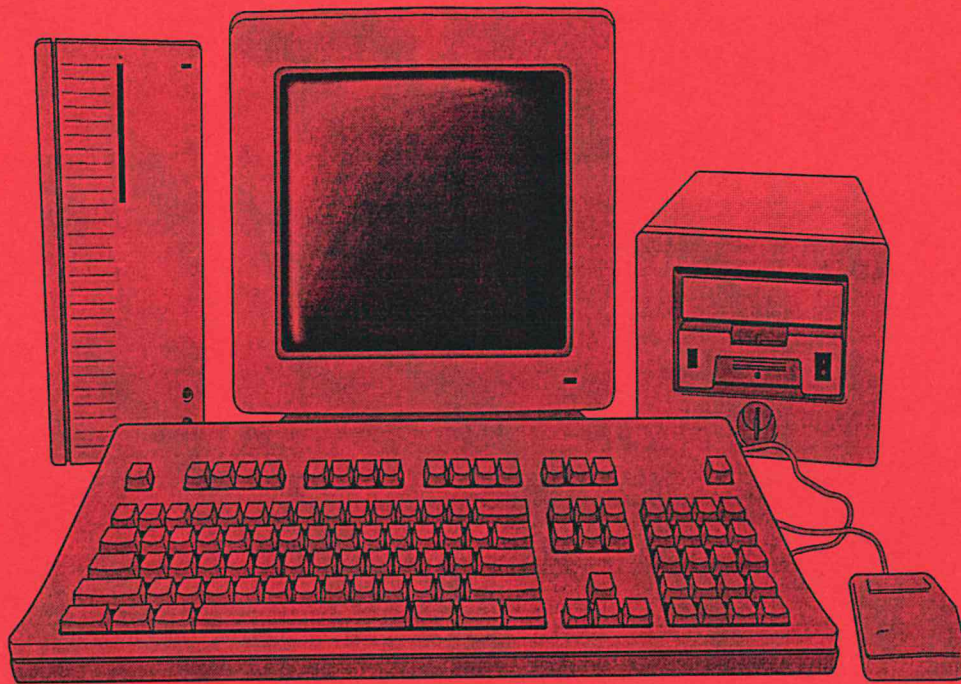


NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION



STRUCTURED SENTENCING MONITORING SYSTEM

REPORT FOR FELONIES: JULY 1996 THROUGH JUNE 1997

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

STRUCTURED SENTENCING MONITORING SYSTEM

FISCAL YEAR 1996-97 REPORT FOR FELONIES: JULY 1996 THROUGH JUNE 1997

EXECUTIVE SUMMARY

This report examines data on offenders convicted of felonies under Structured Sentencing during Fiscal Year 1996-97. The report presents information such as the number of felony convictions by month, offense class and prior record level, demographic characteristics of offenders, types of punishments imposed, conformity of sentences, types of intermediate punishments imposed, and several special issues. Important findings include:

- A total of 23,628 offenders were convicted of felonies under Structured Sentencing during Fiscal Year 1996-97.
- The greatest number of offenders fell into Offense Class H with Prior Record Level I.
- Data indicate that 86% of all offenders were male; 43% of all offenders were under the age of 26; and 59% of all offenders were Black.
- Nearly 32% of all felony offenders received an Active punishment; 42% received an Intermediate punishment; and 26% received a Community punishment.
- Of the four crime types -- Person, Property, Drug (non-trafficking), and Other -- offenders convicted of a Person offense were most likely to receive an Active punishment and least likely to receive either an Intermediate or Community punishment. Offenders convicted of a Property offense were most likely to receive an Intermediate punishment. Offenders convicted of a Drug offense (non-trafficking) were most likely to receive a Community punishment and least likely to receive an Active punishment.
- Eighty-three percent of all active sentences fell within the presumptive range; 9.6% fell within the mitigated range; and slightly more than 7% fell within the aggravated range.
- Of those cases where a specific intermediate sanction was reported in the database, the greatest number of sanctions was imposed for class H offenses. Special Probation was the most frequently imposed sanction.
- Other information of interest includes: 15 death sentences and 47 life without parole sentences were imposed; drug trafficking convictions accounted for 1% of all felony convictions; 22% of all offenders were ordered to perform community service; and 42% of all offenders were ordered to pay restitution.

INTRODUCTION

This report provides detailed information about felony offenders sentenced under Structured Sentencing during Fiscal Year 1996-97 (July 1, 1996 through June 30, 1997). The report only includes cases where an offender was convicted and sentenced for a felony crime which was committed on or after October 1, 1994 -- the effective date of Structured Sentencing.¹ This report reflects changes to the Structured Sentencing punishment grid made by the General Assembly. These changes apply to crimes committed on or after December 1, 1995, and allow an active sentence to be imposed for offenders convicted of a Class H offense with Prior Record Levels I or II.

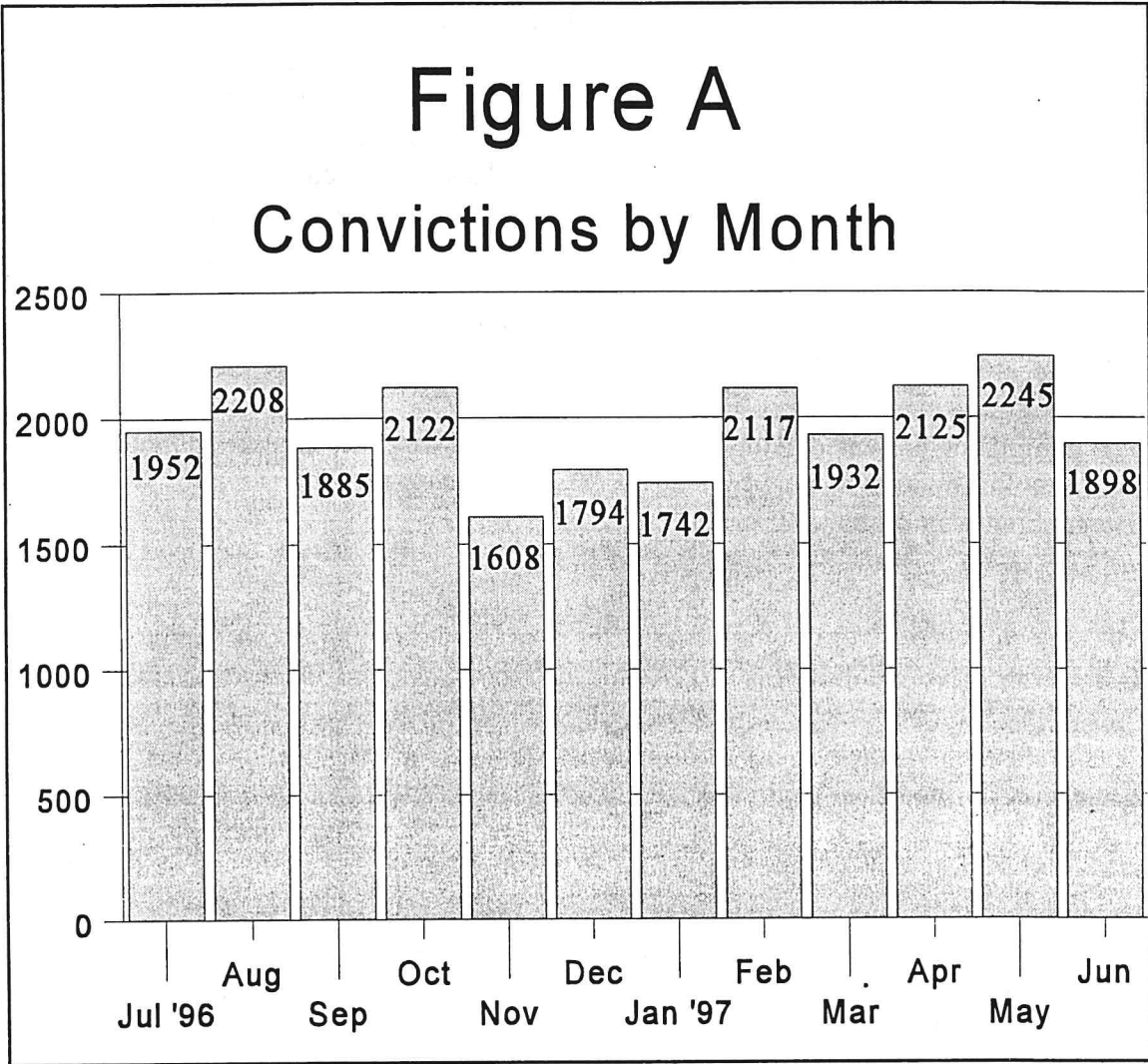
The information presented in this statistical summary is based on data entered into the AOC Criminal Information System by the court clerk following the imposition of the sentence. The report covers all North Carolina counties.

