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Felony Sentences in the United States, 1990

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The latest available figures covering both State and Federal sentencing reveal that in 1990 the Nation's courts convicted about 150,000 adults of a violent felony. An estimated 148,000 of the 150,000 convictions occurred in State courts. The approximately 2,000 violent felony convictions accounted for by Federal courts made up about 1% of the total.

Data sources

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 in State courts nationwide. Federal sentencing data are from the BJS Federal Justice Statistics Program. That program collects annual comprehensive information about the processing of individuals and corporations by the Federal criminal justice system. Sentencing data obtained by the program cover all Federal district courts.

Sentencing statistics given in this report pertain exclusively to offenses

Highlights

- State and Federal courts together sentenced to prison 60% of the 150,000 felons convicted of a violent crime in 1990.
- In 1990 Federal courts convicted 36,684 persons of violent, property, drug, and other felonies. State courts convicted 829,344, bringing the combined U.S. total to 866,028 felons convicted. Federal courts accounted for 4% of the national total.
- Between 1986 and 1990 the number of felony convictions increased 42% in State courts and 16% in Federal courts.
- Over the period 1986-90 the number of convictions for drug trafficking more than doubled. The rate of increase was greater in State courts (120%) than in Federal courts (41%).
- In 1990 State and Federal courts together imposed a prison sentence on 46% of all persons convicted of a felony. Federal courts sentenced to prison 54% of felons; and State courts, 46%.
- In 1990 the average prison sentence imposed by State and Federal courts combined was 6 years and 3 months. The average for Federal courts was 6 years and 7 months and for State courts 6 years and 3 months.
- Before release from prison, felons serve a minimum 85% of their sentence if convicted in a Federal court and, based on recent practice, an average of 38% of their sentence if convicted in a State court. If these percentages are applied to 1990 sentences, felons sent to prison would serve an estimated average of about 5½ years if convicted in a Federal court and 2½ years if convicted in a State court.

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.

Table 1. Number of felony convictions in State and Federal courts, 1990

Most serious conviction offense	Felony convictions			Federal felony convictions as percent of total
	Total	State	Federal	
All offenses	866,028	829,344	36,684	4.2%
Violent offenses	149,925	147,766	2,159	1.4%
Murder/manslaughter ^a	11,028	10,895	133	1.2
Rape	18,165	18,024	141	.8
Robbery	48,780	47,446	1,334	2.7
Aggravated assault	54,178	53,861	317	.8
Other violent ^b	17,774	17,540	234	1.3
Property offenses	290,860	280,748	10,112	3.5%
Burglary	109,846	109,750	96	.1
Larceny ^c	114,923	113,094	1,829	1.6
Motor vehicle theft	21,333	21,065	268	1.3
Other theft	93,590	92,029	1,561	1.7
Fraud/forgery ^d	66,091	57,904	8,187	12.4
Fraud ^e	34,341	26,877	7,464	21.7
Forgery	31,750	31,027	723	2.3
Drug offenses	289,737	274,613	15,124	5.2%
Possession	106,379	106,253	126	.1
Trafficking	183,358	168,360	14,998	8.2
Weapons offenses	23,089	20,733	2,356	10.2%
Other offenses^e	112,417	105,484	6,933	6.2%

^aDoes not include negligent manslaughter.

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

^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 866,000 total volume of felony convictions in 1990, State courts accounted for 96% and Federal courts accounted for 4% (table 1).¹ Federal courts provided relatively few of the Nation's violent felony convictions (1.4%) but relatively many convictions for fraud and embezzlement (22%), drug trafficking (8%), and weapons offenses (10%).

¹In 1990 the State courts in one county, Los Angeles, accounted for more felony convictions than the entire Federal system.

State and Federal courts together convicted 149,925 persons of a violent felony and nearly twice that number, 289,737, of a drug felony. Convictions for drug offenses comprised 33% of the national total, while convictions for violent crime comprised 17% (see page 3).

Among the 14 detailed offenses making up the national total, drug trafficking was the most numerous, accounting for 21% of the national total. The most frequent violent offense, aggravated assault, comprised 6.3%.

Felony convictions, 1986-90

The total number of adults convicted of a felony in 1990 was up 59% from 614,300 in 1986 (table 2). Felony convictions rose faster in State courts (42%) than in Federal courts (16%).

Drug trafficking convictions in the Nation's courts more than doubled between 1986 and 1990 (111% increase). The number of drug convictions rose faster in State courts (120%) than in Federal courts (41%).

