



Bureau of Justice Statistics

State Court Sentencing of Convicted Felons, 1996

In State courts

Trends in felony sentencing 1988-96

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State Court Sentencing of Convicted Felons, 1996

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Felons sentenced to probation in State courts, 1996

The detailed statistics on sentences to probation presented in the tables of this section differ from probation statistics elsewhere in the report. As used elsewhere, a sentence to probation only included "straight probation."

Excluded were probation sentences combined with a term of confinement in a prison or jail. In this section, the probation definition is expanded to include such "split sentences."

Defined that way, probation sentences comprised 58% of all sentences imposed on felons in 1996, the highest percentage of all sentences since 1990 (table 3.1).

Other probation findings from the 1996 survey included —

- State courts sentenced to probation an estimated 580,000 convicted felons (table 3.1).
- Nationwide, probation sentences had an average length of just under 3½ years (table 3.3).
- For felons receiving a split incarceration and probation sentence, the average jail sentence was 6 months; the average prison sentence, 3 years and 10 months (table 3.4).
- The average age of probationers nationwide was 31 years (table 3.10). Females made up 19% of all felons placed on probation (table 3.7). Whites were 58% of probationers, and blacks were 40% (table 3.8).

Of felons sentenced to probation, about 44% of the women versus 27% of the men were convicted of a property offense

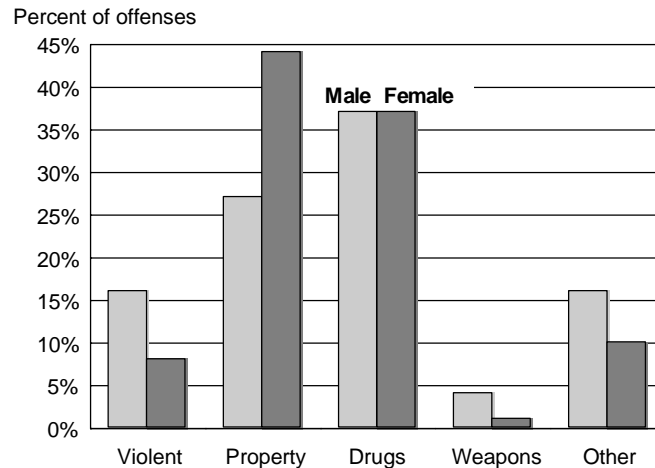


Table 3.1. Estimated number of felony convictions in State courts, by whether sentenced to probation and by offense, 1996

Most serious conviction offense	1996 felony convictions		Sentence type within offense		Offense within sentence type		
	Total	Probation	Probation	No probation	Total	Probation	No probation
All offenses	997,902	579,206	58%	42%	100%	100%	100%
Violent offenses	167,820	78,422	47%	53%	17%	14%	21%
Murder ^a	11,430	1,795	16	84	1	--	2
Sexual assault ^b	30,054	14,602	49	51	3	3	4
Robbery	42,831	14,463	34	66	4	2	7
Aggravated assault	69,521	39,379	57	43	7	7	7
Other violent ^c	13,984	8,182	59	41	1	1	1
Property offenses	298,622	182,501	61%	39%	30%	32%	28%
Burglary	93,195	50,811	55	45	9	9	10
Larceny ^d	123,198	73,178	59	41	12	13	12
Fraud ^e	82,228	58,511	71	29	8	10	6
Drug offenses	347,730	207,712	60%	40%	35%	36%	33%
Possession	135,270	87,403	65	35	14	15	11
Trafficking	212,461	120,310	57	43	21	21	22
Weapons offenses	33,337	19,055	57%	43%	3%	3%	3%
Other offenses^f	150,393	91,516	61%	39%	15%	16%	14%

Note: Detail may not sum to total because of rounding. In this table persons are counted as probation cases so long as their sentences included probation and without regard to whether a term of incarceration was also included.

--Less than 0.5%.

^aIncludes nonnegligent manslaughter.

^bIncludes rape.

^cIncludes offenses such as negligent manslaughter and kidnaping.

^dIncludes motor vehicle theft.

^eIncludes forgery and embezzlement.

