



Bureau of Justice Statistics Bulletin

July 2007, NCJ 215646

National Judicial Reporting Program

Felony Sentences in State Courts, 2004

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In 2004 State courts convicted an estimated 1,079,000 adults of a felony, a number about 24% higher than the 872,000 adults convicted in 1994. About a third of convicted felons were drug offenders, and about 1 in 5 were violent offenders. Overall, between 1994 and 2004 the number of felons convicted of a violent offense in State courts rose 18% (from 165,000 to 195,000).

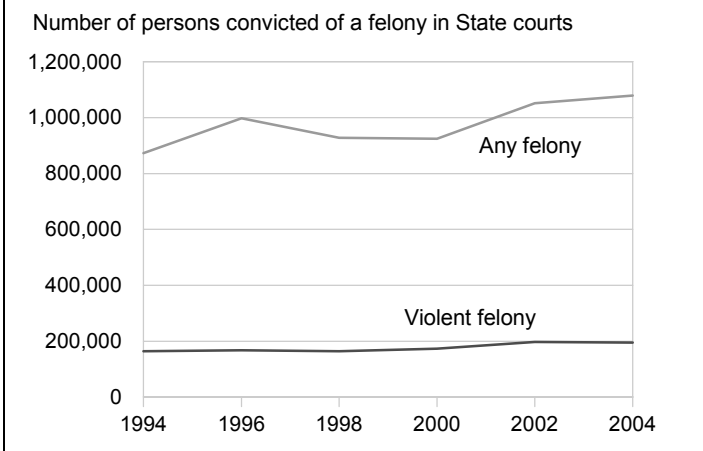
Most serious conviction offense	Persons convicted of a felony in State courts	
	1994	2004
All offenses	100 %	100 %
Violent offenses	19	18
Property offenses	32	29
Drug offenses	31	34
Weapon offenses	4	3
Other offenses	15	17
Estimated number	872,220	1,078,920

During this 10-year period, the conviction rate for violent crimes also rose. For every 100 persons arrested for a violent felony in 1994, an estimated 23 were convicted. In 2004, the rate was 31 persons convicted for every 100 persons arrested.

Persons convicted of a felony were most likely to receive an incarceration sentence in 2004. Forty percent were sentenced to a period of confinement in State prison and 30% in local jail. An estimated 28% of convicted felons were sentenced to probation with no jail or prison time.

The average sentence length to State prison for a violent felony declined between 1994 and 2004 (from 10 years to 7½ years). However, felons sentenced for a violent felony in 2004 were more likely than those sentenced in 1994 to serve a larger proportion of their sentence before release.

Between 1994 and 2004, the number of felony convictions in State courts increased 24%



Among major findings on State court sentencing in 2004 —

- 94% of felony convictions occurred in State courts, the remaining 6% in Federal courts.
- 95% of convicted felons pleaded guilty, the remaining 5% were found guilty by a jury or judge.
- The average sentence length for convicted felons to State prison was almost 5 years.
- Females accounted for a quarter of felony property offenders.

The findings in this report were almost exclusively based on the National Judicial Reporting Program, a survey that is conducted every 2 years and collects the only detailed information on sentences of convicted felons in State courts nationwide. Detailed data are available in *State Court Sentencing of Convicted Felons, 2004 - Statistical Tables*, located on the BJS web site at <<http://www.ojp.usdoj.gov/bjs/abstract/scscfst.htm>>.

About 1.1 million persons were convicted of a felony in State courts in 2004

In 2004 an estimated 1,078,920 persons were convicted of a felony in State courts, a vast majority (95%) of whom pleaded guilty. The 1.1 million persons were convicted and sentenced for about 1.5 million felony offenses during 2004. At the time of sentencing, about 3 out of 4 felons sentenced in 2004 (77%) were sentenced for a single felony. The rest were sentenced for two or more felonies. A drug crime was the most serious conviction offense for about a third of felons convicted in 2004.

Most serious conviction offense	Persons convicted of a felony in State courts in 2004	
	Number	Percent
All offenses	1,078,920	100 %
Violent offenses	194,570	18 %
Murder/nonnegligent manslaughter	8,400	1
Rape/sexual assault	33,190	3
Robbery	38,850	4
Aggravated assault	94,380	9
Other violent	19,750	2
Property offenses	310,680	29 %
Burglary	93,870	9
Larceny	119,340	11
Fraud/forgery	97,470	9
Drug offenses	362,850	34 %
Possession	161,090	15
Trafficking	201,760	19
Weapon offenses	33,010	3 %
Other offenses	177,810	17 %

Note: Detail may not sum to total because of rounding.

