



Bureau of Justice Statistics Bulletin

December 2004, NCJ 206916

Felony Sentences in State Courts, 2002

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In 2002 State courts convicted an estimated 1,051,000 adults of a felony. Forty-one percent of convicted felons were sentenced to a State prison, and 28% were sentenced to a local jail (usually for a year or less). The remaining 31% were sentenced to probation. These findings come from a survey conducted every 2 years and is the Nation's sole source of statistical information on the sentences felons receive in State courts nationwide.

National Judicial Reporting Program

The National Judicial Reporting Program (NJRP) compiles detailed information on the sentences and characteristics of convicted felons. Previous NJRP surveys of felony sentencing in State courts have been conducted every 2 years since 1986.

The 2002 survey was based on a sample of 300 counties (out of the Nation's approximately 3,100 counties) selected to be nationally representative. The 300 included at least 1 county from every State except, by chance, Nevada, South Dakota, and Wyoming.

Highlights

- In 2002 State courts convicted an estimated 1,051,000 adults of a felony. Federal courts convicted 63,217, bringing the combined U.S. total to 1,114,217. State courts accounted for 94% of the national total.
- Drug offenders were 32% of felons convicted in State courts in 2002. Property offenders made up 30.9%; violent offenders, 18.8%; and those convicted of weapon offenses and other nonviolent crimes made up the rest (18%).
- State courts sentenced 41% of convicted felons to a State prison, 28% to a local jail, and 31% to straight probation with no jail or prison time to serve.
- The average State court sentence to local jail was 7 months. The average probation sentence was 3 years and 2 months. A fine was imposed on 25% of convicted felons, restitution on 12%, community service on 4%, and treatment was ordered for 3%.
- The average sentence length to State prison has decreased since 1994 (4½ years versus 6 years), but felons sentenced in 2002 were likely to serve more of that sentence before release (51% versus 38%).
- Guilty pleas accounted for 95% of felony convictions in State courts in 2002. Trial convictions accounted for the remaining 5%.
- Nationally, of the felons convicted in State courts in 2002, 60% were white, 37% were black, and 3% were other races.
- Persons in their twenties represented about 18% of the adult U.S. population but 41% of convicted felons. The mean age of felons was 32 years; the median was 30.
- The median time from arrest to State court sentencing in 2002 was about 6 months. An estimated 78% of convicted felons were sentenced within 1 year of arrest.

The 2002 survey excluded Federal courts and those State or local courts that did not adjudicate adult felony cases.

According to the BJS Federal Justice Statistics Program, Federal courts convicted 63,217 persons of a felony

in 2002 (see page 3).¹ That number represents 6% of the combined State and Federal total number of felony convictions during 2002.

The 2002 survey included only offenses that State penal codes defined as felonies. Felonies are widely defined as crimes with the potential of being punished by more than 1 year in prison.

receiving stolen property and escaping custody. Marijuana trafficking convictions were 2.0% of the conviction total, and marijuana possession convictions were 1.7% of the total.

Sentences for felonies

In 2002, 69% of all convicted felons were sentenced to a period of confinement — 41% to State prisons and 28% to local jails (table 2). Jail sentences are for short-term confinement (usually for a year or less) in a county or city facility, while prison sentences are for long-term confinement (usually for over a year) in a State facility. An estimated 31% of all convicted felons were sentenced to probation with no jail or prison time to serve.

Over 90% of all convictions for murder and nonnegligent manslaughter resulted in a prison sentence, as did a majority of felony convictions for sexual assault (59%) and robbery (71%).

Table 1. Estimated number of felony convictions in State courts, 2002

Most serious conviction offense	Felony convictions in State courts	
	Number	Percent
All offenses	1,051,000	100%
Violent offenses	197,030	18.8%
Murder	8,990	0.9
Murder	6,430	0.6
Manslaughter ^a	2,560	0.2
Sexual assault ^b	35,500	3.4
Rape	10,980	1.0
Other sexual assault	24,520	2.3
Robbery	38,430	3.7
Armed	9,540	0.9
Unarmed	10,030	1.0
Unspecified	18,850	1.8
Aggravated assault	95,600	9.1
Other violent ^c	18,510	1.8
Property offenses	325,200	30.9%
Burglary	100,640	9.6
Residential	12,990	1.2
Nonresidential	21,470	2.0
Unspecified	66,180	6.3
Larceny	124,320	11.8
Motor vehicle theft	18,530	1.8
Other theft ^d	105,790	10.1
Fraud	100,240	9.5
Fraud ^e	47,610	4.5
Forgery	52,630	5.0
Drug offenses	340,330	32.4%
Possession	127,530	12.1
Trafficking	212,810	20.2
Marijuana	21,340	2.0
Other	56,530	5.4
Unspecified	134,940	12.8
Weapon offenses	32,470	3.1%
Other offenses^f	155,970	14.8%

Note: Detail may not sum to total because of rounding. This table is based on an estimated 1,051,002 cases.

^aDefined as nonnegligent manslaughter only. A small number of cases were classified as nonnegligent manslaughter when it was unclear if the conviction offense was murder or nonnegligent manslaughter.

^bIncludes rape.

^cIncludes offenses such as negligent manslaughter and kidnapping.

^dWhen vehicle theft could not be distinguished from other theft, the case was coded as "other theft." This results in a conservative estimate of vehicle thefts.

^eIncludes embezzlement.