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

Table 3.2. Felony convictions in State courts, by type of sentence to probation or incarceration and offense, 1996

Most serious conviction offense	Percent of felony convictions by type of —							
	Straight probation	Probation sentence			No incarceration	Nonprobation sentence		
		Total	Split sentence	Prison		Jail	Total	Prison
All offenses	29%	29%	9%	20%	2%	40%	29%	10%
Violent offenses	20%	27%	12%	15%	1%	52%	45%	7%
Murder ^a	5	11	9	2	--	84	83	1
Sexual assault ^b	20	29	17	12	1	50	46	4
Robbery	12	22	13	9	1	66	60	5
Aggravated assault	26	31	10	21	2	41	32	9
Other violent ^c	25	33	8	25	2	39	30	9
Property offenses	35%	26%	8%	18%	3%	36%	26%	10%
Burglary	27	27	9	18	2	44	36	8
Larceny ^d	33	26	7	19	3	37	24	13
Fraud ^e	47	24	8	16	3	26	17	9
Drug offenses	26%	33%	9%	25%	2%	38%	27%	12%
Possession	28	37	8	29	2	33	21	12
Trafficking	25	31	9	22	2	42	30	11
Weapons offenses	31%	26%	10%	16%	2%	41%	30%	11%
Other offenses^f	34%	27%	6%	20%	3%	36%	25%	11%

Note: See note on table 3.1. Detail may not sum to total because of rounding.

--Less than 0.5%.

^aIncludes nonnegligent manslaughter.

^bIncludes rape.

^cIncludes offenses such as negligent manslaughter and kidnaping.

^dIncludes motor vehicle theft.

^eIncludes forgery and embezzlement.

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

Table 3.3. Average probation sentence of felons convicted in State courts, by offense, 1996

Most serious conviction offense	Probation sentence (in months) in case of —				
	Total	Straight probation	Split sentence		
			Total	Prison	Jail
Mean sentence					
All offenses	40 mo	41 mo	39 mo	46 mo	36 mo
Violent offenses	48 mo	48 mo	48 mo	58 mo	41 mo
Murder ^a	73	72	73	77	56
Sexual assault ^b	65	66	64	72	54
Robbery	50	52	49	54	42
Aggravated assault	41	41	42	48	38
Other violent ^c	42	44	41	50	38
Property offenses	39 mo	40 mo	39 mo	45 mo	36 mo
Burglary	43	46	41	47	38
Larceny ^d	36	38	35	41	33
Fraud ^e	40	39	41	47	37
Drug offenses	39 mo	42 mo	37 mo	43 mo	35 mo
Possession	35	37	33	35	32
Trafficking	42	45	40	47	38
Weapons offenses	35 mo	35 mo	34 mo	31 mo	36 mo
Other offenses^f	40 mo	40 mo	39 mo	44 mo	37 mo
Median sentence					
All offenses	36 mo	36 mo	36 mo	36 mo	36 mo
Violent offenses	36 mo	48 mo	36 mo	36 mo	36 mo
Murder ^a	60	60	60	60	60
Sexual assault ^b	60	60	60	60	60
Robbery	60	48	36	36	48
Aggravated assault	36	36	36	36	36
Other violent ^c	36	36	36	36	36
Property offenses	36 mo	36 mo	36 mo	36 mo	36 mo
Burglary	36	36	36	36	36
Larceny ^d	36	36	36	36	36
Fraud ^e	36	36	36	36	36
Drug offenses	36 mo	36 mo	36 mo	36 mo	36 mo
Possession	36	24	30	36	33
Trafficking	36	36	36	36	36
Weapons offenses	36 mo	24 mo	36 mo	36 mo	36 mo
Other offenses^f	36 mo	36 mo	36 mo	36 mo	36 mo

Note: See note on table 3.1. Means exclude sentences to death or to life in prison.

^aIncludes nonnegligent manslaughter.

^bIncludes rape.

^cIncludes offenses such as negligent manslaughter and kidnaping.

^dIncludes motor vehicle theft.

^eIncludes forgery and embezzlement.