I. REPORTING OF SENTENCES

This section shows the number of offenders sentenced for felony crimes under Structured Sentencing during Fiscal Year 1996-97. Overall, sentences for 23,628 felony offenders were reported. Data about these offenders are summarized in this section (except for *Table 3*) and also in Section II. However, information on 3,097 offenders (or 13%) was eliminated due to problems and errors with data reported. Efforts continue to correct these errors and to resolve initial reporting problems. In addition, sentences imposed for drug trafficking offenses, which are subject to mandatory penalties, were excluded from the body of this report but are summarized in Section IV.

A. Convictions by Month

Figure A shows the number of offenders convicted under Structured Sentencing by month during Fiscal Year 1996-97.²



B. Convictions by County and by Judicial Division and District

Table 1 displays the number of offenders convicted in each county and *Table 2* shows the number of offenders convicted in each judicial division and district. See *Appendix A* for a map of judicial divisions and districts.

These tables also show whether the conviction resulted from a guilty plea or jury trial. *Table 2* shows that 4.5% of convictions in the First Judicial Division resulted from jury trials, compared to 2.8% in the Second Judicial Division, 3.7% in the Third Judicial Division, and 4.2% of convictions in the Fourth Judicial Division. Overall, 3.7% of all convictions statewide resulted from jury trials.

TABLE 1: CONVICTIONS BY COUNTY AND MODE OF DISPOSITION

COUNTY AND MODE OF DISPOSITION	MODE OF DISPOSITION		TOTAL
	GUILTY PLEA	JURY TRIAL	
	NUMBER	NUMBER	
COUNTY NAME			
ALAMANCE	730	12	742
ALEXANDER	41	3	44
ALLEGHANY	13	.	13
ANSON	92	11	103
ASHE	22	3	25
AVERY	12	.	12
BEAUFORT	116	12	128
BERTIE	98	8	106
BLADEN	138	6	144
BRUNSWICK	130	8	138
BUNCOMBE	564	24	588
BURKE	169	4	173
CABARRUS	368	16	384
CALDWELL	95	3	98
CAMDEN	9	.	9
CARTERET	132	4	136
CASWELL	78	1	79
CATAWBA	260	3	263
CHATHAM	77	3	80
CHEROKEE	35	1	36
CHOWAN	67	2	69
CLAY	7	.	7
CLEVELAND	196	16	212
COLUMBUS	201	7	208
CRAVEN	275	13	288
CUMBERLAND	843	20	863
CURRITUCK	29	2	31
DARE	90	7	97
DAVIDSON	339	15	354
DAVIE	48	7	55
DUPLIN	214	8	222
DURHAM	712	32	744
EDGECOMBE	250	17	267
FORSYTH	1050	32	1082
FRANKLIN	127	1	128
GASTON	532	46	578
GATES	25	1	26
GRAHAM	16	2	18
GRANVILLE	118	6	124
GREENE	96	2	98
GUILFORD	1732	62	1794
HALIFAX	159	19	178
HARNETT	180	7	187
HAYWOOD	86	5	91
HENDERSON	136	2	138
HERTFORD	131	8	139
HOKE	92	1	93
HYDE	16	7	23
IREDELL	287	11	298
JACKSON	48	1	49

COUNTY AND MODE OF DISPOSITION	MODE OF DISPOSITION		TOTAL
	GUILTY PLEA	JURY TRIAL	
	NUMBER	NUMBER	
COUNTY NAME			
JOHNSTON	314	13	327
JONES	18	1	19
LEE	157	8	165
LENOIR	348	17	365
LINCOLN	142	7	149
MACON	30	3	33
MADISON	17	.	17
MARTIN	83	8	91
MCDOWELL	108	5	113
MECKLENBURG	1920	66	1986
MITCHELL	19	.	19
MONTGOMERY	96	4	100
MOORE	173	2	175
NASH	257	3	260
NEW HANOVER	522	19	541
NORTHAMPTON	47	5	52
ONSLow	374	21	395
ORANGE	240	6	246
PAMLICO	42	3	45
PASQUOTANK	192	9	201
PENDER	129	1	130
PERQUIMANS	26	.	26
PERSON	152	1	153
PITT	416	16	432
POLK	12	1	13
RANDOLPH	166	9	175
RICHMOND	226	11	237
ROBESON	561	13	574
ROCKINGHAM	278	8	286
ROWAN	295	15	310
RUTHERFORD	128	8	136
SAMPSON	259	4	263
SCOTLAND	264	4	268
STANLY	155	6	161
STOKES	142	4	146
SURRY	201	3	204
SWAIN	31	1	32
TRANSYLVANIA	21	3	24
TYRRELL	10	.	10
UNION	275	7	282
VANCE	264	2	266
WAKE	1182	43	1225
WARREN	91	.	91
WASHINGTON	30	6	36
WATAUGA	57	.	57
WAYNE	481	18	499
WILKES	103	7	110
WILSON	305	5	310
YADKIN	66	3	69
YANCEY	38	4	42
TOTAL	22744	884	23628

TABLE 2: CONVICTIONS BY JUDICIAL DIVISION AND DISTRICT

JUDICIAL DIVISION AND DISTRICT AND MODE OF DISPOSITION		MODE OF DISPOSITION		
		GUILTY PLEA	JURY TRIAL	TOTAL
		NUMBER	NUMBER	NUMBER
JUDICIAL DIVISION	JUDICIAL DISTRICT			
FIRST	1	438	21	459
	2	255	33	288
	3A	416	16	432
	3B	449	20	469
	4A	491	13	504
	4B	374	21	395
	5	651	20	671
	6A	159	19	178
	6B	276	21	297
	7A	257	3	260
	7B	555	22	577
	8A	444	19	463
	8B	481	18	499
	SUB-TOTAL	5246	246	5492
	SECOND	JUDICIAL DISTRICT		
9A		230	2	232
9B		600	9	609
10		1182	43	1225
11A		337	15	352
11B		314	13	327
12		843	20	863
13		469	21	490
14		712	32	744
15A		730	12	742
15B		317	9	326
16A		356	5	361
16B		561	13	574
SUB-TOTAL		6651	194	6845

JUDICIAL DIVISION AND DISTRICT AND MODE OF DISPOSITION		MODE OF DISPOSITION			
		GUILTY PLEA	JURY TRIAL	TOTAL	
		NUMBER	NUMBER	NUMBER	
JUDICIAL DIVISION	JUDICIAL DISTRICT				
THIRD	17A	278	8	286	
	17B	343	7	350	
	18	1732	62	1794	
	19A	368	16	384	
	19B	262	13	275	
	19C	295	15	310	
	20A	491	24	515	
	20B	430	13	443	
	21	1050	32	1082	
	22	715	36	751	
	23	204	13	217	
	SUB-TOTAL	6168	239	6407	
	FOURTH	JUDICIAL DISTRICT			
		24	143	4	147
25A		264	7	271	
26		1920	66	1986	
27A		532	46	578	
27B		338	23	361	
28		564	24	588	
29		405	19	424	
30A		119	7	126	
30B		134	6	140	
SUB-TOTAL	4679	205	4884		
TOTAL		22744	884	23628	

C. Convictions by Offense Class and Prior Record Level

Table 3 shows the distribution of convictions by offense class and prior record level. Relative to other offense classes and prior record levels, the greatest number of convictions fell into Offense Class H (n=9,052 or 44%) and Prior Record Level II (n=7,326 or 36%). Overall, the greatest number of convictions fell in Offense Class H with Prior Record Level I (n=2,978 or 14.5%). Convictions containing incorrect offense classes, prior record levels, or other errors (n=3,097) were excluded from this table.

TABLE 3: CONVICTIONS BY OFFENSE CLASS AND PRIOR RECORD LEVEL

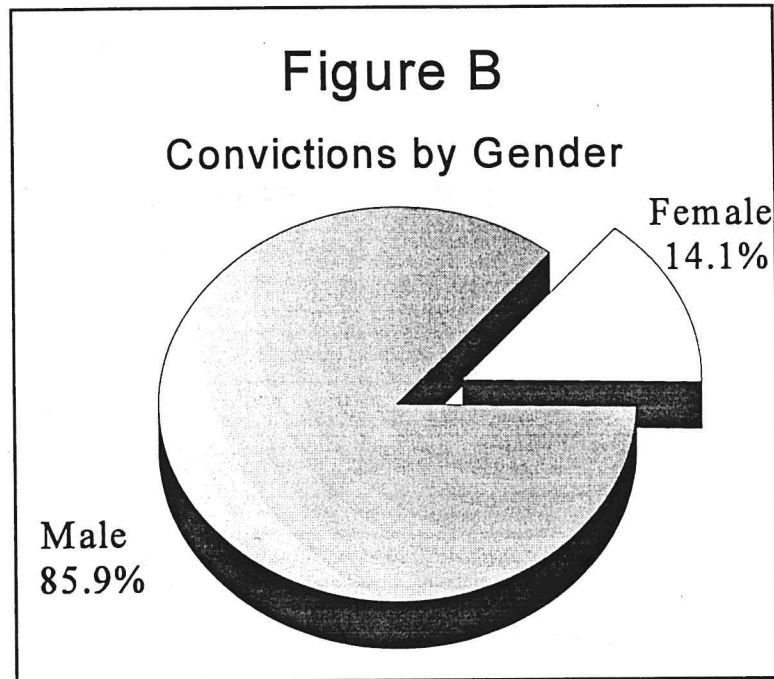
OFFENSE CLASS AND PRIOR RECORD LEVEL	PRIOR RECORD LEVEL						TOTAL
	I	II	III	IV	V	VI	
	NUMBER	NUMBER	NUMBER	NUMBER	NUMBER	NUMBER	
OFFENSE CLASS							
A	33	14	8	4	1	2	62
B1	24	15	11	9	.	3	62
B2	90	67	35	14	4	3	213
C	127	135	89	55	15	10	431
D	221	180	110	63	13	9	596
E	437	397	135	60	14	11	1054
F	376	277	135	50	7	2	847
G	397	528	363	181	47	16	1532
H	2978	2950	1882	968	177	97	9052
I	2200	2763	915	610	122	72	6682
TOTAL	6883	7326	3683	2014	400	225	20531

