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# Felony Sentences in the United States, 1994

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In 1994 Federal courts convicted 39,624 persons of violent, property, drug, and other felonies. State courts convicted 872,218, bringing the combined U.S. total to 911,842 felons convicted.

### Felony convictions, 1990-94

The 911,842 felony convictions in State and Federal courts in 1994 were 5% greater than the 866,028 in 1990 (table 1). However, between 1992 and 1994 the total number of felony convictions decreased by almost 3%. This drop from 1992 to 1994 is a result of a 5% decrease in felony convictions in Federal courts and 2% in State courts.

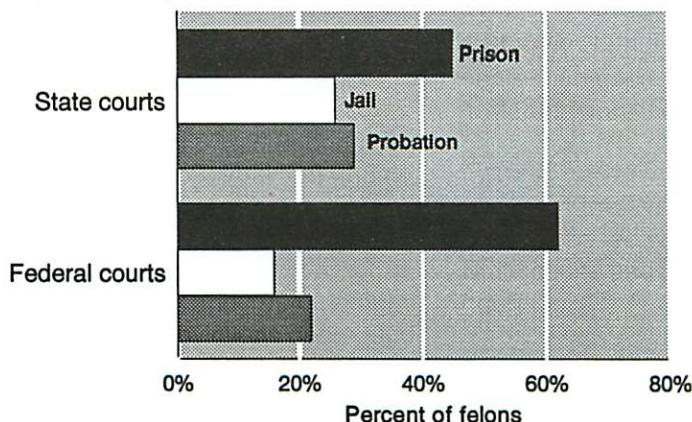
**Table 1. Convictions in State and Federal courts, 1990, 1992, and 1994**

	1990	1992	1994	
Total	866,028	935,303	911,842	
State	829,344	893,630	872,218	
Federal	36,684	41,673	39,624	
	Annual percent change			Overall
	1990-92	1992-94	1990-94	1990-94
Total	3.9%	-1.3%	1.3%	5.3%
State	3.8	-1.2	1.3	5.2
Federal	6.6	-2.5	1.9	8.0

### Highlights

- In 1994 Federal courts convicted 39,624 persons of violent, property, drug, and other felonies. State courts convicted 872,218, bringing the combined U.S. total to 911,842 felons convicted. Federal courts accounted for 4% of the national total.
- Between 1992 and 1994 the number of felony convictions decreased 2% in State courts and 5% in Federal courts.
- In 1994 State and Federal courts together imposed a prison sentence on 46% of all persons convicted of a felony. Federal courts sentenced 62% of felons to prison, and State courts, 45%.
- State and Federal courts together sentenced to prison 62% of the 167,000 felons convicted of a violent crime in 1994.
- In 1994 the average prison sentence imposed was about 6 years in State courts and 6½ years in Federal courts.
- The average Federal prison sentence (6½ years) and the average State sentence (6 years) do not differ greatly, but newly sentenced Federal prisoners are expected to serve, on average, 3 years longer than newly sentenced State prisoners (5½ years versus 2½ years).

**In 1994, 45% of felons convicted in State courts were sentenced to prison compared to 62% of felons convicted in Federal courts**



## Combined volume of State and Federal felony convictions

Of the 911,842 total volume of felony convictions in 1994, State courts accounted for about 96% and Federal

courts accounted for about 4% (table 2). Federal courts accounted for few of the Nation's violent felony convictions (1.7%) but a relatively large fraction of convictions for fraud and embezzlement (21%), drug trafficking (9%), and weapons offenses (9%).

State and Federal courts together convicted 167,457 persons of a violent felony and nearly twice that number, 290,645, of a drug felony. Convictions for drug offenses comprised 32% of the national total, while convictions for violent crime comprised 18% (see page 3).