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

Table 3.4. Average State court sentence to incarceration for felons receiving sentences with or without probation, by offense, 1996

Most serious conviction offense	Maximum incarceration sentence length (in months) for —					
	Split sentence			Incarceration without probation		
	Total	Prison	Jail	Total	Prison	Jail
Mean sentence						
All offenses	18 mo	46 mo	6 mo	51 mo	67 mo	7 mo
Violent offenses	35 mo	69 mo	6 mo	100 mo	115 mo	8 mo
Murder ^a	188	212	8	260	264	9
Sexual assault ^b	49	75	7	126	136	10
Robbery	47	68	9	100	108	11
Aggravated assault	20	50	6	60	75	8
Other violent ^c	14	39	6	50	64	7
Property offenses	15 mo	38 mo	5 mo	39 mo	52 mo	7 mo
Burglary	20	46	6	54	64	8
Larceny ^d	12	32	5	30	42	7
Fraud ^e	14	33	4	33	47	6
Drug offenses	15 mo	41 mo	6 mo	40 mo	54 mo	7 mo
Possession	12	39	5	28	42	6
Trafficking	17	42	6	45	59	7
Weapons offenses	14 mo	30 mo	4 mo	38 mo	49 mo	7 mo
Other offenses^f	13 mo	38 mo	5 mo	32 mo	43 mo	7 mo
Median sentence						
All offenses	7 mo	24 mo	5 mo	29 mo	40 mo	6 mo
Violent offenses	12 mo	42 mo	6 mo	60 mo	72 mo	8 mo
Murder ^a	120	129	6	300	300	12
Sexual assault ^b	21	51	6	75	86	12
Robbery	24	48	8	72	72	12
Aggravated assault	9	36	5	36	48	6
Other violent ^c	6	24	6	24	36	6
Property offenses	6 mo	24 mo	4 mo	24 mo	36 mo	6 mo
Burglary	9	34	6	36	48	6
Larceny ^d	6	24	4	18	30	6
Fraud ^e	6	24	3	23	36	6
Drug offenses	6 mo	24 mo	6 mo	24 mo	36 mo	6 mo
Possession	6	24	5	16	30	6
Trafficking	8	30	6	36	42	6
Weapons offenses	8 mo	24 mo	3 mo	24 mo	36 mo	6 mo
Other offenses^f	6 mo	24 mo	4 mo	24 mo	36 mo	6 mo

Note: See note on table 3.1. Means exclude sentences to death or life in prison.

^aIncludes nonnegligent manslaughter.

^bIncludes rape.

^cIncludes offenses such as negligent manslaughter and kidnaping.

^dIncludes motor vehicle theft.

^eIncludes forgery and embezzlement.

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

Table 3.5. Percent of conviction offenses for felons sentenced to probation in State courts, by offense, 1996

Most serious conviction offense	Percent of felons sentenced to probation when their conviction offenses numbered —			
	One or more	One	Two	Three or more
All offenses	58%	59%	56%	56%
Violent offenses	47%	49%	45%	39%
Murder ^a	16	18	14	6
Sexual assault ^b	49	50	51	39
Robbery	34	35	32	27
Aggravated assault	57	58	54	55
Other violent ^c	59	60	56	50
Property offenses	61%	62%	59%	65%
Burglary	55	55	54	53
Larceny ^d	59	60	55	58
Fraud ^e	71	72	69	76
Drug offenses	60%	61%	57%	60%
Possession	65	65	60	73
Trafficking	57	57	57	58
Weapons offenses	57%	58%	56%	53%
Other offenses^f	61%	61%	61%	66%

Note: See note on table 3.1.

^aIncludes nonnegligent manslaughter.

^bIncludes rape.

^cIncludes offenses such as negligent manslaughter and kidnaping.

^dIncludes motor vehicle theft.

^eIncludes forgery and embezzlement.