II. CHARACTERISTICS OF OFFENDERS

This section provides a breakdown of offenders by gender, race, and age. See *Appendix B* for additional breakdowns of offenders by demographic characteristics.

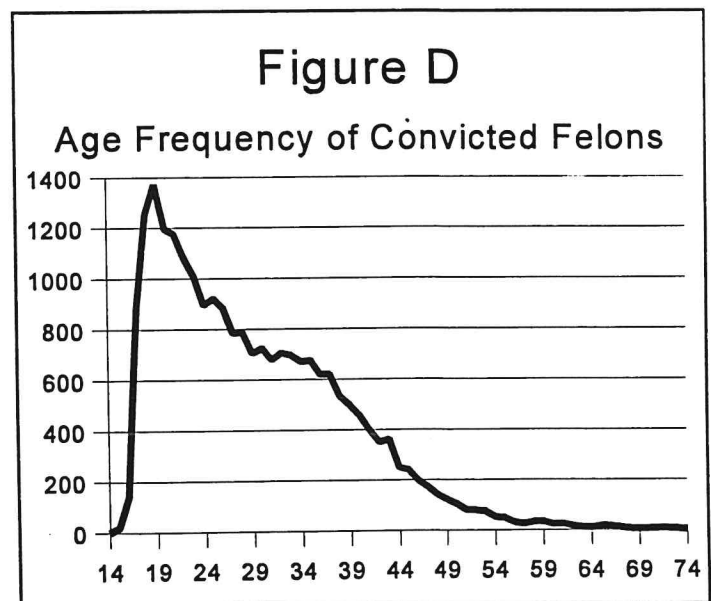
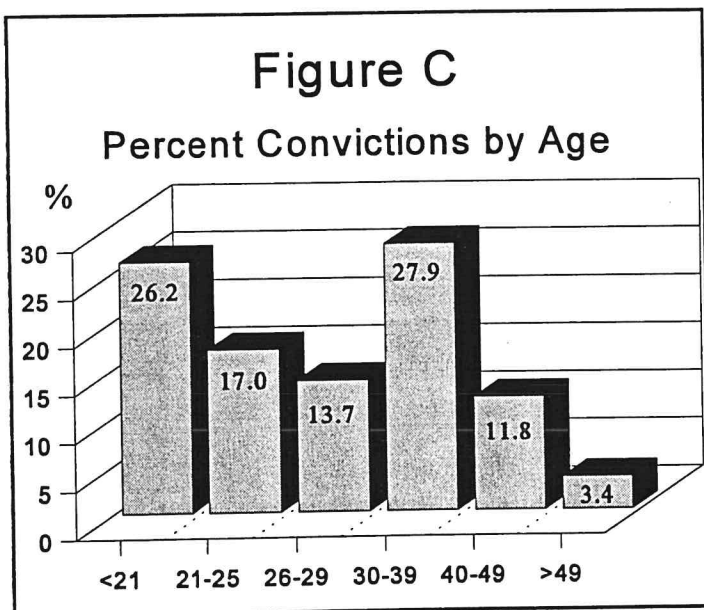
A. Convictions by Gender

Figure B shows that the majority of felony offenders were male (85.9%). *Table 4* shows in further detail a breakdown by gender, race, and age.



B. Convictions by Age

Figure C shows that about 43% of felony offenders were age 25 or younger; about 26% of offenders were under the age of 21, and about 15% of offenders were over the age of 40. *Figure D* depicts the distribution of felony offenders by age. The volume of offenders peaks in the late teens and early twenties and then declines as age increases.



C. Convictions by Race

Figure E shows that 59.1% of felony offenders were Black and 36.4% were White. A small percentage of offenders were American Indian (1.8%), Hispanic (0.9%), or Other (1.8%). See Table 4 for a summary of offender characteristics.

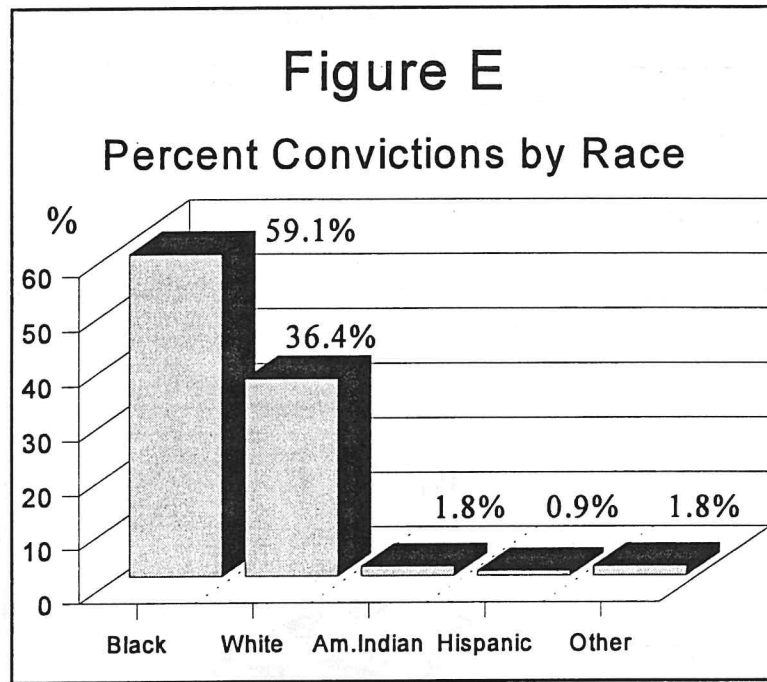


TABLE 4: CONVICTIONS BY GENDER, RACE, AND AGE

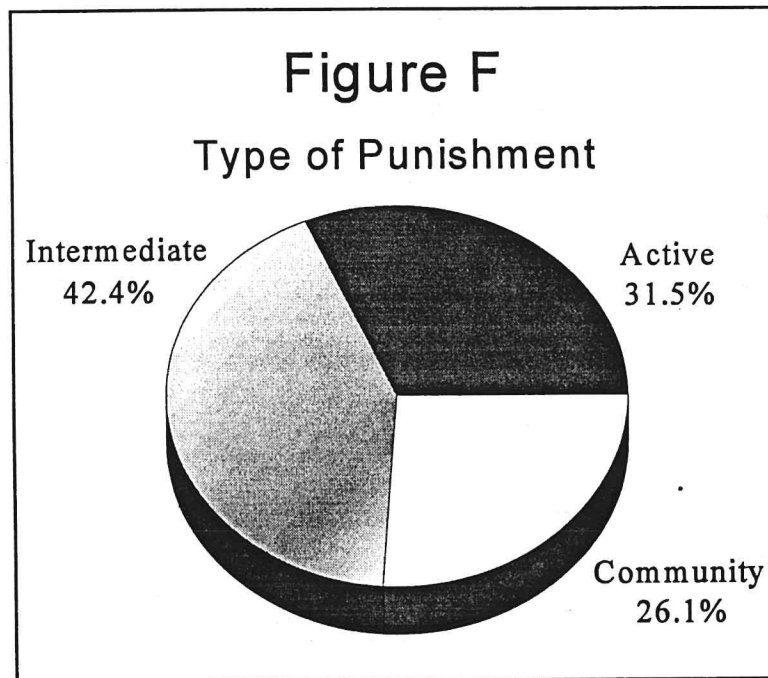
GENDER AND RACE BY AGE		AGE						TOTAL
		<21	21-25	26-29	30-39	40-49	>49	
		NUMBER	NUMBER	NUMBER	NUMBER	NUMBER	NUMBER	
GENDER	RACE							
Male	Asian	19	2	.	2	.	.	23
	Black	3500	2199	1623	3058	1336	328	12044
	Hispanic	40	49	38	47	10	2	186
	American Indian	116	67	45	82	43	10	363
	Unknown	66	46	44	66	25	7	254
	White	1835	1081	918	1938	837	315	6924
	SUB-TOTAL	5576	3444	2668	5193	2251	662	19794
Female	RACE							
	Asian	1	2	.	.	.	.	3
	Black	214	231	254	661	238	51	1649
	Hispanic	3	1	4	4	1	.	13
	American Indian	11	9	10	21	5	2	58
	Unknown	5	5	3	8	4	.	25
	White	234	221	227	543	210	72	1507
SUB-TOTAL	468	469	498	1237	458	125	3255	
TOTAL		6044	3913	3166	6430	2709	787	23049

III. THE PUNISHMENT IMPOSED

This section details the type of punishment imposed -- Active, Intermediate, or Community punishment. The tables in this section also show the average minimum and maximum sentences imposed for those offenders who received an Active punishment. The reader should note that consecutive sentences were not considered in calculating the average minimum or maximum sentence lengths.