Comparison of State and Federal sentences for felonies

Three 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 to 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."² Nevertheless, State and Federal sentences are not completely comparable, largely because of differences between the types of offenses convicted in State and Federal courts (see page 3).

²State sentences were designated "prison" if the confinement facility was State operated. Unlike Federal sentences designated "prison," the State definition of prison disregarded the sentence length. Although the vast majority of 1990 State prison sentences were over 1 year, 7.5% of them were below that. Had State prison sentences under 1 year been defined as "jail" rather than "prison sentence," the percentage of State felons receiving a prison sentence would have been 43% rather than 46% and the average State prison sentence would have been 81 months rather than 75 months.

Table 2. Convictions in State and Federal courts for all felonies and for drug trafficking, 1986 and 1990

Court	Total felony convictions			Drug trafficking convictions		
	1986	1990	Percent change	1986	1990	Percent change
Total	614,301	866,028	+59%	87,096	183,358	+111%
State	582,764	829,344	+42	76,437	168,360	+120
Federal	31,537	36,684	+16	10,659	14,998	+41

Comparison of State and Federal offenses

Violent crimes comprised 17% of felony convictions in State courts, but only 5% of those in Federal courts. Similarly, violent crimes comprised 23% of State prison sentences but 9% of Federal prison sentences.

Drug offenses comprised 33% of felony convictions in State courts but 41% of those in Federal courts. Similarly, drug crimes comprised 32% of State prison sentences but 62% of Federal prison sentences.

Within offense groupings, differences exist. For example, robbery comprised 62% of violent Federal convictions but 32% of violent State convictions. Similarly, fraud and

embezzlement comprised 74% of Federal convictions for property crimes but 10% of State convictions.

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/offense	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	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
Violent offenses	17.3%	17.8%	5.9%	22.6%	23.3%	9.0%	14.4%	14.8%	2.5%	11.4%	11.8%	1.9%
Murder	1.3	1.3	.4	2.5	2.6	.6	.2	.2	.1	.2	.2	.1
Rape	2.1	2.2	.4	3.1	3.2	.5	1.6	1.6	.3	1.0	1.0	.3
Robbery	5.6	5.7	3.6	9.0	9.2	6.5	3.8	3.9	.3	1.9	2.0	.2
Assault	6.3	6.5	.9	6.1	6.4	.9	6.8	7.1	.9	6.0	6.2	.7
Other	2.0	2.1	.6	1.9	1.9	.6	2.1	2.1	.9	2.3	2.4	.5
Property offenses	33.6%	33.9%	27.6%	31.8%	32.8%	12.0%	30.4%	30.3%	35.6%	39.2%	38.6%	55.0%
Burglary	12.7	13.3	.3	15.0	15.8	.3	10.9	11.3	.3	10.7	11.0	.2
Larceny	13.3	13.6	5.0	11.4	11.9	2.5	13.3	13.5	7.3	16.2	16.5	8.8
Motor vehicle theft	10.8	11.1	4.3	9.0	9.3	1.9	10.4	10.5	6.1	14.0	14.3	8.1
Other theft	2.5	2.5	.7	2.4	2.5	.6	2.9	2.9	1.2	2.1	2.2	.8
Fraud/forgery	7.6	7.0	22.3	5.4	5.2	9.2	6.2	5.5	28.0	12.3	11.1	46.0
Fraud	4.0	3.2	20.3	2.2	1.9	8.5	3.4	2.7	25.3	7.1	5.9	41.9
Forgery	3.7	3.7	2.0	3.2	3.3	.8	2.8	2.8	2.7	5.2	5.2	4.1
Drug offenses	33.5%	33.1%	41.2%	33.1%	31.6%	61.6%	37.1%	37.7%	20.0%	31.0%	31.6%	15.0%
Trafficking	21.2	20.3	40.9	23.8	21.8	61.5	22.7	22.8	19.4	16.0	16.0	14.4
Possession	12.3	12.8	.3	9.3	9.8	.1	14.5	14.9	.6	15.1	15.6	.6
Weapons offenses	2.7%	2.5%	6.4%	2.3%	2.1%	6.6%	2.6%	2.4%	7.9%	3.3%	3.2%	5.1%
Other offenses	13.0%	12.7%	18.9%	10.2%	10.2%	10.8%	15.4%	14.8%	33.9%	15.1%	14.8%	23.1%

Note: Detail may not sum to total because of rounding.
See notes about offenses on table 1.