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

Table 3.6. Gender of felons sentenced to probation or to incarceration without probation in State courts, by offense, 1996

Most serious conviction offense	Percent of sentences to probation			Percent of sentences to incarceration without probation		
	All	Male	Female	All	Male	Female
All offenses	100%	100%	100%	100%	100%	100%
Violent offenses	14%	16%	8%	22%	23%	11%
Murder ^a	--	--	--	2	2	2
Sexual assault ^b	3	3	--	4	4	--
Robbery	3	3	1	7	7	3
Aggravated assault	7	8	5	7	8	5
Other violent ^c	1	2	1	1	1	1
Property offenses	31%	27%	44%	27%	26%	38%
Burglary	9	10	4	10	11	5
Larceny ^d	12	11	17	12	11	18
Fraud ^e	10	7	23	5	4	15
Drug offenses	37%	37%	37%	35%	34%	40%
Possession	15	15	17	11	11	16
Trafficking	22	22	21	23	23	24
Weapons offenses	3%	4%	1%	4%	4%	1%
Other offenses^f	15%	16%	10%	13%	13%	10%

Note: See note on tables 2.1 and 3.1. Detail may not sum to total because of rounding.

--Less than 0.5%.

^aIncludes nonnegligent manslaughter.

^bIncludes rape.

^cIncludes offenses such as negligent manslaughter and kidnaping.

^dIncludes motor vehicle theft.

^eIncludes forgery and embezzlement.

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

Table 3.7. Offense of felons sentenced to probation or to incarceration without probation in State courts, by gender, 1996

Most serious conviction offense	Percent of sentences to probation			Percent of sentences to incarceration without probation		
	All	Male	Female	All	Male	Female
All offenses	100%	81%	19%	100%	89%	11%
Violent offenses	100%	89%	11%	100%	94%	6%
Murder ^a	100	84	16	100	93	7
Sexual assault ^b	100	98	2	100	99	1
Robbery	100	90	10	100	95	5
Aggravated assault	100	86	14	100	92	8
Other violent ^c	100	89	11	100	92	8
Property offenses	100%	72%	28%	100%	84%	16%
Burglary	100	91	9	100	95	5
Larceny ^d	100	73	27	100	82	18
Fraud ^e	100	55	45	100	68	32
Drug offenses	100%	81%	19%	100%	87%	13%
Possession	100	79	21	100	84	16
Trafficking	100	82	18	100	88	12
Weapons offenses	100%	95%	5%	100%	97%	3%
Other offenses^f	100%	87%	13%	100%	91%	9%

Note: See note on tables 2.1 and 3.1. Detail may not sum to total because of rounding.

^aIncludes nonnegligent manslaughter.

^bIncludes rape.

^cIncludes offenses such as negligent manslaughter and kidnaping.

^dIncludes motor vehicle theft.

^eIncludes forgery and embezzlement.

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

Table 3.8. Offense of felons sentenced to probation or to incarceration without probation in State courts, by race, 1996

Most serious conviction offense	Percent of sentences to probation				Percent of sentences to incarceration without probation			
	All	White	Black	Other	All	White	Black	Other
All offenses	100%	58%	40%	2%	100%	47%	51%	1%
Violent offenses	100%	59%	39%	2%	100%	45%	53%	2%
Murder ^a	100	61	38	1	100	40	57	2
Sexual assault ^b	100	73	23	3	100	67	31	2
Robbery	100	37	61	1	100	30	68	2
Aggravated assault	100	60	38	3	100	48	50	2
Other violent ^c	100	73	25	3	100	63	35	2
Property offenses	100%	62%	35%	3%	100%	54%	44%	2%
Burglary	100	67	30	3	100	56	43	1
Larceny ^d	100	60	37	3	100	51	47	2
Fraud ^e	100	61	37	2	100	58	41	1
Drug offenses	100%	50%	48%	2%	100%	37%	62%	1%
Possession	100	54	44	2	100	40	59	1
Trafficking	100	48	50	1	100	36	63	1
Weapons offenses	100%	45%	54%	1%	100%	36%	63%	1%
Other offenses^f	100%	71%	26%	3%	100%	65%	34%	1%

Note: See note on tables 1.1, 1.2, and 2.1. Racial categories include Hispanics.

^aIncludes nonnegligent manslaughter.

^bIncludes rape.

^cIncludes offenses such as negligent manslaughter and kidnapping.

^dIncludes motor vehicle theft.

^eIncludes forgery and embezzlement.