A. Overall Punishment

Figure F shows that nearly 32% of all felony offenders received an Active punishment; about 42% received an Intermediate punishment; and about 26% received a Community punishment.³



B. Punishment by Offense Class

Table 5 shows the type of punishment received by offense class. (See Appendix C for sample offenses in each offense class). The table shows that all offenders in Offense Classes A through D received an Active punishment.⁴ The percentage of offenders receiving an active sentence increases as the offense class increases with the exception of Offense Class G which has a higher Active punishment rate than either Offense Class E or F.

The table also shows the average minimum and maximum sentence lengths by offense class for those offenders who received an Active punishment.⁵ As expected, the average minimum and maximum sentences imposed increase as offense class increases.⁶

TABLE 5: PUNISHMENT BY OFFENSE CLASS

OFFENSE CLASS AND AVERAGE LENGTH OF ACTIVE SENTENCES	TYPE OF PUNISHMENT						MINIMUM ACTIVE SENTENCE (MONTHS)	MAXIMUM ACTIVE SENTENCE (MONTHS)	TOTAL
	ACTIVE		INTERMEDIATE		COMMUNITY				
	NUMBER	%	NUMBER	%	NUMBER	%	MEAN	MEAN	NUMBER
OFFENSE CLASS									
A	62	100.0	.	.	.	.	.	.	62
B1	62	100.0	.	.	.	.	271.2	334.8	62
B2	213	100.0	.	.	.	.	161.0	202.6	213
C	431	100.0	.	.	.	.	87.3	113.9	431
D	596	100.0	.	.	.	.	70.0	93.6	596
E	531	50.4	523	49.6	.	.	29.3	44.1	1054
F	333	39.3	514	60.7	.	.	18.3	22.6	847
G	856	55.9	676	44.1	.	.	15.0	18.5	1532
H	2835	31.3	4565	50.4	1652	18.3	9.2	11.4	9052
I	551	8.2	2417	36.2	3714	55.6	7.4	9.4	6682
TOTAL	6470	31.5	8695	42.4	5366	26.1	30.4	39.5	20531

C. Punishment by Offense Class and Prior Record Level

Table 6 shows the type of punishment imposed by offense class and prior record level. Also shown are the average minimum and maximum sentence lengths for each combination of offense class and prior record level.⁷ Where the judge had the option of imposing an Active or Intermediate punishment, offenders convicted of a Class H offense with Prior Record Level II were most likely to receive an Intermediate punishment (76.9%) while offenders convicted of a Class I offense with Prior Record Level VI were most likely to receive an Active punishment (84.7%). Offenders convicted of a Class H offense with Prior Record Level I were least likely to receive an Active punishment (5.7%).

D. Punishment by Crime Type

Table 7 shows the type of punishment imposed by crime type. Of the four crime types, Person offenses had the highest percentage of offenders receiving an Active punishment (63.2%). Drug offenses (non-trafficking) had the lowest percentage of offenders receiving an Active punishment (17.1%). The highest percentage of offenders receiving an Intermediate punishment were those convicted of Property offenses (46.8%). Drug offenses (non-trafficking) had the highest percentage of offenders receiving a Community punishment (40.1%). Overall, offenders convicted of crimes of violence (murder, rape, armed robbery, etc.) were most likely to receive an Active sentence while offenders convicted of property, drug, or public order crimes were least likely to receive an Active sentence.

Table 7 also shows the average minimum and maximum sentences imposed for offenders who received an Active punishment. The longest sentences were imposed for violent crimes while the shortest average active sentences were imposed for property, drug, and public order crimes.⁸

TABLE 6: PUNISHMENT BY OFFENSE CLASS AND PRIOR RECORD LEVEL

OFFENSE CLASS, PRIOR RECORD LEVEL AND ACTIVE SENTENCELENGTH		TYPE OF PUNISHMENT						MINIMUM ACTIVE SENTENCE (MONTHS)	MAXIMUM ACTIVE SENTENCE (MONTHS)	TOTAL
		ACTIVE		INTERMEDIATE		COMMUNITY				
		NUMBER	%	NUMBER	%	NUMBER	%	MEAN	MEAN	NUMBER
A	PRIOR RECORD LEVEL									
	I	33	100.0	.	.	.	.	.	.	33
	II	14	100.0	.	.	.	.	.	.	14
	III	8	100.0	.	.	.	.	.	.	8
	IV	4	100.0	.	.	.	.	.	.	4
	V	1	100.0	.	.	.	.	.	.	1
	VI	2	100.0	.	.	.	.	.	.	2
	SUB-TOTAL	62	100.0	.	.	.	.	.	.	62
B1	PRIOR RECORD LEVEL									
	I	24	100.0	.	.	.	.	222.0	275.6	24
	II	15	100.0	.	.	.	.	244.7	302.7	15
	III	11	100.0	.	.	.	.	296.8	365.6	11
	IV	9	100.0	.	.	.	.	367.2	451.4	9
	VI	3	100.0	.	.	.	.	416.0	504.7	3
	SUB-TOTAL	62	100.0	.	.	.	.	271.2	334.8	62
	B2	PRIOR RECORD LEVEL								
I		90	100.0	.	.	.	.	136.9	174.2	90
II		67	100.0	.	.	.	.	159.5	200.2	67
III		35	100.0	.	.	.	.	188.2	234.9	35
IV		14	100.0	.	.	.	.	207.9	258.9	14
V		4	100.0	.	.	.	.	252.8	312.8	4
VI		3	100.0	.	.	.	.	263.7	325.7	3
SUB-TOTAL		213	100.0	.	.	.	.	161.0	202.6	213
C	PRIOR RECORD LEVEL									
	I	127	100.0	.	.	.	.	62.7	84.1	127
	II	135	100.0	.	.	.	.	83.8	109.8	135
	III	89	100.0	.	.	.	.	99.0	128.1	89
	IV	55	100.0	.	.	.	.	113.4	145.4	55
	V	15	100.0	.	.	.	.	123.2	157.3	15
	VI	10	100.0	.	.	.	.	145.2	183.1	10
	SUB-TOTAL	431	100.0	.	.	.	.	87.3	113.9	431

(continued)

TABLE 6: PUNISHMENT BY OFFENSE CLASS AND PRIOR RECORD LEVEL

OFFENSE CLASS, PRIOR RECORD LEVEL AND ACTIVE SENTENCELENGTH		TYPE OF PUNISHMENT						MINIMUM ACTIVE SENTENCE (MONTHS)	MAXIMUM ACTIVE SENTENCE (MONTHS)	TOTAL
		ACTIVE		INTERMEDIATE		COMMUNITY				
		NUMBER	%	NUMBER	%	NUMBER	%	MEAN	MEAN	NUMBER
D	PRIOR RECORD LEVEL									
	I	221	100.0	.	.	.	.	51.5	71.2	221
	II	180	100.0	.	.	.	.	63.8	86.0	180
	III	110	100.0	.	.	.	.	89.0	117.3	110
	IV	63	100.0	.	.	.	.	102.8	132.9	63
	V	13	100.0	.	.	.	.	106.6	137.3	13
	VI	9	100.0	.	.	.	.	132.6	168.9	9
	SUB-TOTAL	596	100.0	.	.	.	.	70.0	93.6	596
E	PRIOR RECORD LEVEL									
	I	147	33.6	290	66.4	.	.	23.3	36.8	437
	II	164	41.3	233	58.7	.	.	26.5	40.7	397
	III	135	100.0	.	.	.	.	30.5	45.3	135
	IV	60	100.0	.	.	.	.	40.4	58.0	60
	V	14	100.0	.	.	.	.	48.1	67.1	14
	VI	11	100.0	.	.	.	.	51.4	70.9	11
	SUB-TOTAL	531	50.4	523	49.6	.	.	29.3	44.1	1054
F	PRIOR RECORD LEVEL									
	I	103	27.4	273	72.6	.	.	15.3	19.0	376
	II	100	36.1	177	63.9	.	.	17.5	21.7	277
	III	71	52.6	64	47.4	.	.	19.1	23.7	135
	IV	50	100.0	.	.	.	.	22.7	27.8	50
	V	7	100.0	.	.	.	.	27.0	32.7	7
	VI	2	100.0	.	.	.	.	41.5	50.0	2
	SUB-TOTAL	333	39.3	514	60.7	.	.	18.3	22.6	847
G	PRIOR RECORD LEVEL									
	I	115	29.0	282	71.0	.	.	11.7	14.4	397
	II	271	51.3	257	48.7	.	.	13.5	16.5	528
	III	261	71.9	102	28.1	.	.	14.7	18.1	363
	IV	146	80.7	35	19.3	.	.	18.2	22.4	181
	V	47	100.0	.	.	.	.	20.1	25.4	47
	VI	16	100.0	.	.	.	.	28.1	34.5	16
	SUB-TOTAL	856	55.9	676	44.1	.	.	15.0	18.5	1532