**Table 2. Number of felony convictions in State and Federal courts, 1994**

Most serious conviction offense	Felony convictions			Federal felony convictions as percent of total
	Total	State	Federal	
<b>All offenses</b>	911,842	872,218	39,624	4.3%
<b>Violent offenses</b>	167,457	164,584	2,873	1.7%
Murder/nonnegligent manslaughter <sup>a</sup>	12,168	12,007	161	1.3
Rape	20,239	20,068	171	.8
Robbery	48,089	46,028	2,041	4.2
Aggravated assault	65,485	65,174	311	.5
Other violent <sup>b</sup>	21,496	21,307	189	.9
<b>Property offenses</b>	285,710	275,199	10,511	3.7%
Burglary	98,255	98,109	146	.1
Larceny <sup>c</sup>	114,720	113,026	1,694	1.5
Motor vehicle theft	21,285	21,049	236	1.1
Other theft	93,435	91,977	1,458	1.6
Fraud/forgery <sup>d</sup>	72,735	64,064	8,671	11.9
Fraud <sup>d</sup>	35,866	28,268	7,598	21.2
Forgery	36,869	35,796	1,073	2.9
<b>Drug offenses</b>	290,645	274,245	16,400	5.6%
Possession	109,018	108,815	203	.2
Trafficking	181,627	165,430	16,197	8.9
<b>Weapons offenses</b>	34,242	31,010	3,232	9.4%
<b>Other offenses<sup>e</sup></b>	133,788	127,180	6,608	4.9%

<sup>a</sup>Does not include negligent manslaughter.  
<sup>b</sup>Includes offenses such as negligent manslaughter, sexual assault, and kidnapping.  
<sup>c</sup>Includes motor vehicle theft.  
<sup>d</sup>Includes embezzlement.  
<sup>e</sup>Composed of nonviolent offenses such as receiving stolen property and immigration offenses.

The most frequent violent offense, aggravated assault, comprised 7%.

## 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 26% of State prison sentences but 10% of Federal prison sentences.

Drug offenses comprised 31% of felony convictions in State courts but 41% of those in Federal courts. Similarly, drug crimes comprised 30% of State prison sentences but 55% of Federal prison sentences.

Within offense groupings, the offense composition is not similar between State and Federal courts. For example, robbery comprised 71% of violent Federal convictions but 28% of violent State convictions. Similarly, forgery, fraud, and embezzlement comprised about 82% of Federal convictions for property crimes but about 23% 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 in 1994											
	Felony convictions			Prison sentences			Jail sentences			Probation sentences		
	Total	State	Federal	Total	State	Federal	Total	State	Federal	Total	State	Federal
<b>All offenses</b>	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
<b>Violent offenses</b>	18.4%	18.9%	7.3%	25.0%	26.0%	10.3%	14.3%	14.6%	2.2%	11.4%	11.7%	2.2%
Murder	1.3	1.4	.4	2.8	2.9	.6	.1	.1	.1	.1	.1	.2
Rape	2.2	2.3	.4	3.4	3.6	.5	1.5	1.5	.3	.9	.9	.2
Robbery	5.3	5.3	5.2	8.9	9.0	7.8	2.2	2.3	.7	2.1	2.2	.7
Assault	7.2	7.5	.8	7.5	8.0	.8	7.7	7.9	.7	6.2	6.4	.6
Other violent	2.4	2.4	.5	2.3	2.4	.5	2.8	2.9	.4	2.0	2.1	.4
<b>Property offenses</b>	31.3%	31.6%	26.5%	28.4%	29.4%	12.2%	32.3%	31.9%	45.8%	35.1%	34.5%	53.6%
Burglary	10.8	11.2	.4	12.5	13.2	.5	9.4	9.7	.2	9.3	9.6	.2
Larceny	12.6	13.0	4.3	10.5	10.9	2.1	14.1	14.3	6.2	14.7	14.9	9.0
Motor vehicle theft	2.3	2.4	.6	2.0	2.0	.5	3.1	3.2	.8	2.2	2.3	.7
Other theft	10.2	10.5	3.7	8.5	8.9	1.6	11.0	11.1	5.5	12.4	12.6	8.3
Fraud/forgery	8.0	7.3	21.9	5.5	5.2	9.6	8.8	8.0	39.3	11.2	10.1	44.5
Fraud	3.9	3.2	19.2	2.7	2.3	8.5	4.6	3.8	34.2	5.3	4.2	38.9
Forgery	4.0	4.1	2.7	2.8	2.9	1.1	4.2	4.2	5.1	5.9	5.9	5.6
<b>Drug offenses</b>	31.9%	31.4%	41.4%	31.2%	29.6%	55.0%	32.3%	32.6%	21.5%	32.6%	33.2%	16.7%
Possession	12.0	12.5	.5	8.9	9.4	.3	15.2	15.6	.8	14.0	14.4	.8
Trafficking	19.9	19.0	40.9	22.3	20.2	54.7	17.1	17.0	20.7	18.6	18.7	15.9
<b>Weapons offenses</b>	3.8%	3.6%	8.2%	3.7%	3.3%	10.5%	3.8%	3.7%	4.8%	3.8%	3.8%	3.9%
<b>Other offenses</b>	14.7%	14.6%	16.7%	11.7%	11.7%	12.0%	17.3%	17.1%	25.7%	17.1%	16.9%	23.6%