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

Felony conviction offenses

An estimated 1,051,000 persons were convicted of a felony in State courts in 2002, including 197,030 (or 18.8% of the total) for a violent felony; 325,200 (30.9%) for property offenses of burglary, larceny, fraud, and forgery; 340,330 (32.4%) for drug offenses; and 32,470 (3.1%) for weapon offenses (table 1). The remaining 155,970 (14.8%) consisted of persons convicted of nonviolent offenses such as

¹By comparison, the State court in 1 county, Los Angeles, accounted for about 39,000 felony convictions in 2002.

Table 2. Distribution of types of felony sentences imposed in State courts, by offense, 2002

Most serious conviction offense	Total	Percent of felons sentenced to —			
		Total	Prison	Jail	Probation
All offenses	100%	69%	41%	28%	31%
Violent offenses	100%	77%	52%	25%	23%
Murder ^a	100	95	91	4	5
Sexual assault ^b	100	82	59	23	18
Rape	100	89	67	22	11
Other sexual assault	100	78	55	23	22
Robbery	100	86	71	15	14
Aggravated assault	100	71	42	29	29
Other violent ^c	100	77	42	35	23
Property offenses	100%	66%	38%	28%	34%
Burglary	100	72	46	26	28
Larceny ^d	100	67	36	31	33
Motor vehicle theft	100	76	37	39	24
Fraud ^e	100	59	31	28	41
Drug offenses	100%	66%	39%	27%	34%
Possession	100	62	34	28	38
Trafficking	100	68	42	26	32
Weapon offenses	100%	73%	45%	28%	27%
Other offenses^f	100%	70%	35%	35%	30%

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. Prison includes death sentences. Felons receiving a sentence other than incarceration or probation are classified under "probation." This table is based on an estimated 1,047,931 cases.

^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.

Sentence length

An offender convicted of multiple offenses receives a sentence for each offense. If multiple prison sentences are imposed, the court then decides whether the convicted felon will serve the sentences concurrently (at the same time) or consecutively (one after another). For persons with consecutive sentences, the total time is the sum of

the sentence lengths, and for persons with concurrent sentences, the total time is the same as the longest sentence. For persons convicted of a single offense, the total time refers simply to the sentence for that offense. Whenever an offender received a prison sentence range, such as 5 to 10 years, the total time refers to the maximum.

For the Nation in 2002, the mean felony sentence to incarceration (prison or jail) was 3 years; the median was 1 year and 7 months (table 3).

State prison sentences

In 2002 the mean length of sentences to State prison was 4 years and 5 months; the median term was 3 years.

Comparison of felony convictions in State and Federal courts, 2002

Most serious conviction offense	Felony convictions			Federal felony convictions as percent of total	Percent of felons sentenced to incarceration (prison or jail) —		Mean maximum sentence length (in months) for felons sentenced to incarceration (prison or jail) —	
	Total	State	Federal		State	Federal	State	Federal
All offenses	1,114,217	1,051,000	63,217	5.7%	69%	83%	36 mo	58 mo
Violent offenses	199,607	197,030	2,577	1.3%	77%	93%	62 mo	89 mo
Murder	9,264	8,990	274	3.0	95	93	217	109
Sexual assault	35,813	35,500	313	0.9	82	90	78	96
Rape	11,040	10,980	60	0.5	89	88	104	154
Other sexual assault	24,773	24,520	253	1.0	78	91	65	83
Robbery	40,021	38,430	1,591	4.0	86	97	79	91
Aggravated assault	95,871	95,600	271	0.3	71	79	37	38
Other violent	18,638	18,510	128	0.7	77	90	33	91
Property offenses	337,886	325,200	12,686	3.8%	66%	59%	28 mo	24 mo
Burglary	100,689	100,640	49	--	72	74	36	33
Larceny	125,850	124,320	1,530	1.2	67	50	22	29
Motor vehicle theft	18,629	18,530	99	0.5	76	73	18	31
Other theft	107,221	105,790	1,431	1.3	65	48	22	29
Fraud	111,347	100,240	11,107	10.0	59	60	24	23
Fraud	57,299	47,610	9,689	16.9	56	60	22	24
Forgery	54,048	52,630	1,418	2.6	61	60	26	21
Drug offenses	366,564	340,330	26,234	7.2%	66%	91%	32 mo	76 mo
Possession	129,590	127,530	2,060	1.6	62	90	22	79
Trafficking	236,984	212,810	24,174	10.2	68	91	38	76
Weapon offenses	38,033	32,470	5,563	14.6%	73%	92%	28 mo	84 mo
Other offenses	172,127	155,970	16,157	9.4%	70%	82%	23 mo	31 mo

--Less than 0.05%.

The vast majority of all felony convictions in the United States occur in State courts. Overall, Federal courts account for a relatively small number.

- In 2002 Federal courts convicted 63,217 persons of a violent, property, drug, or other felony. State courts convicted an estimated 1,051,000, bringing the combined U.S. total to 1,114,217 felons convicted. Federal courts accounted for 6% of the national total.

- Violent offenses comprised 4% of felony convictions in Federal courts but 19% of those in State courts.

- In 2002, 83% of felons convicted in Federal courts were sentenced to incarceration. The remaining 17% received probation. State courts sentenced 69% of felons to incarceration (prison or jail) and 31% to straight probation.

- The average Federal incarceration sentence was just under 5 years in 2002. By contrast, State incarceration sentences (prison or jail) had an average of 3 years.

- Federal drug offenders received incarceration terms that were more than twice the length of drug offenders in State courts (6 years and 4 months versus 2 years and 8 months).

- In 2002 Federal offenders released from prison served an average of 91% of their prison term before release. Felons convicted in State courts served a significantly smaller proportion of their total incarceration sentence. For instance, State prisoners (not including felons sentenced to jail) served about 51% of their total prison sentence in 2002.