(continued)

TABLE 6: PUNISHMENT BY OFFENSE CLASS AND PRIOR RECORD LEVEL

OFFENSE CLASS, PRIOR RECORD LEVEL AND ACTIVE SENTENCELENGTH		TYPE OF PUNISHMENT						MINIMUM ACTIVE SENTENCE (MONTHS)	MAXIMUM ACTIVE SENTENCE (MONTHS)	TOTAL
		ACTIVE		INTERMEDIATE		COMMUNITY				
		NUMBER	%	NUMBER	%	NUMBER	%	MEAN	MEAN	NUMBER
H	PRIOR RECORD LEVEL									
	I	171	5.7	1155	38.8	1652	55.5	5.7	7.3	2978
	II	682	23.1	2268	76.9	.	.	7.0	8.9	2950
	III	1049	55.7	833	44.3	.	.	9.0	11.0	1882
	IV	691	71.4	277	28.6	.	.	10.2	12.7	968
	V	145	81.9	32	18.1	.	.	13.7	16.8	177
	VI	97	100.0	.	.	.	.	18.4	22.4	97
	SUB-TOTAL	2835	31.3	4565	50.4	1652	18.3	9.2	11.4	9052
I	PRIOR RECORD LEVEL									
	I	.	.	.	.	2200	100.0	.	.	2200
	II	.	.	1249	45.2	1514	54.8	.	.	2763
	III	.	.	915	100.0	.	.	.	.	915
	IV	395	64.8	215	35.2	.	.	7.0	8.9	610
	V	95	77.9	27	22.1	.	.	8.2	10.2	122
	VI	61	84.7	11	15.3	.	.	9.1	11.1	72
	SUB-TOTAL	551	8.2	2417	36.2	3714	55.6	7.4	9.4	6682
TOTAL		6470	31.5	8695	42.4	5366	26.1	30.4	39.5	20531

TABLE 7: PUNISHMENT BY CRIME TYPE

TYPE OF SENTENCE, CRIME TYPE AND ACTIVE SENTENCE LENGTH		TYPE OF PUNISHMENT						MINIMUM ACTIVE SENTENCE (MONTHS)	MAXIMUM ACTIVE SENTENCE (MONTHS)	TOTAL
		ACTIVE		INTERMEDIATE		COMMUNITY				
		NUMBER	%	NUMBER	%	NUMBER	%	MEAN	MEAN	NUMBER
CRIME TYPE	OFFENSE									
PERSON	MURDER, 1ST DEGREE	62	100.0	.	.	.	.	.	.	62
	MURDER, 2ND DEGREE.	188	100.0	.	.	.	.	162.5	204.4	188
	ATTEMPTED MURDER	1	100.0	.	.	.	.	60.0	81.0	1
	SOLICITATION TO COMMIT MURDER	2	100.0	.	.	.	.	53.5	73.5	2
	MANSLAUGHTER, -VOLUNTARY	80	71.4	32	28.6	.	.	31.7	47.1	112
	MANSLAUGHTER, -INVOLUNTARY	42	61.8	26	38.2	.	.	17.6	22.1	68
	ARMED ROBBERY	506	100.0	.	.	.	.	69.4	93.0	506
	COMMON LAW ROBBERY	418	49.8	410	48.8	12	1.4	16.3	20.5	840
	AWDWIKISI	65	100.0	.	.	.	.	88.4	115.3	65
	AWDW INTENT TO KILL	17	45.9	20	54.1	.	.	29.5	44.2	37
	AWDW SERIOUS INJURY	254	47.1	285	52.9	.	.	29.4	44.2	539
	AWDW OFFCL, GOVRNNT OFFCL, EMRGNCY PERSNL	46	60.5	30	39.5	.	.	20.6	25.2	76
	ASSAULT LAW ENFORCEMENT OFF. W/FIREARM	2	50.0	2	50.0	.	.	27.5	42.0	4
	OTHER FELONY ASSAULTS	23	38.3	37	61.7	.	.	29.9	39.1	60
	RAPE, SEX OFFENSE 1ST	56	100.0	.	.	.	.	279.9	345.1	56
	RAPE, S.O. #1 ,ATT	15	100.0	.	.	.	.	138.5	175.7	15
	RAPE, SEX OFF 2ND	79	100.0	.	.	.	.	86.7	113.2	79
	RAPE, S.O. #2 ,ATT	23	100.0	.	.	.	.	66.1	88.7	23
	INDECENT LIBERTIES W/ CHILD	179	37.5	298	62.5	.	.	17.9	22.2	477
	CHILD ABUSE	13	36.1	23	63.9	.	.	27.4	42.2	36
OTHER SEX CRIMES	57	52.8	31	28.7	20	18.5	61.5	80.6	108	
KIDNAP, ABDUCT-ION	83	75.5	27	24.5	.	.	55.0	75.3	110	
ATEMPTED KIDNAPPING	1	100.0	.	.	.	.	66.0	89.0	1	
ALL OTHER PERSON	40	40.0	53	53.0	7	7.0	21.7	28.9	100	
SUB-TOTAL		2252	63.2	1274	35.7	39	1.1	59.4	77.7	3565

(continued)

TABLE 7: PUNISHMENT BY CRIME TYPE

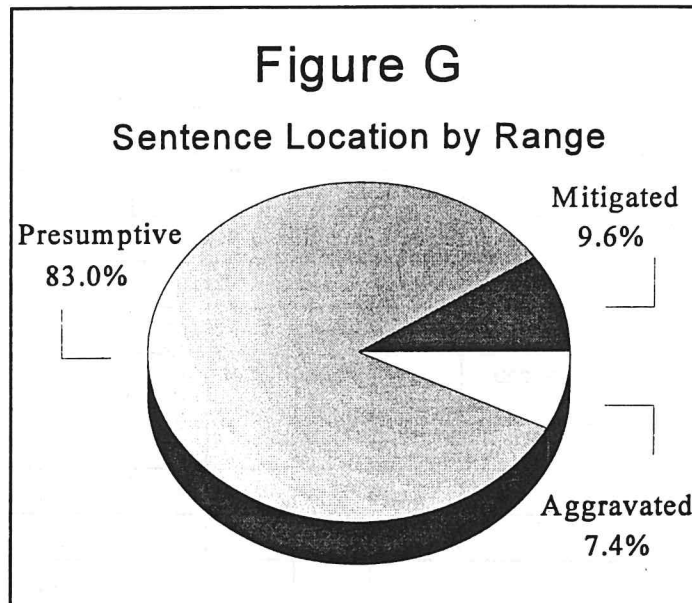
TYPE OF SENTENCE, CRIME TYPE AND ACTIVE SENTENCE LENGTH		TYPE OF PUNISHMENT						MINIMUM ACTIVE SENTENCE (MONTHS)	MAXIMUM ACTIVE SENTENCE (MONTHS)	TOTAL
		ACTIVE		INTERMEDIATE		COMMUNITY				
		NUMBER	%	NUMBER	%	NUMBER	%	MEAN	MEAN	NUMBER
CRIME TYPE	OFFENSE									
PROPERTY	BURGLARY, 1ST DEG	40	100.0	.	.	.	.	79.5	104.8	40
	BURGLARY, 2ND DEG	86	55.5	69	44.5	.	.	15.3	18.8	155
	BREAKING/ENTERING	960	32.5	1419	48.1	573	19.4	9.4	11.7	2952
	LARCENY	387	28.4	686	50.3	290	21.3	9.6	11.8	1363
	1ST DEGREE ARSON	4	100.0	.	.	.	.	76.5	100.5	4
	2ND DEGREE ARSON	17	39.5	26	60.5	.	.	13.9	17.1	43
	OTHER ARSON/BURNING	20	24.1	47	56.6	16	19.3	13.6	17.2	83
	FORGERY	85	9.1	379	40.6	469	50.3	7.6	9.5	933
	FRAUD	23	10.0	70	30.6	136	59.4	7.7	9.8	229
	EMBEZZLEMENT	13	4.9	93	35.2	158	59.8	8.3	10.4	264
	ALL OTHER PROPTTY	423	26.6	792	49.7	377	23.7	9.6	12.0	1592
SUB-TOTAL	2058	26.9	3581	46.8	2019	26.4	11.2	14.0	7658	
DRUGS (Non-trafficking)	OFFENSE									
	DRUG POSSESSION	206	6.7	1167	37.9	1710	55.5	7.4	9.4	3083
	OTHER DRUG FELONIES	1131	23.9	2180	46.0	1431	30.2	8.9	11.2	4742
	SUB-TOTAL	1337	17.1	3347	42.8	3141	40.1	8.7	10.9	7825
OTHER FELONY	OFFENSE									
	WEAPON OFFENSE	145	40.5	180	50.3	33	9.2	19.8	26.9	358
	HABITUAL FELON	237	100.0	.	.	.	.	86.6	113.0	237
	HABITUAL MISDEMEANOR ASSAULT	13	65.0	7	35.0	.	.	12.7	15.8	20
	HABITUAL IMPAIRED DRIVING	272	70.3	115	29.7	.	.	14.6	18.0	387
	ALL OTHER FELONY	156	32.4	191	39.7	134	27.9	18.4	23.7	481
	SUB-TOTAL	823	55.5	493	33.2	167	11.3	36.9	48.0	1483
TOTAL		6470	31.5	8695	42.4	5366	26.1	30.4	39.5	20531