## 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 1994 (table 3). Another 25% of convicted felons received a jail sentence. The remaining 29% received straight probation.

In 1994, 45% of felons convicted in State courts were sentenced to prison, essentially unchanged from the 46% in 1990 and the 44% in 1992. By comparison, 62% of felons convicted in Federal courts were sentenced to prison, up from 54% in 1990 and 59% in 1992.

**Table 3. Types of felony sentences imposed by State and Federal courts, by offense category, 1994**

Most serious conviction offense	Total	Percent of felons sentenced to			
		Total	Incarceration Prison	Jail	Straight probation
<b>All offenses</b>					
State and Federal	100%	71%	46%	25%	29%
State	100	71	45	26	29
Federal	100	78	62	16	22
<b>Violent offenses<sup>a</sup></b>					
State and Federal	100%	82%	62%	20%	18%
State	100	82	62	20	18
Federal	100	94	89	5	7
<b>Property offenses<sup>b</sup></b>					
State and Federal	100%	67%	41%	26%	33%
State	100	68	42	26	32
Federal	100	56	29	28	43
<b>Drug offenses<sup>c</sup></b>					
State and Federal	100%	69%	42%	27%	31%
State	100	91	83	8	9
Federal	100	66	34	32	34
<b>Weapons offenses</b>					
State and Federal	100%	71%	46%	25%	29%
State	100	69	42	27	31
Federal	100	90	80	9	10
<b>Other offenses<sup>d</sup></b>					
State and Federal	100%	66%	36%	30%	34%
State	100	66	36	30	34
Federal	100	69	45	25	31
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.			<sup>a</sup> Includes murder, rape, robbery, aggravated assault, and other violent. <sup>b</sup> Includes burglary, larceny, motor vehicle theft, forgery, fraud, and embezzlement. <sup>c</sup> Includes drug trafficking and drug possession. <sup>d</sup> Composed 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 (95%), rape (71%),

robbery (78%), burglary (53%), and drug trafficking (51%) (tables 4-6). Forgery, fraud, and embezzlement were the offenses most likely to

receive straight probation (41%), the least severe penalty.