Source of Federal data: Federal statistics shown in the above table are from the same database that was used to create tables 5.1 and 5.2 of the BJS publication *Compendium of Federal Statistics, 2002* (NCJ 205368). Tables 5.1 and 5.2 figures differ from the above figures because of offense definitions.

The mean prison sentence for murder and nonnegligent manslaughter was 18 years and 9 months; the median was 20 years.

Life sentences are rare among convicted felons, whether measured as a percentage of all sentences (0.5%) or as a percentage of prison sentences

(1.1%). However, among the 8,990 persons convicted of murder or nonnegligent manslaughter, 24.1% were sentenced to life in prison.

Table 3. Average felony sentence lengths in State courts, by offense and type of sentence, 2002

Most serious conviction offense	Maximum sentence length (in months) for felons sentenced to —			
	Incarceration			
	Total	Prison	Jail	Probation
Mean				
All offenses	36 mo	53 mo	7 mo	38 mo
Violent offenses	62 mo	84 mo	8 mo	43 mo
Murder ^a	217	225	10	76
Sexual assault ^b	78	100	8	54
Rape	104	132	9	65
Other sexual assault	65	84	8	51
Robbery	79	91	11	52
Aggravated assault	37	54	7	39
Other violent ^c	33	51	8	37
Property offenses	28 mo	41 mo	7 mo	37 mo
Burglary	36	50	7	40
Larceny ^d	22	34	6	36
Motor vehicle theft	18	30	6	33
Fraud ^e	24	38	6	36
Drug offenses	32 mo	48 mo	6 mo	36 mo
Possession	22	35	5	33
Trafficking	38	55	7	39
Weapon offenses	28 mo	38 mo	7 mo	35 mo
Other offenses^f	23 mo	38 mo	6 mo	37 mo
Median				
All offenses	19 mo	36 mo	6 mo	36 mo
Violent offenses	36 mo	51 mo	6 mo	36 mo
Murder ^a	240	240	12	60
Sexual assault ^b	48	60	6	36
Rape	60	96	7	60
Other sexual assault	36	60	6	36
Robbery	52	60	12	60
Aggravated assault	24	36	6	36
Other violent ^c	16	30	6	36
Property offenses	16 mo	28 mo	6 mo	36 mo
Burglary	24	36	6	36
Larceny ^d	13	24	6	36
Motor vehicle theft	12	24	6	24
Fraud ^e	12	24	5	36
Drug offenses	18 mo	36 mo	6 mo	36 mo
Possession	12	24	3	36
Trafficking	24	36	6	36
Weapon offenses	24 mo	24 mo	6 mo	30 mo
Other offenses^f	12 mo	27 mo	4 mo	36 mo

Note: See note on table 2. Means exclude sentences to death or to life in prison. This table is based on an estimated 945,167 cases.

^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.

Life sentences as a percent of —

	All sentences ^a	All prison sentences
All offenses	.5%	1.1%
Murder ^b	24.1	26.3
Sexual assault	1.9	3.1
Rape	3.8	5.5
Other sexual assault	1.1	1.8
Robbery	1.4	1.9
Aggravated assault	.3	.7
Other violent	.3	.6
Burglary	.2	.4
Larceny	--	--
Motor vehicle theft	--	.2
Fraud	--	--
Drug possession	.3	.9
Drug trafficking	.2	.5
Weapon	.1	.3
Other	--	--

--Less than 0.05%.

^aIncludes sentences to probation and jail as well as prison.

^bIncludes nonnegligent manslaughter.

Not all 8,990 persons convicted of murder or nonnegligent manslaughter were subject to the death penalty. Twelve States did not authorize the death penalty in 2002. In the 38 States that did, only certain types of murder were capital offenses.

Based on data collected by BJS in the National Prisoners Statistics program, 27 States received 154 prisoners under sentence of death in 2002.²

Jail and probation sentences

Among felons who received a sentence to local jail in 2002, the mean sentence was 7 months, and the median was 6 months. Probation sentences had a mean length of about 3 years and 2 months and a median of 3 years (table 3).

²See *Capital Punishment, 2002*, NCJ 201848, November 2003.

Estimated State prison time to be served

The amount of time felons actually serve in prison is typically some fraction of the total sentence received. Two primary reasons explain the difference between sentences received and time served:

In States that impose indeterminate sentences, a judge specifies the minimum and/or maximum sentence length, but a parole board decides when the prisoner will actually be released. In 2002 about a quarter of prison releases were determined by a parole board decision.

In most but not all States, prisoners gain early release through time credits that they receive automatically or that are granted to them for good behavior or special achievements — provisions that are intended to help correctional officials manage institutional populations.

For both types of sentence reduction, released offenders usually serve the remaining portion of their sentences under supervision in the community.

Table 4. Estimated time to be served in State prison, by offense, 2002

Most serious conviction offense	Mean prison sentence	To be served in prison, estimated —	
		Percent of sentence ^a	Time ^b
All offenses	53 mo	51%	27 mo
Violent offenses	84 mo	62%	52 mo
Murder ^c	225	63	142
Sexual assault ^d	100	64	64
Rape	132	68	90
Other sexual assault	84	62	52
Robbery	91	58	53
Aggravated assault	54	66	36
Other violent ^e	51	61	31
Property offenses	41 mo	49%	20 mo
Burglary	50	49	24
Larceny ^f	34	52	18
Motor vehicle theft	30	49	15
Fraud ^g	38	44	17
Drug offenses	48 mo	43%	20 mo
Possession	35	40	14
Trafficking	55	45	24
Weapon offenses	38 mo	63%	24 mo
Other offenses^h	38 mo	50%	19 mo

^aPercentages are based on data from 259,915 persons released from State prisons in 2001 (National Corrections Reporting Program, 2001 tables 2-8 and 2-12). These percentages included credited jail time.