IV. SENTENCE LOCATION IN THE STRUCTURED SENTENCING RANGES

This section deals only with offenders who received an active sentence. It shows the percentage of sentences imposed in the presumptive, mitigated, and aggravated ranges. Use of the Structured Sentencing ranges is detailed further in *Appendix B*.

A. Sentence Location

Figure G shows that 83% of all active sentences fell within the presumptive range; 9.6% fell within the mitigated range; and 7.4% fell within the aggravated range.



B. Sentence Location by Offense Class

Table 8 shows sentence location within ranges by offense class. At least 54% of all active sentences fell within the presumptive range for each offense class. Generally, the lower the offense class, the higher the percentage of active sentences in the presumptive range.

TABLE 8: SENTENCE LOCATION BY OFFENSE CLASS

NUMBER AND PERCENT OF ACTIVE CASES FALLING WITHIN SPECIFIED SENTENCE RANGE	RANGES						TOTAL NUMBER
	MITIGATED RANGE		PRESUMPTIVE RANGE		AGGRAVATED RANGE		
	NUMBER	%	NUMBER	%	NUMBER	%	
OFFENSE CLASS							
A	.	.	62	100.0	.	.	62
B1	6	9.7	49	79.0	7	11.3	62
B2	51	23.9	115	54.0	47	22.1	213
C	35	8.1	356	82.6	40	9.3	431
D	146	24.5	402	67.4	48	8.1	596
E	60	11.3	414	78.0	57	10.7	531
F	34	10.2	258	77.5	41	12.3	333
G	67	7.8	723	84.5	66	7.7	856
H	189	6.7	2500	88.2	146	5.1	2835
I	34	6.2	491	89.1	26	4.7	551
TOTAL	622	9.6	5370	83.0	478	7.4	6470

C. Sentence Location by Offense Class and Prior Record Level

Table 9 shows sentence location by both offense class and prior record level.

TABLE 9: SENTENCE LOCATION BY OFFENSE CLASS AND PRIOR RECORD LEVEL

NUMBER AND PERCENT OF ACTIVE CASES FALLING WITHIN SPECIFIED SENTENCE RANGE		RANGES						TOTAL NUMBER	
		MITIGATED RANGE		PRESUMPTIVE RANGE		AGGRAVATED RANGE			
		NUMBER	%	NUMBER	%	NUMBER	%		
OFFENSE CLASS	PRIOR RECORD LEVEL								
A	I	.	.	33	100.0	.	.	33	
	II	.	.	14	100.0	.	.	14	
	III	.	.	8	100.0	.	.	8	
	IV	.	.	4	100.0	.	.	4	
	V	.	.	1	100.0	.	.	1	
	VI	.	.	2	100.0	.	.	2	
	SUB-TOTAL	.	.	62	100.0	.	.	62	
	B1	I	3	12.5	17	70.8	4	16.7	24
II		2	13.3	13	86.7	.	.	15	
III		1	9.1	9	81.8	1	9.1	11	
IV		.	.	7	77.8	2	22.2	9	
VI		.	.	3	100.0	.	.	3	
SUB-TOTAL		6	9.7	49	79.0	7	11.3	62	
B2		I	24	26.7	47	52.2	19	21.1	90
		II	15	22.4	37	55.2	15	22.4	67
	III	7	20.0	19	54.3	9	25.7	35	
	IV	5	35.7	5	35.7	4	28.6	14	
	V	.	.	4	100.0	.	.	4	
	VI	.	.	3	100.0	.	.	3	
	SUB-TOTAL	51	23.9	115	54.0	47	22.1	213	
	C	I	17	13.4	96	75.6	14	11.0	127
II		10	7.4	115	85.2	10	7.4	135	
III		5	5.6	74	83.1	10	11.2	89	
IV		3	5.5	49	89.1	3	5.5	55	
V		.	.	15	100.0	.	.	15	
VI		.	.	7	70.0	3	30.0	10	
SUB-TOTAL		35	8.1	356	82.6	40	9.3	431	

(continued)

TABLE 9: SENTENCE LOCATION BY OFFENSE CLASS AND PRIOR RECORD LEVEL

NUMBER AND PERCENT OF ACTIVE CASES FALLING WITHIN SPECIFIED SENTENCE RANGE		RANGES						TOTAL NUMBER
		MITIGATED RANGE		PRESUMPTIVE RANGE		AGGRAVATED RANGE		
		NUMBER	%	NUMBER	%	NUMBER	%	
OFFENSE CLASS	PRIOR RECORD LEVEL							
D	I	67	30.3	147	66.5	7	3.2	221
	II	44	24.4	119	66.1	17	9.4	180
	III	21	19.1	75	68.2	14	12.7	110
	IV	10	15.9	45	71.4	8	12.7	63
	V	3	23.1	9	69.2	1	7.7	13
	VI	1	11.1	7	77.8	1	11.1	9
	SUB-TOTAL	146	24.5	402	67.4	48	8.1	596
	E	PRIOR RECORD LEVEL						
I		12	8.2	118	80.3	17	11.6	147
II		15	9.1	128	78.0	21	12.8	164
III		18	13.3	104	77.0	13	9.6	135
IV		12	20.0	43	71.7	5	8.3	60
V		1	7.1	13	92.9	.	.	14
VI		2	18.2	8	72.7	1	9.1	11
SUB-TOTAL		60	11.3	414	78.0	57	10.7	531
F	PRIOR RECORD LEVEL							
	I	4	3.9	86	83.5	13	12.6	103
	II	9	9.0	76	76.0	15	15.0	100
	III	9	12.7	56	78.9	6	8.5	71
	IV	9	18.0	36	72.0	5	10.0	50
	V	3	42.9	3	42.9	1	14.3	7
	VI	.	.	1	50.0	1	50.0	2
	SUB-TOTAL	34	10.2	258	77.5	41	12.3	333
G	PRIOR RECORD LEVEL							
	I	12	10.4	92	80.0	11	9.6	115
	II	22	8.1	229	84.5	20	7.4	271
	III	17	6.5	226	86.6	18	6.9	261
	IV	13	8.9	123	84.2	10	6.8	146
	V	3	6.4	39	83.0	5	10.6	47
	VI	.	.	14	87.5	2	12.5	16
	SUB-TOTAL	67	7.8	723	84.5	66	7.7	856

(continued)

TABLE 9: SENTENCE LOCATION BY OFFENSE CLASS AND PRIOR RECORD LEVEL

NUMBER AND PERCENT OF ACTIVE CASES FALLING WITHIN SPECIFIED SENTENCE RANGE		RANGES						TOTAL NUMBER
		MITIGATED RANGE		PRESUMPTIVE RANGE		AGGRAVATED RANGE		
		NUMBER	%	NUMBER	%	NUMBER	%	
OFFENSE CLASS	PRIOR RECORD LEVEL							
H	I	14	8.2	144	84.2	13	7.6	171
	II	37	5.4	623	91.3	22	3.2	682
	III	78	7.4	918	87.5	53	5.1	1049
	IV	42	6.1	609	88.1	40	5.8	691
	V	9	6.2	125	86.2	11	7.6	145
	VI	9	9.3	81	83.5	7	7.2	97
	SUB-TOTAL	189	6.7	2500	88.2	146	5.1	2835
	I	PRIOR RECORD LEVEL						
IV		20	5.1	359	90.9	16	4.1	395
V		8	8.4	79	83.2	8	8.4	95
VI		6	9.8	53	86.9	2	3.3	61
SUB-TOTAL		34	6.2	491	89.1	26	4.7	551
TOTAL		622	9.6	5370	83.0	478	7.4	6470

D. Sentence Location by Crime Type

Table 10 shows sentence location for selected crime types. Of the four crime types, Person offenses accounted for the highest percentage of aggravated sentences (11.3%) and the highest percentage of mitigated sentences (14.9%). Drug offenses (non-trafficking) accounted for the lowest percentage of mitigated sentences (6.2%) and the lowest percentage of aggravated sentences (3.9%).