**Table 4. Type of State and Federal felony sentences, by violent offenses, 1994**

Most serious violent offense	Total	Percent of felons sentenced to			Straight probation
		Total	Incarceration	Jail	
<b>Murder/manslaughter<sup>a</sup></b>					
State and Federal	100%	97%	95%	2%	3%
State	100	97	95	2	3
Federal	100	91	88	3	9
<b>Rape</b>					
State and Federal	100%	88%	71%	17%	12%
State	100	88	71	17	12
Federal	100	89	77	13	11
<b>Robbery</b>					
State and Federal	100%	88%	78%	11%	12%
State	100	88	77	11	12
Federal	100	97	95	2	3
<b>Aggravated assault</b>					
State and Federal	100%	75%	48%	27%	25%
State	100	75	48	27	25
Federal	100	82	67	15	18
<b>Other violent<sup>b</sup></b>					
State and Federal	100%	75%	45%	30%	25%
State	100	75	45	30	25
Federal	100	80	68	13	20

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.

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

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

**Table 6. Type of State and Federal felony sentences, by drug offenses, 1994**

Most serious drug offense	Total	Percent of felons sentenced to			Straight probation
		Total	Incarceration	Jail	
<b>Possession</b>					
State and Federal	100%	66%	34%	32%	34%
State	100	66	34	32	34
Federal	100	65	41	24	35
<b>Trafficking</b>					
State and Federal	100%	73%	51%	22%	27%
State	100	71	48	23	29
Federal	100	92	84	8	8

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, 1994**

Most serious property offense	Total	Percent of felons sentenced to			Straight probation
		Total	Incarceration	Jail	
<b>Burglary</b>					
State and Federal	100%	75%	53%	22%	25%
State	100	75	53	22	25
Federal	100	90	79	10	10
<b>Larceny<sup>a</sup></b>					
State and Federal	100%	66%	38%	28%	34%
State	100	66	38	28	34
Federal	100	55	31	23	45
<b>Motor vehicle theft</b>					
State and Federal	100%	72%	39%	34%	28%
State	100	72	38	34	28
Federal	100	75	55	21	25
<b>Other theft</b>					
State and Federal	100%	65%	38%	27%	35%
State	100	65	38	27	35
Federal	100	51	28	24	49
<b>Fraud/forgery<sup>b</sup></b>					
State and Federal	100%	59%	31%	28%	41%
State	100	60	32	28	40
Federal	100	56	27	29	44
<b>Fraud<sup>b</sup></b>					
State and Federal	100%	61%	31%	30%	39%
State	100	62	32	30	38
Federal	100	56	28	29	44
<b>Forgery</b>					
State and Federal	100%	58%	32%	26%	42%
State	100	58	32	26	42
Federal	100	55	25	30	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. Both State and Federal sentences included 1% or 2% not designated as prison, jail, or probation. The table classifies them under probation.

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

<sup>b</sup>Includes embezzlement.

## Drug traffickers and violent offenders: 1994 felony sentences compared

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

- 84% of drug traffickers and 89% of violent offenders received a prison sentence (tables 3 and 6).
- Average prison sentences were 8 months longer for violent offenders than drug traffickers (tables 7 and 10).

### Felony drug traffickers and violent offenders in State and Federal courts

	Percent sentenced to prison	
	State	Federal
Drug traffickers	48%	84%
Violent offenders	62	89

	Average prison sentence length	
	State	Federal
Drug traffickers	66 mo	92 mo
Violent offenders	118	100

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

- 48% of drug traffickers and 62% of violent offenders received a prison sentence (tables 3 and 6).
- Average prison sentences were over 4 years longer for violent offenders than drug traffickers (tables 7 and 10).

Not all State courts in 1994 sentenced violent offenders more severely than drug traffickers. Among a sample of 144 State courts that had sizable number of both convicted violent offenders and convicted drug traffickers (at least 50 of each in 1994), 20% of the courts sentenced a larger fraction of drug traffickers than violent offenders to State prison. However, in only about 5% of the 144 courts were the prison sentences, on average, longer for drug traffickers than violent offenders.