^bDerived by multiplying the percentage of sentence to be served by the mean sentence imposed.

^cIncludes nonnegligent manslaughter.

^dIncludes rape.

^eIncludes offenses such as negligent manslaughter and kidnaping.

^fIncludes motor vehicle theft.

^gIncludes forgery and embezzlement.

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

Felony convictions and sentences in State courts relative to the number of arrests, 2002

The number of State felony convictions in 2002 was compared to the number of crimes reported to police and the number of arrests made for these crimes in 2002. Comparisons are limited to crimes likely to be felonies.

These aggregate numbers should not be interpreted as tracking individual cases through the criminal justice system.

Nevertheless, the comparisons illustrate the approximate odds of conviction and a prison sentence, given an arrest for a felony.

For example, the FBI reports that in 2002 almost 13,000 adults were arrested for murder (including nonnegligent manslaughter). That year, 8,990 persons were convicted of murder, and 8,181

murderers received a prison sentence. For every 100 persons arrested for murder in 2002, 70 were convicted and 64 were sentenced to prison for that offense. Corresponding findings for drug traffickers were 80 convictions and 34 prison sentences for every 100 arrests.

Offense	Uniform Crime Reports ^a		Number of felony convictions ^b	For 100 arrests				
	Number of crimes reported to the police	Number of adults arrested		Number of felony sentences ^b		Number of felony convictions	Number of felony sentences	
				Incarceration	Prison		Incarceration	Prison
Murder ^c	16,204	12,799	8,990	8,541	8,181	70	67	64
Rape	95,136	23,564	10,980	9,772	7,357	47	41	31
Robbery	420,637	81,340	38,430	33,050	27,285	47	41	34
Aggravated assault	894,348	410,892	95,600	67,876	40,152	23	17	10
Burglary	2,151,875	201,804	100,640	72,461	46,294	50	36	23
Motor vehicle theft ^d	1,246,096	103,664	18,530	14,083	6,856	18	14	7
Drug trafficking	...	266,465	212,810	144,711	89,380	80	54	34

Note: The offenses selected have the greatest comparability across reporting series and are widely defined across the States as felonies. The offense designations in convictions and sentences came from the most serious offense.

... Data are not available.

^aSource: *Crime in the United States, 2002* (FBI, 2003).

^bNumbers for felony convictions, incarcerations, and prison sentences were derived from tables 1 and 2 of this report.

^cIncludes nonnegligent manslaughter.

^dEstimates conservatively the felony convictions for motor vehicle theft.

To calculate time to be served by felons sentenced in 2002, the fraction of their sentence they might reasonably be expected to serve was obtained from records of inmates released from prison in a recent year. Life sentences and death sentences were excluded because it is not possible to specify the percentage served. The percentage of the sentence that released inmates had served was applied to felons sentenced to prison in 2002.

Based on data collected by BJS in the National Corrections Reporting Program, inmates released from prisons in 2001 had served an average of 51% of their total sentence in prison (table 4). The percentage of sentence served ranged from 68% for those convicted of rape to a low of 40% for those convicted of drug possession.

Applying these percentages to State prison sentences received in 2002, it is estimated that felons sentenced in 2002 would serve about 2¼ years, or 51% of their average 4½ year prison sentence.

Since life sentences and death are rare for most types of crimes, this method gives reasonably sound estimates of time to be served for most offenses (assuming, among other things, that prison release policies applicable to persons sentenced in 2002 will not differ markedly from those governing recent releases). However, life sentences and death are not rare for murder, though they are rare for nonnegligent manslaughter. Consequently, time to be served shown for murder and nonnegligent manslaughter may be a substantial underestimate: the time applies only to persons not receiving a life or death sentence.

Convicted felon populations: Gender, race, and age

In 2002 men comprised 48% of adults (age 18 or older) in the U.S. population but 83% of persons convicted of a felony and 89% of persons convicted of a violent felony (table 5). Whites were 82% of the adult U.S. population but 60% of persons convicted of a felony and 57% of the persons convicted of a violent felony. Corresponding figures for blacks were 12% of the adult U.S. population but 37% of convicted felons and 39% of felons convicted of a violent crime. The other racial categories (American Indians, Alaska Natives, Asians, Pacific Islanders, and mixed race) represented 6% of the U.S. population but 3% of convicted felons and 4% of those convicted of a violent crime.

Table 5. Demographic characteristics of persons convicted of felonies in State courts, by offense, 2002