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

State and Federal courts imposed the most severe sentence, prison, on 46% of convicted felons nationwide in 1990 (table 3). Another 25% of convicted felons received a jail sentence. The remaining 29% received straight probation.

Table 3. Types of felony sentences imposed by State and Federal courts, by offense category, 1990

Most serious conviction offense	Total	Percent of felons sentenced to			
		Total	Incarceration Prison	Jail	Straight probation
All offenses					
State and Federal	100%	71%	46%	25%	29%
State	100	71	46	25	29
Federal	100	74	54	20	26
Violent offenses^a					
State and Federal	100%	81%	60%	21%	19%
State	100	80	59	21	20
Federal	100	91	83	8	9
Property offenses^b					
State and Federal	100%	66%	44%	22%	34%
State	100	66	44	22	34
Federal	100	49	24	2	51
Drug offenses^c					
State and Federal	100%	73%	45%	28%	27%
State	100	72	43	29	28
Federal	100	90	81	9	10
Weapons offenses					
State and Federal	100%	64%	40%	24%	36%
State	100	62	38	24	38
Federal	100	79	55	24	21
Other offenses^d					
State and Federal	100%	66%	36%	30%	34%
State	100	66	37	29	34
Federal	100	66	31	35	34

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 (91%), rape (67%), robbery (74%), burglary (54%),

and drug trafficking (51%) (tables 4-6). Straight probation, the least severe penalty, was the sentence imposed

on more than half of all felons convicted of one type of offense: fraud and embezzlement (54%).

Table 4. Type of State and Federal felony sentences, by violent offenses, 1990

Most serious violent offense	Total	Percent of felons sentenced to			Straight probation
		Total	Incarceration Prison	Jail	
Murder/manslaughter^a					
State and Federal	100%	95%	91%	4%	5%
State	100	95	91	4	5
Federal	100	94	86	8	6
Rape					
State and Federal	100%	86%	67%	19%	14%
State	100	86	67	19	14
Federal	100	83	67	16	17
Robbery					
State and Federal	100%	90%	74%	16%	10%
State	100	90	73	17	10
Federal	100	99	97	2	1
Aggravated assault					
State and Federal	100%	72%	45%	27%	28%
State	100	72	45	27	28
Federal	100	77	56	21	23
Other violent^b					
State and Federal	100%	67%	42%	25%	33%
State	100	67	42	25	33
Federal	100	79	51	28	21

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, 1990

Most serious drug offense	Total	Percent of felons sentenced to			Straight probation
		Total	Incarceration Prison	Jail	
Possession					
State and Federal	100%	64%	35%	29%	36%
State	100	64	35	29	36
Federal	100	53	21	32	47
Trafficking					
State and Federal	100%	77%	51%	26%	23%
State	100	77	49	28	23
Federal	100	91	82	9	9

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, 1990

Most serious property offense	Total	Percent of felons sentenced to			Straight probation
		Total	Incarceration Prison	Jail	
Burglary					
State and Federal	100%	75%	54%	21%	25%
State	100	75	54	21	25
Federal	100	84	60	24	16
Larceny^a					
State and Federal	100%	64%	39%	25%	36%
State	100	65	40	23	35
Federal	100	56	27	29	44
Motor vehicle theft					
State and Federal	100%	75%	46%	29%	25%
State	100	75	46	29	25
Federal	100	73	41	32	27
Other theft					
State and Federal	100%	62%	38%	24%	38%
State	100	62	38	24	38
Federal	100	53	25	28	47
Fraud/forgery^b					
State and Federal	100%	52%	32%	20%	48%
State	100	53	33	20	47
Federal	100	47	22	25	53
Fraud^b					
State and Federal	100%	46%	25%	21%	54%
State	100	46	26	20	54
Federal	100	47	23	24	53
Forgery					
State and Federal	100%	59%	40%	19%	41%
State	100	59	40	19	41
Federal	100	48	21	27	52

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.