**Table 7. Length of felony sentences imposed by State and Federal courts, by offense category, 1994**

Most serious conviction offense	Mean maximum sentence length in months for felons sentenced to			
	Incarceration			Straight probation
	Total	Prison	Jail	
<b>All offenses</b>				
State and Federal	50 mo	72 mo	6 mo	40 mo
State	49	71	6	40
Federal	64	80	7	40
<b>Violent offenses<sup>a</sup></b>				
State and Federal	93 mo	118 mo	6 mo	45 mo
State	93	118	6	45
Federal	90	100	8	43
<b>Property offenses<sup>b</sup></b>				
State and Federal	38 mo	56 mo	6 mo	42 mo
State	39	57	6	42
Federal	22	37	7	39
<b>Drug offenses<sup>c</sup></b>				
State and Federal	43 mo	64 mo	6 mo	38 mo
State	40	61	6	38
Federal	84	92	8	49
<b>Weapons offenses</b>				
State and Federal	37 mo	54 mo	5 mo	32 mo
State	31	47	5	32
Federal	82	91	8	39
<b>Other offenses<sup>d</sup></b>				
State and Federal	26 mo	41 mo	5 mo	36 mo
State	26	41	5	36
Federal	31	45	7	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.

<sup>a</sup>Includes murder, rape, robbery, aggravated assault, and other violent.

<sup>b</sup>Includes burglary, larceny, motor vehicle theft, forgery, fraud, and embezzlement.

<sup>c</sup>Includes drug trafficking and drug possession.

<sup>d</sup>Composed 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 6 years (table 7). Those sent to jail had an average sentence of 6 months. Straight probation sentences had an average length of about 4 years.

In 1994 the average prison sentence imposed by State courts was about 6 years; the average imposed by Federal courts was about 6½ years. While these averages differ slightly from those in 1990 and 1992, the direction of the changes since 1990 has not been toward either consistently longer or consistently shorter sentences.

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 22 years; for rape, 13 years; for robbery, 9½ years; for motor vehicle theft, 4 years; for drug possession, 4 years.

Except for "other" violent offenses, the violent offense categories were the only categories that exceeded the average prison sentence of 6 years.

**Table 8. Length of felony sentences imposed by State and Federal courts, by violent offenses, 1994**

Most serious violent offense	Mean maximum sentence length in months for felons sentenced to incarceration			Straight probation
	Total	Prison	Jail	
<b>Murder/manslaughter<sup>a</sup></b>				
State and Federal	260 mo	267 mo	7 mo	58 mo
State	262	269	7	59
Federal	148	153	8	41
<b>Rape</b>				
State and Federal	132 mo	157 mo	7 mo	60 mo
State	133	158	7	60
Federal	69	79	9	48
<b>Robbery</b>				
State and Federal	104 mo	115 mo	9 mo	51 mo
State	104	116	9	51
Federal	100	102	8	44
<b>Aggravated assault</b>				
State and Federal	54 mo	79 mo	6 mo	42 mo
State	54	79	6	42
Federal	49	59	6	39
<b>Other violent<sup>b</sup></b>				
State and Federal	47 mo	70 mo	6 mo	43 mo
State	47	70	6	43
Federal	93	110	8	39

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.

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

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

**Table 10. Length of felony sentences imposed by State and Federal courts, by drug offenses, 1994**

Most serious drug offense	Mean maximum sentence length in months for felons sentenced to incarceration			Straight probation
	Total	Prison	Jail	
<b>Possession</b>				
State and Federal	28 mo	50 mo	4 mo	37 mo
State	28	50	4	37
Federal	44	66	7	32
<b>Trafficking</b>				
State and Federal	52 mo	70 mo	7 mo	40 mo
State	48	66	7	40
Federal	84	92	8	50