Most serious conviction offense	Percent of convicted felons												Mean	Median
	Total	Gender		Race			Age at sentencing							
		Male	Female	White	Black	Other	Under 20	20-29	30-39	40-49	50-59	60+		
All offenses	100%	83%	17%	60%	37%	3%	7%	41%	29%	18%	4%	1%	32 yr	30 yr
Violent offenses	100%	89%	11%	57%	39%	4%	9%	42%	26%	16%	5%	2%	31 yr	29 yr
Murder ^a	100	90	10	45	51	4	8	51	22	13	5	1	30 yr	27
Sexual assault ^b	100	97	3	71	25	4	7	37	25	18	8	5	34	32
Rape	100	98	2	63	33	4	8	38	26	19	5	4	33	31
Other sexual assault	100	97	3	75	21	4	6	36	25	18	10	5	35	32
Robbery	100	92	8	39	59	2	21	49	19	9	2	--	27	23
Aggravated assault	100	85	15	57	38	5	6	41	28	18	5	2	32	30
Other violent ^c	100	88	12	70	25	5	6	38	28	20	6	2	33	32
Property offenses	100%	75%	25%	64%	33%	3%	8%	41%	29%	17%	4%	1%	31 yr	30 yr
Burglary	100	91	9	66	31	3	15	47	23	13	2	--	28	25
Larceny ^d	100	75	25	62	35	3	7	39	30	19	4	1	32	31
Motor vehicle theft	100	89	11	67	26	7	12	52	25	10	1	--	28	25
Fraud ^e	100	58	42	64	34	2	3	39	35	18	4	1	33	32
Drug offenses	100%	83%	17%	55%	43%	2%	5%	41%	29%	19%	5%	1%	32 yr	31 yr
Possession	100	79	21	61	36	3	3	36	32	23	5	1	33	33
Trafficking	100	85	15	51	47	2	6	45	27	17	4	1	32	29
Weapon offenses	100%	95%	5%	47%	50%	3%	9%	50%	23%	13%	4%	1%	30 yr	27 yr
Other offenses^f	100%	88%	12%	69%	27%	4%	5%	34%	31%	22%	6%	2%	34 yr	33 yr

Note: Data on gender were available for 714,307 cases; on race, 612,161; and on age, 744,317.

--Less than 0.5%.

^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.

Persons in their twenties represented about 18% of the adult U.S. population but 41% of convicted felons. The mean age of felons was 32 years; the median was 30.

Number of felony conviction offenses

At time of sentencing, the vast majority of felons sentenced in 2002 (72%) were sentenced for a single felony

(table 6). An estimated 18% were sentenced for two felonies, and the remaining 10% were sentenced for three or more. The number of offenses totaled about 1.5 million for which 1,051,000 felons were convicted and sentenced in 2002.³

³The 1.5 million figure pertains to current, not past, convictions.

The greater the number of felony convictions, the more severe was the sentence. The likelihood of a State prison sentence rose from 38% for those convicted of one felony to 45% for two felonies and 56% for three or more (table 7).

Table 6. Distribution of the number of felony convictions for persons sentenced in State courts, by most serious offense, 2002

Most serious conviction offense	Percent of convicted felons with —			
	Total	One felony conviction	Two felony convictions	Three or more felony convictions
All offenses	100%	72%	18%	10%
Violent offenses	100%	64%	22%	14%
Murder ^a	100	60	22	18
Sexual assault ^b	100	63	22	15
Robbery	100	63	22	15
Aggravated	100	64	23	13
Other violent ^c	100	74	18	8
Property offenses	100%	68%	19%	13%
Burglary	100	57	24	19
Larceny ^d	100	79	16	5
Fraud ^e	100	65	19	16
Drug offenses	100%	75%	17%	8%
Possession	100	81	13	6
Trafficking	100	71	20	9
Weapon offenses	100%	73%	18%	9%
Other offenses^f	100%	83%	13%	4%

Note: This table is based on an estimated 1,051,002 cases. The number of convictions pertains to current, not past, convictions.

^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 7. Convicted felons sentenced to prison in State courts, by number of conviction offenses, 2002

Most serious conviction offense	Percent of felons sentenced to prison following —		
	One felony conviction	Two felony convictions	Three or more felony convictions
All offenses	38%	45%	56%
Violent offenses	48%	57%	67%
Murder ^a	90	91	95
Sexual assault ^b	54	67	69
Robbery	67	74	80
Aggravated assault	36	46	58
Other violent ^c	40	44	52
Property offenses	35%	40%	51%
Burglary	43	47	58
Larceny ^d	34	38	48
Fraud ^e	28	32	44
Drug offenses	36%	43%	56%
Possession	31	41	56
Trafficking	40	44	56
Weapon offenses	44%	45%	53%
Other offenses^f	34%	36%	50%

Note: See note on table 2. This table is based on an estimated 1,047,931 cases. The number of convictions pertains to current, not past, convictions.

^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 8. Mean sentence lengths for State felony sentences imposed, by the number and category of the conviction offense, 2002

Most serious conviction offense	Mean maximum sentence length (in months) for felons sentenced to —			
	Incarceration			Probation
	Total	Prison	Jail	
One conviction offense				
All offenses	32 mo	48 mo	7 mo	37 mo
Violent offenses	55 mo	76 mo	8 mo	43 mo
Murder ^a	213	220	9	88
Sexual assault ^b	64	83	9	52
Robbery	70	81	11	53
Aggravated assault	33	51	7	40
Other violent ^c	32	50	8	37
Property offenses	25 mo	38 mo	7 mo	37 mo
Burglary	35	49	8	40
Larceny ^d	21	32	6	36
Fraud ^e	22	35	6	36
Drug offenses	29 mo	45 mo	7 mo	36 mo
Possession	20	33	5	32
Trafficking	35	51	8	39
Weapon offenses	26 mo	36 mo	7 mo	33 mo
Other offenses^f	23 mo	38 mo	6 mo	37 mo
Two or more conviction offenses				
All offenses	45 mo	62 mo	7 mo	39 mo
Violent offenses	73 mo	95 mo	7 mo	42 mo
Murder ^a	225	233	11	46
Sexual assault ^b	100	123	8	58
Robbery	93	108	10	50
Aggravated assault	42	58	6	38
Other violent ^c	36	53	8	38
Property offenses	32 mo	46 mo	7 mo	39 mo
Burglary	38	52	7	40
Larceny ^d	26	38	7	37
Fraud ^e	28	41	6	38
Drug offenses	40 mo	56 mo	6 mo	38 mo
Possession	29	40	5	40
Trafficking	44	62	7	37
Weapon offenses	32 mo	45 mo	6 mo	39 mo
Other offenses^f	26 mo	40 mo	6 mo	38 mo

Note: See notes on tables 2 and 3. This table is based on an estimated 939,800 cases. The number of convictions pertains to current, not past, convictions.

