offenders serve their entire sentence before release.

- In most States and in the Federal system, inmates can earn early release through time credits for good behavior or special achievements. In addition to earned good-time credits, automatic good-time credits are awarded in many States.

To get an idea of how much time felons sentenced in 1992 would serve before being released, national data were examined on prisoners released in 1992. These data indicated that, on average, felons released from State prisons had served 43% of their sentence, and those released from Federal prisons had served 76%. Applying these figures to sentence lengths imposed in 1992 gives an estimate of expected time to serve. Keep in mind, however, that the 43% and 76% figures are based on past release

practices. Recent changes in release practices, some of which affect felons entering prison in 1992, are not reflected in 1992 release figures. For example, some States have enacted legislation requiring that prisoners serve a longer fraction of their sentence before release. Similarly, under the Federal truth-in-sentencing statute, Federal felons must serve at least 85% of their sentence before release. Under this statute —
 — parole was abolished
 — the only possible early-release mechanism is earned credit for good prison behavior
 — the maximum good-time credit allowable is 15% of the sentence (equal to 54 days per year).

Though the Federal truth-in-sentencing statute applies only to offenses

committed after November 1, 1987, over 80% of Federal felons sentenced in 1992 were subject to it.

If the average imposed sentence lengths in 1992 are multiplied by 43% or 76% as appropriate, corresponding time-to-be-served figures are obtained. For State felons, the imposed sentences correspond to release after serving 34 months; for Federal felons, after 60 months. Combining the two yields an estimated 36 months, or 45% of felons' 79-month sentence.

Although the average imposed Federal sentence (79 months) was the same as the average State sentence imposed, the comparable time to serve for Federal prisoners (60 months) was about 2 years longer than for State prisoners (34 months).

Methodology

State sentencing data are from the Bureau of Justice Statistics (BJS) National Judicial Reporting Program, a biennial sample survey that collects detailed information on the sentences adult felons receive. Federal sentencing data are from the BJS Federal Justice Statistics Program, collecting annual comprehensive information about the district court processing of individuals and corporations.

Sentencing statistics given in this report pertain exclusively to offenses defined under State or Federal law as felonies. States vary in their definition of a felony, but in general, a felony is a crime that has the potential of being punished by more than 1 year in a State prison. Federal law also defines a felony as a crime that is punishable by imprisonment for a term exceeding 1 year.

Sentence length statistics presented in this report pertain to total sentence. For persons convicted of a single offense, total sentence is the sentence

for that one offense. For persons convicted of a single offense and sentenced to a time range, such as 5-10 years, total sentence refers to the maximum. For persons convicted of multiple offenses to be served concurrently (at the same time), total sentence is the same as the longest sentence. For persons convicted of multiple offenses to be served consecutively (one after the other), total sentence is the sum of sentence lengths.

State sentencing data were obtained from a sample of felony convictions in the State courts of 300 counties. The sample consisted of persons sentenced for a felony in 1992. Additional details are in *Felony Sentences in State Courts, 1992* (BJS, NCJ-151167, 1995) and in *State Court Sentencing of Convicted Felons, 1992* (BJS, NCJ-152696, 1996).

Federal sentencing data were based on defendants sentenced in Federal district courts in 1992. The data source was the case terminations file of the Administrative Office of the U.S. Courts. Additional details of methodology and definitions of offense categories are in *Compendium of Federal Justice Statistics, 1992*, a BJS Internet document,

<http://www.ojp.usdoj.gov/bjs/> at *Publications* under "C." The Federal offense categories have been designed to be as compatible as possible with the definitions that follow.

Crime definitions for data collected from State courts

Murder and nonnegligent manslaughter: Murder is (1) intentionally causing the death of another person without extreme provocation or legal justification or (2) causing the death of another while committing or attempting to commit another crime.

Nonnegligent (or voluntary) manslaughter is intentionally and without legal justification causing the death of another when acting under extreme provocation. The combined category

of murder and nonnegligent manslaughter excludes involuntary or negligent manslaughter, conspiracies to commit murder, solicitation of murder, and attempted murder.

Rape: forcible intercourse (vaginal, anal, or oral) with a female or male. Includes forcible sodomy or penetration with a foreign object (sometimes called "deviant sexual assault"); excludes statutory rape or any other nonforcible sexual acts with a minor or with someone unable to give legal or factual consent. Includes attempts.

Robbery: the unlawful taking of property that is in the immediate possession of another, by force or the threat of force. Includes forcible purse snatching, but excludes nonforcible purse snatching, which is classified as larceny/theft. Includes attempts.

Aggravated assault: (1) intentionally and without legal justification causing serious bodily injury, with or without a deadly weapon or (2) using a deadly or dangerous weapon to threaten, attempt, or cause bodily injury, regardless of the degree of injury, if any. Includes attempted murder, aggravated battery, felonious assault, and assault with a deadly weapon.

Other violent: violent offenses excluding murder and nonnegligent manslaughter, rape, robbery, and aggravated assault. Includes offenses such as sexual assault, kidnaping, extortion, and negligent manslaughter. Includes attempts.

Burglary: the unlawful entry of a fixed structure used for regular residence, industry, or business, with or without the use of force, to commit a felony or theft. Includes attempts.

Larceny and motor vehicle theft: Larceny is the unlawful taking of property other than a motor vehicle from the possession of another, by stealth, without force or deceit. Includes pocket-picking, nonforcible purse snatching, shoplifting, and thefts from motor

vehicles. Excludes receiving and/or reselling stolen property (fencing), and thefts through fraud or deceit. Includes attempts.

Motor vehicle theft is the unlawful taking of a self-propelled road vehicle owned by another. Includes the theft of automobiles, trucks, and motorcycles, but not the theft of boats, aircraft, or farm equipment (classified as larceny/theft). Also includes receiving, possessing, stripping, transporting, and reselling stolen vehicles, and unauthorized use of a vehicle (joyriding). Includes attempts.

Fraud, forgery, and embezzlement: using deceit or intentional misrepresentation to unlawfully deprive a person of his or her property or legal rights. Includes offenses such as check fraud, confidence game, counterfeiting, and credit card fraud. Includes attempts.

Drug trafficking: includes manufacturing, distributing, selling, smuggling, and possession with intent to sell. Includes attempts.

Drug possession: includes possession of an illegal drug, but excludes possession with intent to sell. Includes attempts.

Weapons offenses: the unlawful sale, distribution, manufacture, alteration, transportation, possession, or use of a deadly or dangerous weapon or accessory.

Other felonies: all felony offenses not listed above. Includes receiving stolen property, driving while intoxicated or other traffic offenses, bribery, obstructing justice, escaping from custody, family offenses (such as child neglect, contributing to the delinquency of a minor, nonpayment of child support), and nonviolent sexual offenses (such as statutory rape, incest, pornography offenses, pimping, prostitution). Includes attempts.

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

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Data presented in this report may be obtained from the National Archive of Criminal Justice Data at the University of Michigan, 1-800-999-0960. The report and data are also available on the Internet:
<http://www.ojp.usdoj.gov/bjs/>