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

Table 3.9. Race of felons sentenced to probation or to incarceration without probation in State courts, by offense, 1996

Most serious conviction offense	Percent of sentences to probation				Percent of sentences to incarceration without probation			
	All	White	Black	Other	All	White	Black	Other
All offenses	100%	100%	100%	100%	100%	100%	100%	100%
Violent offenses	14%	14%	16%	14%	21%	23%	30%	22%
Murder ^a	--	--	--	--	2	3	4	3
Sexual assault ^b	3	2	4	3	5	2	5	4
Robbery	2	4	2	3	5	10	11	7
Aggravated assault	7	6	8	7	7	7	9	7
Other violent ^c	2	1	1	1	2	1	1	1
Property offenses	34%	28%	37%	32%	33%	25%	33%	29%
Burglary	10	7	13	9	13	9	9	11
Larceny ^d	13	12	16	13	13	11	21	12
Fraud ^e	11	9	8	10	7	4	3	6
Drug offenses	32%	45%	28%	37%	26%	40%	26%	33%
Possession	14	17	14	15	8	11	8	10
Trafficking	18	28	14	22	18	29	18	24
Weapons offenses	3%	5%	1%	3%	3%	4%	3%	3%
Other offenses^f	17%	9%	18%	14%	18%	9%	9%	13%

Note: See note on tables 2.1 and 3.1. Racial categories include Hispanics.

Detail may not sum to total because of rounding.

--Less than 0.5%.

^aIncludes nonnegligent manslaughter.

^bIncludes rape.

^cIncludes offenses such as negligent manslaughter and kidnaping.

^dIncludes motor vehicle theft.

^eIncludes forgery and embezzlement.

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

Table 3.10. Average age of felons sentenced to probation or to incarceration without probation in State courts, by offense, 1996

Most serious conviction offense	Probation		Incarceration without probation*	
	Mean	Median	Mean	Median
All offenses	31 yrs	29 yrs	31 yrs	30 yrs
Violent offenses	31 yrs	29 yrs	30 yrs	27 yrs
Murder ^a	28	25	29	25
Sexual assault ^b	35	33	35	34
Robbery	25	22	26	24
Aggravated assault	31	29	30	28
Other violent ^c	32	30	32	32
Property offenses	29 yrs	28 yrs	31 yrs	30 yrs
Burglary	26	23	30	29
Larceny ^d	29	28	32	31
Fraud ^e	32	30	32	31
Drug offenses	31 yrs	30 yrs	32 yrs	31 yrs
Possession	32	32	33	33
Trafficking	30	29	31	30
Weapons offenses	30 yrs	27 yrs	29 yrs	27 yrs
Other offenses^f	32 yrs	31 yrs	33 yrs	32 yrs

Note: See note on tables 2.1 and 3.1.

*Includes a small number who received only a fine, community service, treatment, or other type sanction without probation.

^aIncludes nonnegligent manslaughter.

^bIncludes rape.

^cIncludes offenses such as negligent manslaughter and kidnapping.

^dIncludes motor vehicle theft.

^eIncludes forgery and embezzlement.

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

Table 3.11. Felons sentenced to probation in State courts, by offense and age at sentencing, 1996

Most serious conviction offense	Percent of felons age group who received a probation sentence			
	Under 20	20-29	30-39	40 or older
All offenses	64%	59%	56%	56%
Violent offenses	45%	46%	47%	52%
Murder ^a	18	17	17	16
Sexual assault ^b	55	51	47	47
Robbery	39	32	29	33
Aggravated assault	52	55	58	63
Other violent ^c	61	63	54	61
Property offenses	72%	63%	55%	56%
Burglary	70	57	44	43
Larceny ^d	73	62	52	52
Fraud ^e	75	73	71	68
Drug offenses	70%	61%	58%	58%
Possession	77	67	63	62
Trafficking	67	58	54	55
Weapons offenses	66%	53%	57%	59%
Other offenses^f	69%	60%	57%	57%

Note: See note on tables 2.1 and 3.1.

^aIncludes nonnegligent manslaughter.

^bIncludes rape.

^cIncludes offenses such as negligent manslaughter and kidnaping.

^dIncludes motor vehicle theft.

^eIncludes forgery and embezzlement.

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