^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.

The mean sentence to State prison also increased from 4 years for those convicted of one felony to 5 years and 2 months for those convicted of two or more (table 8).

Method of conviction

Of the 1,051,000 felons sentenced in 2002, 2% had been found guilty by a jury, 3% had been found guilty by a judge, and 95% had pleaded guilty (table 9). Persons convicted of murder were the least likely to have pleaded guilty (68%) and the most likely to have been convicted by a jury (27%).

Of all jury trial felony convictions in 2002, 48% (12,500 cases) were for violent crime; 52% (13,520 cases) were for nonviolent crime (not shown in table).

Case processing time

The median time from arrest to State court sentencing in 2002 was about 6 months (table 10). In 2002, 7% of all convicted felons in State courts were sentenced within the first 30 days following their arrest, and 49% of felons were sentenced within 6 months. An estimated 78% of convicted felons were sentenced within 1 year of arrest.

Table 9. Distribution of types of felony convictions in State courts, by offense, 2002

Most serious conviction offense	Total	Percent of felons convicted by —			Guilty plea
		Total	Jury	Bench	
All offenses	100%	5%	2%	3%	95%
Violent offenses	100%	10%	7%	3%	90%
Murder ^a	100	32	27	5	68
Sexual assault ^b	100	10	8	2	90
Rape	100	16	12	4	84
Other sexual assault	100	6	5	1	94
Robbery	100	9	6	3	91
Aggravated assault	100	8	4	4	92
Other violent ^c	100	8	4	4	92
Property offenses	100%	4%	1%	3%	96%
Burglary	100	4	2	2	96
Larceny ^d	100	4	1	3	96
Motor vehicle theft	100	3	2	1	97
Fraud ^e	100	3	1	2	97
Drug offenses	100%	4%	2%	2%	96%
Possession	100	2	1	1	98
Trafficking	100	5	2	3	95
Weapon offenses	100%	7%	3%	4%	93%
Other offenses^f	100%	3%	1%	2%	97%

Note: This table is based on an estimated 492,848 cases. However, figures are adjusted for cases missing a designation of conviction type.

^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.

On average, murder cases took the most time to process in 2002. Less than half (42%) of all felons convicted of murder in State courts were sentenced within 1 year of their arrest.

Additional penalties

Besides being sentenced to incarceration or probation, 36% or more of convicted felons also were ordered to pay a fine, pay victim restitution, receive treatment, perform community service, or comply with some other additional penalty (for example, undergo house arrest or appear periodically for drug testing). A fine was imposed on at least 25% of convicted felons (table 11).

Estimates of the percentages of felons receiving other penalties are 12% restitution, 3% some form of treatment, and 4% community service (See note on table 11).

Trends in the United States: 1994 to 2002

Number of convictions increasing

State courts convicted an estimated 1,051,000 adults of a felony in 2002. That total is about 20% greater than the number convicted in 1994.

	Estimated number of felony convictions
1994	872,220
1996	997,970
1998	927,720
2000	924,740
2002	1,051,000

Likelihood of arrest leading to conviction

The likelihood of a felony arrest leading to a felony conviction is approximated by dividing the number of adult felony convictions in a year by the number of adult felony arrests that year. In 2002, for example, robbery convictions totaled 38,430, and robbery arrests totaled 81,340, indicating about a 47% likelihood of conviction for robbery.

Since 1994 the likelihood of an arrest leading to a conviction has risen.

	Approximate likelihood of felony arrest leading to felony conviction		
	1994	1998	2002
Murder	65%	60%	70%
Robbery	39	44	47
Aggravated assault	14	16	23
Burglary	39	41	50
Drug trafficking	52	68	80

Guilty pleas

In 2002 guilty pleas accounted for 95% of all felony convictions and trials accounted for the remaining 5%. Corresponding figures for 1994 were 89% guilty pleas and 11% trials.

Aging of convicted felons

In 1994 persons age 30 or older comprised 77% of adults (age 18 and older) in the U.S. population and accounted for 47% of persons convicted; in 2002, persons age 30 or older comprised 78% of adults in the U.S. population and accounted for 52% of persons convicted.

	Age at sentencing of adults convicted of a felony	
	1994	2002
Total	100%	100%
Under 30	53	48
30 or older	47	52

Prison sentences

An estimated 41% of convicted felons received a State prison sentence in 2002 compared to 45% in 1994. This difference is not statistically significant, however.

	Percent of convicted felons sentenced	
	1994	2002
Prison	45%	41%
Jail	26	28
Probation	29	31

Table 10. Time between arrest and sentencing for persons convicted of a felony in State courts, by offense, 2002

Most serious conviction offense	Median time (in days)	Following arrest, cumulative percent sentenced within —				
		1 week	1 month	3 months	6 months	1 year
All offenses	184	1%	7%	26%	49%	78%
Violent offenses	218	1%	5%	19%	41%	74%
Murder ^a	412	--	--	3	13	42
Sexual assault ^b	265	1	2	11	30	67
Rape	261	1	3	15	34	69
Other sexual assault	270	1	2	9	27	66
Robbery	222	--	2	14	39	75
Aggravated assault	188	1	6	24	48	79
Other violent ^c	207	1	7	20	44	78
Property offenses	172	1%	8%	27%	52%	80%
Burglary	161	2	8	28	55	82
Larceny ^d	168	1	10	30	53	81
Motor vehicle theft	99	2	20	47	69	88
Fraud ^e	194	1	6	24	47	77
Drug offenses	175	1%	9%	29%	51%	79%
Possession	130	3	15	41	60	84
Trafficking	196	1	6	23	46	76
Weapon offenses	154	2%	12%	33%	57%	84%
Other offenses^f	184	1%	6%	23%	49%	81%

Note: This table is based on an estimated 324,359 cases.