Majority of felony convictions occurred in State courts

Federal courts convicted 66,518 persons of a felony in 2004, which represented 6% of the combined State and Federal total convictions.

Violent offenses comprised 18% of felony convictions in State courts, compared to 4% of those in Federal courts. Weapons offenses accounted for 12% of felony convictions in Federal courts, compared to 3% of those in State courts.

Most serious conviction offense	Percent of persons convicted of a felony in 2004	
	Federal	State
All offenses	100 %	100 %
Violent offenses	4	18
Property offenses	18	29
Drug offenses	37	34
Weapon offenses	12	3
Other offenses	29	17
Estimated number	66,518	1,078,920

Note: Detail may not sum to total because of rounding.

Average age of convicted felons was 32 years

In 2004 persons in their twenties accounted for 40% of convicted felons, which was double their percentage of the adult population (18%). The average age of persons convicted of a felony in State courts in 2004 was 32 years. Men accounted for a larger percentage of persons convicted of a felony (82%), compared to their percentage of the adult population (49%). Whites were 82% of adults in the U.S. population, compared to 59% of persons convicted of a felony. Blacks were 12% of the adult population, but 38% of convicted felons.

Females accounted for a quarter of felony property offenders

Females comprised a relatively large proportion of persons convicted of a property crime in 2004 — 1 in 4 — compared to their proportion of those convicted of other crimes. Persons under 30 accounted for 48% of felony convictions for property offenses, but 61% of felony weapon convictions.

Characteristic of convicted felon	Felony conviction offenses in State courts in 2004					
	All	Violent	Property	Drug	Weapon	Other
Total	100 %	100 %	100 %	100 %	100 %	100 %
Gender						
Male	82 %	90 %	74 %	82 %	96 %	87 %
Female	18	10	26	18	4	13
Race						
White	59 %	57 %	64 %	52 %	43 %	69 %
Black	38	39	34	46	55	27
Other	3	3	2	2	2	4
Age at sentencing						
Under 20	7 %	10 %	8 %	4 %	10 %	5 %
20-29	40	43	40	41	51	35
30-39	27	25	28	27	21	29
40-49	19	16	18	21	13	23
50-59	5	5	5	5	4	7
60 or older	1	2	1	1	1	1
Mean	32 yr	31 yr	32 yr	33 yr	30 yr	34 yr

Note: Detail may not sum to total because of rounding. Data on gender were reported for 83% of all cases; race for 71%; age for 85%.

7 in 10 convicted felons in State courts were sentenced to incarceration

In 2004, 70% of all persons convicted of a felony in State courts were sentenced to a period of confinement — 40% to State prison and 30% to local jail. In some cases the incarceration sentences also included a term of probation supervision. Persons convicted of a violent felony (78%) were most likely to receive an incarceration sentence in 2004. An estimated 28% of convicted felons were sentenced to probation with no jail or prison time. Two percent of felons were not sentenced to any incarceration or probation but received a sentence that included fines, restitution, treatment, community service, or some other penalty (for example, house arrest or periodic drug testing).

Most serious conviction offense	Percent of felons convicted in State courts during 2004 sentenced to —				
	Total	Incarceration		Nonincarceration	
		Prison	Jail	Probation	Other
All offenses	100 %	40	30	28	2
Violent offenses	100 %	54	24	20	2
Property offenses	100 %	37	31	30	2
Drug offenses	100 %	37	30	30	3
Weapon offenses	100 %	44	28	27	1
Other offenses	100 %	34	35	29	2

Note: Detail may not sum to total because of rounding. Data on sentence type were reported for 98% of all cases.

Prison sentences in State courts averaged almost 5 years in 2004

State prison sentences averaged 4 years and 9 months in 2004. Persons convicted of a violent felony received the longest prison sentences in 2004. Felony sentences to jail averaged 6 months. The average felony sentence to incarceration (prison or jail) in State courts was about 3 years in 2004, compared to just over 5 years in Federal courts. Federal felony drug offenders received incarceration terms (7 years) that were about 2½ times the length of felony drug offenders in State courts (2 years and 7 months).

Among felons who were sentenced in State courts to probation and no incarceration, the average probation sentence was 3 years and 2 months.

Most serious conviction offense	Mean sentence length in State courts during 2004 for felons sentenced to —			
	Total	Incarceration		Straight probation
		Prison	Jail	
All offenses	37 mo	57 mo	6 mo	38 mo
Violent offenses	68	92	7	44
Property offenses	29	45	6	38
Drug offenses	31	51	6	38
Weapon offenses	32	47	7	34
Other offenses	24	41	6	38

Note: Means exclude life and death sentences. Data on sentence length were reported for 89% of all cases.