TABLE 10: SENTENCE LOCATION BY CRIME TYPE

NUMBER AND PERCENT OF ACTIVE CASES FALLING WITHIN SPECIFIED SENTENCE RANGE		RANGES						TOTAL
		MITIGATED RANGE		PRESUMPTIVE RANGE		AGGRAVATED RANGE		
		NUMBER	%	NUMBER	%	NUMBER	%		NUMBER
CRIME TYPE	OFFENSES							
PERSON	MURDER, 1ST DEGREE	.	.	62	100.0	.	.	62
	MURDER, 2ND DEGREE	45	23.9	99	52.7	44	23.4	188
	ATTEMPTED MURDER	.	.	1	100.0	.	.	1
	SOLICITATION TO COMMIT MURDER	.	.	2	100.0	.	.	2
	MANSLAUGHTER, -VOLUNTARY	8	10.0	57	71.3	15	18.8	80
	MANSLAUGHTER, -INVOLUNTARY	6	14.3	28	66.7	8	19.0	42
	ARMED ROBBERY	130	25.7	339	67.0	37	7.3	506
	COMMON LAW ROBBERY	33	7.9	342	81.8	43	10.3	418
	AWDWIKISI	7	10.8	49	75.4	9	13.8	65
	AWDW INTENT TO KILL	2	11.8	12	70.6	3	17.6	17
	AWDW SERIOUS INJURY	39	15.4	195	76.8	20	7.9	254
	AWDW OFFCL, GOVRNNT OFFCL, EMRGNCY PERSNL	4	8.7	33	71.7	9	19.6	46
	ASSAULT LAW ENFORCEMENT OFF. W/FIREARM	1	50.0	1	50.0	.	.	2
	OTHER FELONY ASSAULTS	4	17.4	18	78.3	1	4.3	23
	RAPE, SEX OFFENSE 1ST	5	8.9	44	78.6	7	12.5	56
	RAPE, S.O. #1 ,ATT	4	26.7	10	66.7	1	6.7	15
	RAPE, SEX OFF 2ND	8	10.1	54	68.4	17	21.5	79
	RAPE, S.O. #2 ,ATT	5	21.7	17	73.9	1	4.3	23
	INDECENT LIBERTIES W/ CHILD	14	7.8	144	80.4	21	11.7	179
	CHILD ABUSE	1	7.7	8	61.5	4	30.8	13
	OTHER SEX CRIMES	6	10.5	46	80.7	5	8.8	57
	KIDNAP, ABDUCTION	8	9.6	66	79.5	9	10.8	83
	ATTEMPTED KIDNAPPING	.	.	1	100.0	.	.	1
	ALL OTHER PERSON	5	12.5	34	85.0	1	2.5	40
SUB-TOTAL		335	14.9	1662	73.8	255	11.3	2252

(continued)

TABLE 10: SENTENCE LOCATION BY CRIME TYPE

NUMBER AND PERCENT OF ACTIVE CASES FALLING WITHIN SPECIFIED SENTENCE RANGE		RANGES						TOTAL NUMBER
		MITIGATED RANGE		PRESUMPTIVE RANGE		AGGRAVATED RANGE		
		NUMBER	%	NUMBER	%	NUMBER	%	
CRIME TYPE	OFFENSES							
PROPERTY	BURGLARY, 1ST DEG	8	20.0	23	57.5	9	22.5	40
	BURGLARY, 2ND DEG	5	5.8	68	79.1	13	15.1	86
	BREAKING/ENTERING	60	6.3	840	87.5	60	6.3	960
	LARCENY	29	7.5	332	85.8	26	6.7	387
	1ST DEGREE ARSON	1	25.0	3	75.0	.	.	4
	2ND DEGREE ARSON	4	23.5	11	64.7	2	11.8	17
	OTHER ARSON/BURNING	.	.	16	80.0	4	20.0	20
	FORGERY	4	4.7	79	92.9	2	2.4	85
	FRAUD	.	.	22	95.7	1	4.3	23
	EMBEZZLEMENT	.	.	12	92.3	1	7.7	13
	ALL OTHER PROPTTY	36	8.5	369	87.2	18	4.3	423
	SUB-TOTAL	147	7.1	1775	86.2	136	6.6	2058
DRUGS (Non-trafficking)	OFFENSES							
	DRUG POSSESSION	15	7.3	182	88.3	9	4.4	206
	OTHER DRUG FELONIES	68	6.0	1020	90.2	43	3.8	1131
	SUB-TOTAL	83	6.2	1202	89.9	52	3.9	1337
OTHER FELONY	OFFENSES							
	WEAPON OFFENSE	14	9.7	124	85.5	7	4.8	145
	HABITUAL FELON	8	3.4	223	94.1	6	2.5	237
	HABITUAL MISDEMEANOR ASSAULT	.	.	9	69.2	4	30.8	13
	ALL OTHER FELONY	35	8.2	375	87.6	18	4.2	428
	SUB-TOTAL	57	6.9	731	88.8	35	4.3	823
TOTAL		622	9.6	5370	83.0	478	7.4	6470

E. Length of Active Sentence Relative to the Structured Sentencing Range

Figure H shows the location of the average minimum sentence by offense class within the sentence range. Figure I shows the location of the average minimum sentence by prior record level within the sentence range. For the purposes of this section, the length of the sentence range spans the mitigated, presumptive, and aggravated ranges. For example, an average minimum sentence length of 100% falls at the top of the sentencing range -- the maximum aggravated sentence length; an average minimum sentence of 0% falls at the bottom of the sentencing range -- the minimum mitigated sentence length; and an average minimum sentence of 50% falls at the midpoint of the range -- a point falling within the presumptive range.

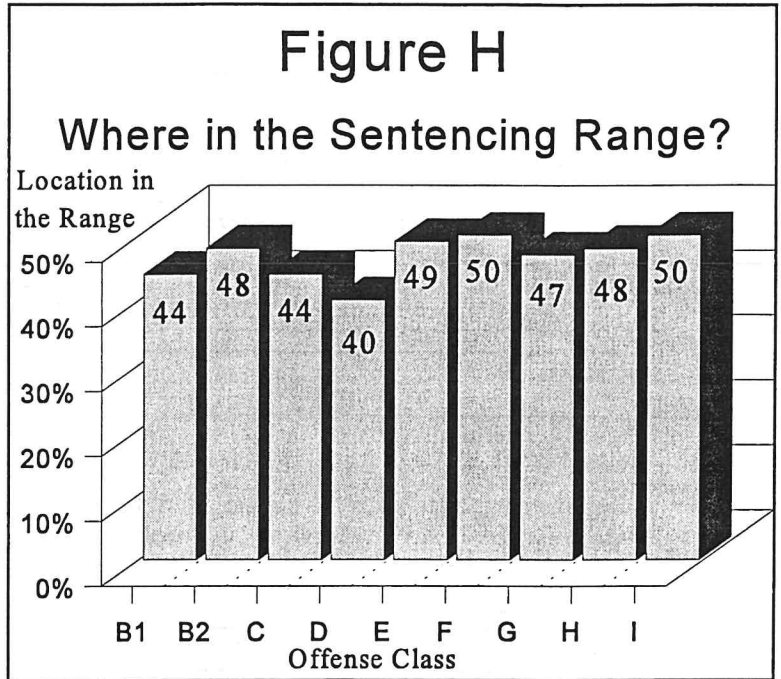


Figure H shows that the average minimum sentence length for Offense Class D fell in the lowest percentile of the range relative to the other offense classes (40%). The average minimum sentence length for the other offense classes fell near the midpoint of the range.

Figure I shows that the average minimum sentence length for Prior Record Level I fell in the lowest percentile of the range relative to the other prior record levels (45%). The average minimum sentence length for the other prior record levels fell near the midpoint of the range. Overall, the average minimum sentence length for the 6,408 offenders who received an active sentence fell just below the midpoint of the sentencing range (47%).⁹

Table 11 shows the location in the sentencing range of the average minimum sentence lengths of selected crime types. Data indicate that the average minimum sentence length for Assault on a Law Enforcement Officer w/ a Firearm fell in the lowest percentile of the range relative to other offenses (16%). The average sentence lengths for First Degree Arson (27%), Attempted Murder (33%), Attempted First Degree Rape (35%), Attempted Second Degree Rape (36%), and Habitual Felon (38%) also fell near the bottom of the sentencing range. This may indicate that mitigated sentences were more likely to be imposed for these offenses. The average minimum sentence lengths for all other offenses fell at or near the midpoint of the range.