--Less than 0.5%.

^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.

Of all felony offenses, burglary had one of the largest decreases in the percentage sentenced to prison between 1994 and 2002 (from 53% in 1994 to 46% in 2002)

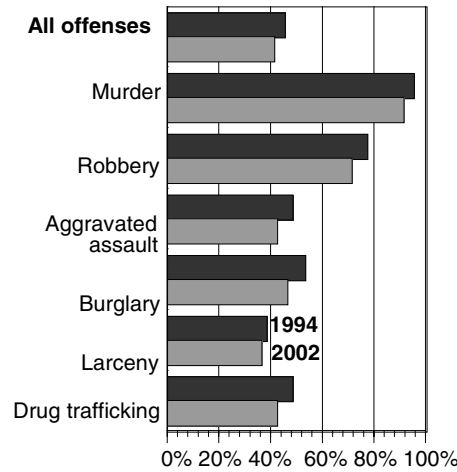
	Percent of convicted felons who received a prison sentence		
	1994	1998	2002
All offenses	45%	44%	41%
Murder	95	94	91
Robbery	77	76	71
Aggravated assault	48	46	42
Burglary	53	54	46
Larceny	38	40	36
Drug trafficking	48	45	42

Shorter imposed prison sentences and a growing fraction of sentence served before release

While prisoners are serving a growing percentage of their court-imposed

sentence, the average court-imposed sentence has been decreasing.

Percent of convicted felons who received a prison sentence



In 1994 the typical felon received a 6-year sentence and (assuming a

person sentenced in 1994 served the fraction of his/her sentence as was typical among persons released in 1994) served 38% of that sentence before release, or 2¼ years.

By contrast, in 2002 the typical felon received a 4½ year sentence. Assuming that a person sentenced in 2002 would serve the fraction of the imposed sentence found among prisoners released in 2002, a felon would serve 51% of the typical sentence before release, or 2¼ years.

	Average imposed prison sentence length (in months)		
	1994	1998	2002
All offenses	71 mo	57 mo	53 mo
Murder	269	263	225
Robbery	116	106	91
Aggravated assault	79	66	54
Burglary	69	52	50
Larceny	45	37	34
Drug trafficking	66	54	55

Table 11. Felons sentenced to an additional penalty in State courts, by offense, 2002

Most serious conviction offense	Percent of felons with an additional penalty of —				
	Fine	Restitution	Treatment ^a	Community service	Other
All offenses	25%	12%	3%	4%	7%
Violent offenses	23%	11%	3%	3%	6%
Murder ^b	17	7	1	2	2
Sexual assault ^c	22	10	4	2	7
Rape	21	10	4	1	6
Other sexual assault	23	10	3	2	8
Robbery	13	10	1	2	4
Aggravated assault	27	11	3	3	7
Other violent ^d	26	12	2	4	9
Property offenses	24%	21%	2%	4%	6%
Burglary	23	20	2	4	5
Larceny ^e	21	19	1	5	7
Motor vehicle theft	22	19	2	3	11
Fraud ^f	28	24	2	5	8
Drug offenses	27%	6%	6%	4%	7%
Possession	25	3	11	5	11
Trafficking	27	8	2	3	5
Weapon offenses	18%	4%	2%	4%	6%
Other offenses^g	29%	10%	3%	4%	8%

Note: Where the data indicated affirmatively that a particular additional penalty was imposed, the case was coded accordingly. Where the data did not indicate affirmatively or negatively, the case was treated as not having an additional penalty. These procedures provide a conservative estimate of the prevalence of additional penalties. A felon receiving more than one kind of additional penalty appears under more than one table heading. This table is based on an estimated 1,051,002 cases.

^aIncludes any type of counseling, rehabilitation, treatment, or mental hospital confinement.

^bIncludes nonnegligent manslaughter.

^cIncludes rape.

^dIncludes offenses such as negligent manslaughter and kidnaping.

^eIncludes motor vehicle theft.

^fIncludes forgery and embezzlement.

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

Percent of imposed prison sentence actually served

	1994	1998	2002
	All offenses	38%	47%
Murder	47	52	63
Robbery	44	51	58
Aggravated assault	46	57	66
Burglary	35	45	49
Larceny	37	45	52
Drug trafficking	32	41	45

Estimated actual time to be served in prison (in months)

	1994	1998	2002
	All offenses	27 mo	27 mo
Murder	127	136	142
Robbery	51	54	53
Aggravated assault	36	38	36
Burglary	24	24	24
Larceny	17	17	18
Drug trafficking	21	22	24

Methodology

Sampling

Using a stratified cluster sampling design, 300 counties were selected for the 2002 survey. While there were 3,141 counties or county equivalents in the Nation in 2002, 36 reported their NJRP data in combination with another county or county equivalent. This left 3,105 jurisdictions to be divided into 20 strata. Each county was assigned to one stratum by meeting the conditions for that stratum.

The largest 75 counties in the United States (as defined by the 2000 resident population) were separated from the 3,105 jurisdictions (see appendix table, page 12). Each State was then assigned a “cost-factor” (1, 3, 5) which reflected the overall cost of collecting their 2000 NJRP data. Counties in States where data collection is not costly were assigned a “1.” Counties in States where data collection is moderately costly were assigned a “3.” Counties in States where data collection is costly were assigned a “5.”