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, 1994**

Most serious property offense	Mean maximum sentence length in months for felons sentenced to incarceration			Straight probation
	Total	Prison	Jail	
<b>Burglary</b>				
State and Federal	52 mo	69 mo	7 mo	47 mo
State	52	69	7	47
Federal	54	60	9	43
<b>Larceny<sup>a</sup></b>				
State and Federal	29 mo	45 mo	6 mo	40 mo
State	29	45	6	40
Federal	28	43	7	40
<b>Motor vehicle theft</b>				
State and Federal	29 mo	50 mo	5 mo	41 mo
State	29	50	5	41
Federal	33	43	8	39
<b>Other theft</b>				
State and Federal	29 mo	44 mo	6 mo	40 mo
State	29	44	6	40
Federal	26	43	7	40
<b>Fraud/forgery<sup>b</sup></b>				
State and Federal	30 mo	50 mo	5 mo	41 mo
State	32	51	5	41
Federal	20	35	7	39
<b>Fraud<sup>b</sup></b>				
State and Federal	28 mo	50 mo	5 mo	40 mo
State	29	53	4	40
Federal	21	35	7	39
<b>Forgery</b>				
State and Federal	33 mo	50 mo	6 mo	42 mo
State	33	50	6	42
Federal	18	32	7	39

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.

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

<sup>b</sup>Includes embezzlement.

**Table 11. Corresponding time to be served in State and Federal prison, by offense, 1994**

Most serious felony conviction offense	Mean prison sentences imposed in 1994 <sup>a</sup>			Percent of sentence expected to serve <sup>a,b</sup>			Corresponding time to be served in prison <sup>c</sup>		
	Total	State	Federal	Total	State	Federal	Total	State	Federal
<b>All offenses</b>	72 mo	71 mo	80 mo	44%	41%	85%	31 mo	29 mo	68 mo
<b>Violent offenses</b>	118 mo	118 mo	100 mo	47%	46%	85%	55 mo	54 mo	85 mo
Murder/manslaughter <sup>d</sup>	267	269	153	48	47	85	126	126	130
Rape	157	158	79	55	55	85	87	87	67
Robbery	115	116	102	48	46	85	55	53	87
Aggravated assault	79	79	59	49	49	85	39	39	50
Other violent <sup>e</sup>	70	70	110	53	53	85	38	37	94
<b>Property offenses</b>	56 mo	57 mo	37 mo	42%	41%	85%	24 mo	23 mo	31 mo
Burglary	69	69	60	39	39	85	27	27	51
Larceny <sup>f</sup>	45	45	43	42	41	85	19	18	37
Motor vehicle theft	50	50	43	46	45	85	23	23	37
Other theft	44	44	43	41	40	85	18	18	37
Fraud/forgery <sup>g</sup>	50	51	35	40	35	85	19	18	29
Fraud <sup>h</sup>	50	53	35	44	35 <sup>b</sup>	85	21	19	30
Forgery	50	50	32	36	35 <sup>b</sup>	85	18	18	27
<b>Drug offenses</b>	64 mo	61 mo	92 mo	41%	36%	85%	28 mo	22 mo	78 mo
Possession	50	50	66	32	32	85	16	16	56
Trafficking	70	66	92	45	38	85	33	25	78
<b>Weapons offenses</b>	54 mo	47 mo	91 mo	57%	51%	85%	33 mo	24 mo	77 mo
<b>Other offenses<sup>i</sup></b>	41 mo	41 mo	45 mo	53%	51%	85%	22 mo	21 mo	38 mo

<sup>a</sup>Sentence length and percent of time served did not include in their calculation life or death sentences.

<sup>b</sup>State estimates are derived from National Corrections Reporting Program data on first releases (sentences greater than a year) from State prisons in 1994. 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.

<sup>c</sup>Calculated by multiplying sentence length by percent of time to serve.

<sup>d</sup>Does not include negligent manslaughter.

<sup>e</sup>Includes offenses such as negligent manslaughter, sexual assault, and kidnapping.

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

<sup>g</sup>Includes embezzlement.

<sup>h</sup>The 35% for the combined category "forgery/fraud/embezzlement" was the basis for this estimate.