Less than 1% of convicted felons were sentenced to life in prison

Life sentences are rare among convicted felons in State courts, whether measured as a percentage of all sentences (0.3%) or as a percentage of prison sentences (0.8%). Among the estimated 8,400 persons convicted of murder or nonnegligent manslaughter in 2004, 20.4% were sentenced to life in prison.

In 2004, 29 States received 115 prisoners under sentence of death.* Not all 8,400 persons convicted of murder or nonnegligent manslaughter were subject to the death penalty. Twelve States did not authorize the death penalty in 2004. In the 38 States that did, only certain types of murder were capital offenses.

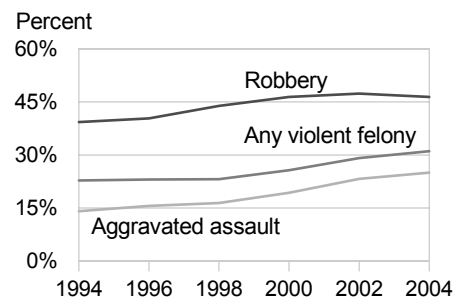
*See *Capital Punishment, 2004*, NCJ 211349, November 2005.

Trends in convictions and sentences for violent felonies

The likelihood of arrest leading to conviction for a violent crime has increased

In 2004 aggravated assault convictions in State courts totaled 94,380, and adult arrests for that crime totaled 377,580, indicating about a 25% likelihood of conviction for aggravated assault. The corresponding rate in 1994 was 14%. The robbery conviction rate also rose between 1994 (39%) and 2004 (46%). The overall conviction rate for violent felonies — murder, rape, robbery, and aggravated assault — increased from 23% in 1994 to 31% in 2004.

Percent of felony arrests leading to felony convictions, by offense



Note: 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.

Violent offenders were sentenced to shorter prison terms but served a larger percentage of their sentence

The estimated average prison sentence received by violent felony offenders in State courts decreased from nearly 10 years in 1994 to about 7½ years in 2004. During this period, the fraction of their court-imposed sentence actually served in prison increased from just under half to about two-thirds. As a result, the average time served in prison for a violent felony remained relatively stable between 1994 and 2004.

Mean State prison sentence and time served for violent felonies



Note: Estimates for time served in prison are based on the assumption that someone sentenced in a particular year would serve the fraction of the imposed sentence found among prisoners released that year. 2003 data were used to estimate time served in prison in 2004.



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Methodology

The National Judicial Reporting Program (NJRP) has been conducted every two years since 1986. The 2004 survey was based on a nationally representative stratified cluster sample of State courts from 300 counties. Case-level data were successfully obtained on 471,645 convicted felons from these 300 counties. The NJRP excluded misdemeanors and Federal court convictions.

More data from the survey, crime definitions, standard error tables and detail on methodology are in *State Court Sentencing of Convicted Felons, 2004 – Statistical Tables* <<http://www.ojp.usdoj.gov/bjs/abstract/scscfst.htm>>.

Other data sources

Federal court statistics were based on the BJS Federal justice database. More information may be obtained on the Internet at <<http://fjsrc.urban.org/index.cfm>>.

Arrest data were obtained from the FBI's Uniform Crime Reporting Program. More information is available at <<http://www.fbi.gov/ucr/ucr.htm>>.

The BJS National Corrections Reporting Program provided data on percent of time served in prison. More information is at <<http://www.ojp.usdoj.gov/bjs/correct.htm#ncrp>>.

Population estimates were obtained from the U.S. Census Bureau at <<http://www.census.gov/popest/national/asrh/>>.

The Bureau of Justice Statistics is the statistical agency of the U.S. Department of Justice. Jeffrey L. Sedgwick is director.

BJJS Bulletins present the first release of findings from permanent data collection programs.

This Bulletin was written by Matthew R. Durose and Patrick A. Langan, Ph.D. Grant LaFarge assisted with verification. Data collection and processing were performed by the U.S. Census Bureau. Tina Dorsey produced and edited the report with assistance from Joanna S. Bradford, under the supervision of Doris J. James. Jayne Robinson prepared the report for final printing.

July 2007, NCJ 215646

This report in portable document format and in ASCII and its related statistical data and tables are available at the BJS World Wide Web Internet site: <<http://www.ojp.usdoj.gov/bjs/abstract/fssc04.htm>>.

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