Counties in each “cost-factor” group were then separated into categories based on the size of their 2000 population. Among the Nation’s largest 75 counties, those assigned a cost-factor 1 were separated into 2 strata (defined by year 2000 population size), cost-factor 3 counties remained in one stratum, and cost-factor 5 counties were separated into 2 strata (defined by year 2000 population size). Among counties that were not one of the Nation’s largest 75, those assigned a cost-factor of 1 were separated into 5 strata (defined by year 2000 population size). Cost-factor 3 counties were separated into 4 strata (defined by year 2000 population size), and cost-factor 5 counties were separated into 5 strata (defined by year 2000 population size).

Because the 75 largest counties account for a disproportionately large amount of serious crime in the Nation, they were given a greater chance of being selected than the remaining counties. Altogether, 58 out of the 75 largest counties were sampled. Stratum 0 consisted of the 11 counties with the largest population in 2000. All 36 counties in strata 0, 11, and 12 were selected for the sample. Strata 31, 51, and 52 consisted of the remaining 22 counties sampled from the largest 75 counties. Strata 111, 112, 113, 114, 115, 131, 132, 133, 134, 151, 152, 153, 154, and 155 included 242 counties sampled from among the 3,030 not among the 75 largest.

Appendix table. NJRP sampling design, 2002

Stratum	Total number of counties in stratum	Defining characteristics of each county in this stratum in 2000	Approximate sampling rate	Number of counties sampled
1 of 75 most populous counties in 2000				
0	11	Population greater than 1,900,000	1 in 1	11
Not in stratum 0				
11	12	Cost-factor of 1 - not sampled Population between 900,001 and 1,900,000	1 in 1	12
12	13	Population between 679,001 and 900,000	1 in 1	13
31	15	Cost-factor of 3	1 in 1	13
Cost-factor of 5				
51	10	Population between 1,000,001 and 1,900,000	1 in 3	3
52	14	Population between 679,001 and 1,000,000	1 in 2	6
Not 1 of 75 most populous counties in 2000				
Cost-factor of 1				
111	193	Population between 97,001 and 679,000	1 in 1	106
112	168	Population between 54,001 and 97,000	1 in 8	20
113	309	Population between 25,001 and 54,000	1 in 11	26
114	231	Population between 16,001 and 25,000	1 in 23	10
115	497	Population between 1 and 16,000	1 in 33	15
Cost-factor of 3				
131	107	Population between 97,001 and 679,000	1 in 4	23
132	88	Population between 44,001 and 97,000	1 in 17	5
133	234	Population between 15,001 and 44,000	1 in 39	6
134	336	Population between 1 and 15,000	1 in 112	3
Cost-factor of 5				
151	81	Population between 160,001 and 679,000	1 in 7	11
152	146	Population between 64,001 and 160,000	1 in 18	8
153	220	Population between 31,001 and 64,000	1 in 44	5
154	140	Population between 18,001 and 31,000	1 in 70	2
155	280	Population between 1 and 18,000	1 in 140	2

The final sample thus included 300 counties (58 out of the 75 largest counties, and 242 out of the remaining 3,030 counties). Case-level data were successfully obtained on 455,690 convicted felons sentenced in 2002 from these 300 counties. Of these, 314,477 cases were in the 75 largest counties.

The 36 sampled counties in strata 0, 11, and 12 were self-representing only, and their sampled cases therefore had a sampling weight of 1. The remaining strata were selected to represent their respective strata so that the felony conviction cases sampled had weights greater than 1.

Sampling error

National estimates of the number of convictions for individual crime categories and for the aggregate total had a coefficient of variation of 4.1%. Standard errors for each table in the report are available on the Internet:

<http://www.ojp.usdoj.gov/bjs/abstract/fssc02.htm>. Where this report compares 2002 NJRP figures to those from prior years’ NJRP data, the differences discussed were statistically significant at the .05 level.

Sources of data

State courts were the source of NJRP data for about 44% of the 300 counties sampled. For other counties, sources included prosecutors’ offices, sentencing commissions, and statistical agencies.

For 299 of the 300 counties sampled, individual-level NJRP records were obtained electronically (from diskettes or the Internet). The one remaining county provided data through photocopies of official documents. All data were collected by the U.S. Census Bureau.

Targeted population

Since it was impractical to target sentences in 2002, cases sampled from 26 Pennsylvania counties were all sentenced in 2001; cases sampled from 1 Florida county, 8 Maryland counties, 15 Michigan counties, 12 Minnesota counties, 15 New Jersey counties, and 6 Oklahoma counties were sentenced in 2001; and cases sampled from 1 Ohio county were sentenced in 2003.

The 2002 NJRP data files obtained from 2 counties — Miami-Dade (FL) and Dallas (TX) — showed far fewer felony convictions than what other court data sources showed for these counties. To correct the number of felony cases from these counties in 2002, the data were adjusted upward. The 2002 conviction data from 1 county — Lake (FL) — were adjusted to account for less than a full year of reporting.

Crime definitions

Crime definitions are in the BJS publication *Felony Sentences in State Courts, 1996* (NCJ 173939).

The Bureau of Justice Statistics is the statistical agency of the U.S. Department of Justice. Lawrence A. Greenfeld is director.

BJS Bulletins present the first release of findings from permanent data collection programs. This Bulletin was written by Matthew R. Durose and Patrick A. Langan of BJS. Mark Motivans of BJS assisted with tabulating the Federal data. Erica Schmitt and Maureen Henneberg assisted with verification. Tina Dorsey edited the report; Jayne Robinson prepared it for final printing.

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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December 2004, NCJ 206916

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