<sup>i</sup>Composed 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 virtually all offenders eventually are paroled (even

including most of those with life sentences), relatively few 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.

The length of time felons sentenced in 1994 might be expected to serve before being released is approximated from two pieces of information: the length of their sentence and the percentage of their sentence they are expected to serve. Sentence length multiplied by percentage served gives

time served before release. For example, the average Federal sentence in 1994 (about 6½ years) multiplied by 85% (the minimum percentage that, by Federal law, must be served before release) gives an estimated time in confinement of approximately 5½ years (table 11).

All newly sentenced Federal prisoners (those whose crimes were committed after November 1987) are subject to the law setting the 85% minimum.\* By contrast, State prisoners are subject to laws and policies that vary widely from State to State. Consequently, there is no required minimum percentage of a

\*The one exception is those sentenced to life imprisonment. Federal life sentences must be served in full.

sentence that must be served that is applicable to all felons sentenced to State prisons in 1994. But there are national statistics on persons released from State prisons in 1994 that show what percentage of their sentence they had served. For example, released rapists had served 55% of their sentence; drug traffickers had served 38%. Assuming that felons sentenced in 1994 will serve about the same percentage of their sentence as prisoners released in 1994, felons sentenced in 1994 will serve about 2½ years (41% of a 6-year sentence is 2½ years).

To summarize, the average Federal prison sentence (6½ years) and the average State sentence (6 years) do not differ greatly, but newly sentenced Federal prisoners are expected to serve, on average, 3 years longer than newly sentenced State prisoners (5½ years versus 2½ years). A major reason for the difference is that Federal drug traffickers: a) receive longer sentences than what State prisoners generally receive (7½ years versus 6 years), b) make up over half of all Federal prison sentences, and c) generally serve a larger percentage of their sentence (at least 85%) than do State prisoners (41%).

#### *Time to serve for murder*

The percentage of the sentence served among prisoners released in 1994 formed the basis for estimates of how much time newly sentenced State prisoners will serve. Applying these 1994 release percentages to 1994 State sentences gives generally reasonable estimates of how much time State prisoners serve before their release. The major exception is 1994 sentences for murder. Murderers released in 1994 had served an average of 47% of their sentence, but the 47% figure pertains only to those who had not received a sentence to life imprisonment. Life sentences are excluded from the calculation of the 47% figure because no agreed upon way exists for converting the number of years served on a life sentence into a percentage. This poses a problem particularly for estimating how much time

murderers will serve because, unlike other offenses, a substantial fraction of convicted murderers sent to prison have a life sentence (1 in 4). The estimated time-to-serve of 126 months for murderers (obtained by taking 47% of the average non-life sentence of 269 months) therefore does not apply to the 1 in 4 with life sentences. On average, murderers with life sentence can be expected to serve longer than 126 months. How much longer is unknown. Murderers (including nonnegligent manslaughter) with life sentences released from State prisons in 1994 had served 146 months before their release, but the 146 months is probably not applicable to those with sentences of life without parole. Little is known about time served by persons with sentences of life without parole.

#### **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 1994. Additional details are in *Felony Sentences in State Courts, 1994*, BJS, NCJ-163391, 1997.

Federal sentencing data were based on defendants sentenced in Federal district courts in fiscal year 1994. 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, 1994*, 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, kidnapping, 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:** 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:** 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.

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

The BJS Bulletins publication series presents the first release of findings from permanent data collection programs.

This Bulletin was written by Patrick A. Langan and Jodi M. Brown of the Bureau of Justice Statistics. The Federal data in this report are based on tabulations prepared by William J. Sabol of the Urban Institute with assistance from Pamela Rigby and Yingjie Shu. Tom Hester and Tina Dorsey edited and produced the report. Donna B. Oliphant assisted with verification. Marilyn Marbrook administered final report production, assisted by Yvonne Boston and Jayne Robinson.

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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/>

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