Table 7. Length of felony sentences imposed by State and Federal courts, by offense, 1990

Most serious conviction offense	Mean maximum sentence length in months for felons sentenced to			
	Total	Incarceration		Straight probation
		Prison	Jail	
All offenses				
State and Federal	52 mo	75 mo	7 mo	41 mo
State	52	75	8	42
Federal	60	79	7	40
Violent offenses^a				
State and Federal	91 mo	119 mo	9 mo	45 mo
State	91	119	10	46
Federal	91	100	8	41
Property offenses^b				
State and Federal	46 mo	64 mo	7 mo	42 mo
State	47	65	8	44
Federal	23	41	7	40
Drug offenses^c				
State and Federal	47 mo	66 mo	8 mo	43 mo
State	44	66	9	42
Federal	83	92	8	45
Weapons offenses				
State and Federal	36 mo	52 mo	7 mo	36 mo
State	34	50	7	34
Federal	40	65	8	38
Other offenses^d				
State and Federal	29 mo	44 mo	8 mo	38 mo
State	29	44	9	39
Federal	23	42	6	38

Average sentence lengths

Felons sent to State and Federal prisons had an average sentence length of 75 months (table 7). Those sent to jail had an average sentence of 7 months. Straight probation sentences had an average length of 41 months.

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. Means exclude sentences to death or to life in prison.

^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.

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 sen-

tence for murder was about 20 years; for rape, about 13 years; for robbery, nearly 10 years; for motor vehicle theft, 5 years; and for drug possession, 4 years.

Offenses with average prison sentences over 6 years were each of the violent offense categories plus burglary (about 6½ years) and drug trafficking (6¼ years).

Table 8. Length of felony sentences imposed by State and Federal courts, by violent offenses, 1990

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	232 mo	241 mo	22 mo	60 mo
State	233	243	37	67
Federal	135	146	8	57
Rape				
State and Federal	128 mo	160 mo	10 mo	58 mo
State	128	160	11	61
Federal	81	98	8	53
Robbery				
State and Federal	97 mo	115 mo	10 mo	50 mo
State	97	115	12	50
Federal	101	102	8	49
Aggravated assault				
State and Federal	52 mo	78 mo	8 mo	39 mo
State	52	78	9	43
Federal	40	52	7	33
Other violent^b				
State and Federal	57 mo	85 mo	8 mo	42 mo
State	57	85	7	45
Federal	69	102	8	40

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. Means 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, 1990

Most serious drug offense	Mean maximum sentence length in months for felons sentenced to			
	Incarceration			Straight probation
	Total	Prison	Jail	
Possession				
State and Federal	30 mo	49 mo	7 mo	36 mo
State	30	49	6	39
Federal	37	82	7	34
Trafficking				
State and Federal	55 mo	75 mo	9 mo	44 mo
State	52	74	10	44
Federal	83	92	8	45

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. Means exclude sentences to death or to life in prison.

Table 9. Length of felony sentences imposed by State and Federal courts, by property offenses, 1990

Most serious property offense	Mean maximum sentence length in months for felons sentenced to			
	Incarceration			Straight probation
	Total	Prison	Jail	
Burglary				
State and Federal	61 mo	80 mo	8 mo	49 mo
State	61	80	9	48
Federal	35	46	7	49
Larceny^a				
State and Federal	33 mo	49 mo	7 mo	40 mo
State	33	49	7	41
Federal	22	38	7	39
Motor vehicle theft				
State and Federal	39 mo	60 mo	7 mo	45 mo
State	39	60	6	51
Federal	28	44	8	40
Other theft				
State and Federal	32 mo	46 mo	8 mo	39 mo
State	32	46	8	40
Federal	21	36	7	39
Fraud/forgery^b				
State and Federal	38 mo	55 mo	6 mo	41 mo
State	40	58	6	43
Federal	23	41	7	40
Fraud^b				
State and Federal	31 mo	50 mo	6 mo	41 mo
State	33	52	6	41
Federal	24	42	7	40
Forgery				
State and Federal	44 mo	60 mo	7 mo	41 mo
State	44	61	7	46
Federal	18	32	7	38

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. Means exclude sentences to death or to life in prison.

^aIncludes motor vehicle theft.

^bIncludes embezzlement.

Table 11. Estimated time to be served in State and Federal prison, by offense, 1990

Most serious felony conviction offense	Mean prison sentence in months ^a			Percent of sentence to be served ^{a,b}			Estimated time in months to be served in prison ^c		
	Total	State	Federal	Total	State	Federal	Total	State	Federal
All offenses	75 mo	75 mo	79 mo	40%	38%	85%	30 mo	29 mo	67 mo
Violent offenses	119 mo	119 mo	100 mo	45%	44%	85%	53 mo	52 mo	85 mo
Murder/manslaughter ^d	241	243	146	42	42	85	102	102	124
Rape	160	160	98	46	46	85	74	74	83
Robbery	115	115	102	45	43	85	51	49	87
Aggravated assault	78	78	52	45	45	85	35	35	44
Other violent ^e	85	85	102	44	43	85	37	37	87
Property offenses	64 mo	65 mo	41 mo	36%	35%	85%	23 mo	23 mo	35 mo
Burglary	80	80	46	34	34	85	27	27	39
Larceny ^f	49	49	38	37	36	85	18	18	32
Motor vehicle theft	46	60	44	36	35	85	16	21	37
Other theft	60	46	36	37	36	85	22	17	31
Fraud/forgery ^g	65	58	41	38	34	85	21	20	35
Fraud ^h	50	52	42	44	34 ^h	85	22	18	36
Forgery	60	61	32	35	34 ^h	85	21	21	27
Drug offenses	66 mo	66 mo	92 mo	38%	33%	85%	25 mo	22 mo	78 mo
Possession	75	49	92	36	29	85	27	14	70
Trafficking	49	74	82	35	35	85	17	26	78
Weapons offenses	52 mo	50 mo	65 mo	52%	47%	85%	27 mo	24 mo	55 mo
Other offensesⁱ	44 mo	44 mo	42 mo	41%	39%	85%	18 mo	17 mo	36 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 1990. 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. The 85% Federal estimate reflects the statutory minimum percentage of a sentence that must be served prior to release for felons who committed their crime on or after November 1, 1987.
^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 34% 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 estimated 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 and through automatic good-time credits.

To predict how much time felons sentenced in 1990 would serve before release, separate estimation procedures were used for State and Federal sentences. The estimate for State felons was derived from nationwide statistics on felons released from State prisons in 1990. Those data indicated that felons had served 38% of their sentence before release. Although the offense composition of releases differs somewhat from that of entries, 38% of the sentence is a reasonable estimate for predicting how much time State felons sentenced in 1990 would be expected to serve before release.

The Federal estimate relies on a different percentage. Federal law requires felons to serve a minimum of 85% of their sentence before release.

Under this "truth-in-sentencing" statute —
 — parole is abolished
 — the only possible early-release mechanism is good prison behavior
 — the maximum good-time credit allowable is 15% of the sentence or 54 days per year.

Though the provision applies only to offenses committed after November 1, 1987, about two-thirds of Federal felons sentenced in 1990 were subject to it.

If the average sentence lengths in 1990 are multiplied by 38% or 85%, as appropriate, on average State felons would be released after serving 29 months and Federal felons, after 67 months (table 11). Combining the two, before release State and Federal felons were expected to serve an estimated 30 months, or 40% of their 75-month sentence.

Although the average Federal sentence (79 months) was only 4 months longer than the average State sentence imposed (75 months), estimated time to serve for

Federal prisoners (67 months) was 3 years and 2 months longer than estimated time to serve for State prisoners (29 months).

One reason for the longer time in prison for Federal prisoners was lack of early release by a parole board. Another possible reason was the overall greater seriousness of Federal offenses. However, in terms of seriousness certain Federal crimes, such as rape, burglary, and motor vehicle theft, probably do not differ greatly from State crimes.

When crimes of comparable seriousness were matched, estimated time to serve was still longer for Federal prisoners than for State prisoners, but the difference was not as large as when offense comparability was ignored. Compared to the estimated 3 years and 2 months longer time to serve for Federal offenses generally, for rape specifically, Federal prison time was 9 months longer than projected State prison time; for burglary, 1 year longer; and for motor vehicle theft, 1 year and 4 months longer.

Methodology

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 1990. Additional details are in *Felony Sentences in State Courts, 1990* (BJS, NCJ-140186, 1993) and in *National Judicial Reporting Program, 1990* (BJS, NCJ-145323, 1993).

Federal sentencing data were based on defendants sentenced in Federal district courts in 1990. 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, 1990 (BJS, NCJ-143499, 1993). 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 "deviate 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 pocketpicking, 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 persons 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.

This Bulletin was written by Patrick A. Langan and Craig A. Perkins of the Bureau of Justice Statistics and Jan M. Chaiken, formerly of Abt Associates Inc. and currently BJS Acting Director. Tom Hester edited the report. Marilyn Marbrook administered final report production, assisted by Ida Hines, Yvonne Boston, and Jayne Robinson.

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