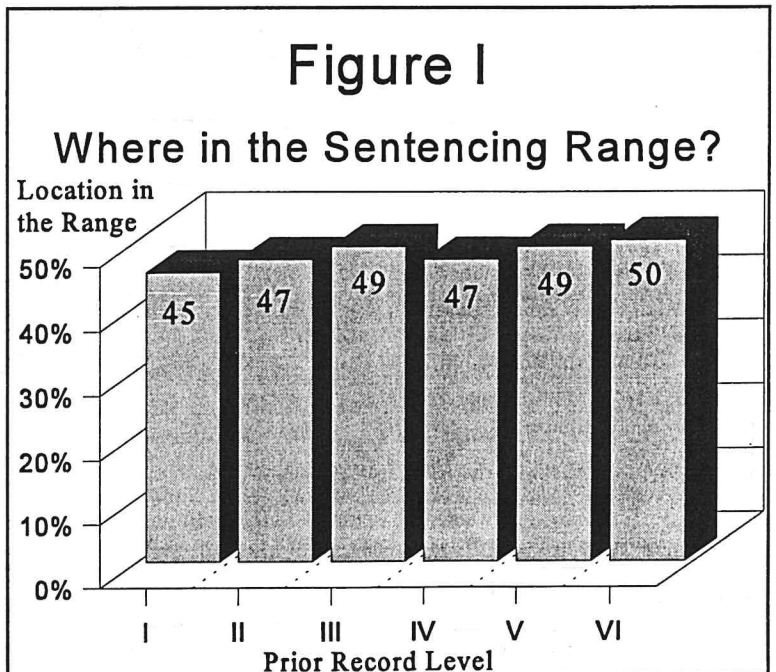


TABLE 11: CRIME TYPE BY THE SENTENCE RANGE

TOTAL NUMBER OF ACTIVE CASES IN THE RANGE AND THE LOCATION OF THE AVERAGE SENTENCE IMPOSED IN THE RANGE		NUMBER IN THE RANGE	WHERE IN THE RANGE?
		NUMBER	MEAN
CRIME TYPE	OFFENSES		
PERSON	MURDER, 2ND DEGREE.	188	49
	ATTEMPTED MURDER	1	33
	SOLICITATION TO COMMIT MURDER	2	57
	MANSLAUGHTER, - VOLUNTARY	80	54
	MANSLAUGHTER, - INVOLUNTARY	42	56
	ARMED ROBBERY	506	40
	COMMON LAW ROBBERY	418	48
	AWDWIKISI	65	48
	AWDW INTENT TO KILL	17	51
	AWDW SERIOUS INJURY	254	46
	AWDW OFFCL, GOVRNNT OFFCL, EMRGNCY PERSNL	46	54
	ASSAULT LAW ENFORCEMENT OFF. W/FIREARM	2	16
	OTHER FELONY ASSAULTS	23	43
	RAPE, SEX OFFENSE 1ST	56	46
	RAPE, S.O. #1, ATT	15	35
	RAPE, SEX OFF 2ND	79	53
	RAPE, S.O. #2, ATT	23	36
	INDECENT LIBERTIES W/ CHILD	179	50
	CHILD ABUSE	13	65
	OTHER SEX CRIMES	57	45
KIDNAP, ABDUCTION	83	51	
ATTEMPTED KIDNAPPING	1	41	
ALL OTHER PERSON	40	42	
SUB-TOTAL	2190	47	

TOTAL NUMBER OF ACTIVE CASES IN THE RANGE AND THE LOCATION OF THE AVERAGE SENTENCE IMPOSED IN THE RANGE		NUMBER IN THE RANGE	WHERE IN THE RANGE?
		NUMBER	MEAN
CRIME TYPE	OFFENSES		
PROPERTY	BURGLARY, 1ST DEG	40	46
	BURGLARY, 2ND DEG	86	53
	BREAKING/ENTE-RNG	960	49
	LARCENY	387	49
	1ST DEGREE ARSON	4	27
	2ND DEGREE ARSON	17	44
	OTHER ARSON/BURNING	20	58
	FORGERY	85	55
	FRAUD	23	57
	EMBEZZLEMENT	13	47
	ALL OTHER PROPTY	423	47
	SUB-TOTAL	2058	49
	DRUGS (Non- trafficking)	OFFENSES	
DRUG POSSESSION		206	50
OTHER DRUG FELONIES		1131	48
SUB-TOTAL		1337	48
OTHER FELONY	OFFENSES		
	WEAPON OFFENSE	145	45
	HABITUAL FELON	237	38
	HABITUAL MISDEMEANOR ASSAULT	13	54
	ALL OTHER FELONY	428	44
	SUB-TOTAL	823	43
TOTAL	6408	47	

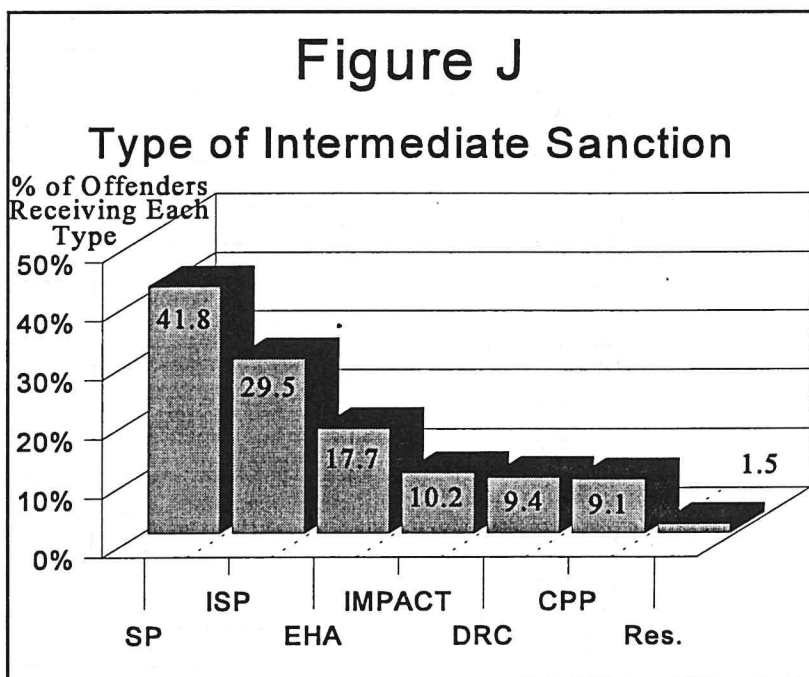
V. IMPOSITION OF INTERMEDIATE PUNISHMENTS

This section summarizes the types of intermediate sanctions imposed. It only includes offenders who received an Intermediate punishment. Under Structured Sentencing, all offenders who receive an Intermediate punishment receive a term of supervised probation plus at least one additional sanction. The specific intermediate sanctions are Intensive Supervision Probation (ISP), Special Probation (SP), Electronic House Arrest (EHA), Intensive Motivational Program of Alternative Correctional Treatment (IMPACT), Day Reporting Center (DRC), Community Penalties Program (CPP), and Residential Treatment Facility (Res.). See *Appendix D* for a brief description of each type of intermediate sanction, and additional information on Special Probation in *Appendix E*.

During Fiscal Year 1996-97, 8,695 offenders received an Intermediate punishment. The average length of supervised probation for these offenders was 36.8 months. The specific type(s) of intermediate sanctions(s) imposed was reported in the AOC database for only 4,782 offenders -- a reporting rate of 55%.¹⁰ It is also possible that a single offender could receive more than one intermediate sanction. Consequently, the following tables reflect the total number of intermediate sanctions imposed rather than the total number of offenders who received an Intermediate punishment.

A. Type of Intermediate Punishment Imposed

Figure J shows the percentage of offenders who received each type of intermediate sanction. The figure indicates that Special Probation (41.8%) accounted for the highest percentage of offenders reporting a specific intermediate sanction. Again, the specific intermediate sanctions imposed were not reported for all 8,695 offenders who received an Intermediate punishment. As a result, these figures -- based on 55% of offenders whose specific intermediate sanction was reported -- may not accurately reflect offender participation in these programs. In addition, these sanctions are not equally available across the state.



The total of the percentages exceeds 100% since offenders may receive more than one type of intermediate sanction.

B. Type of Intermediate Punishment by Offense Class

Table 12 shows the frequency of intermediate sanctions by offense class. Of those cases reporting, the greatest number of intermediate sanctions was imposed for Class H felonies (3,142). For these offenders, Special Probation was the most frequently invoked sanction (990). Overall, the least frequently invoked sanction was Residential Treatment Facility (70).

TABLE 12: TYPE OF INTERMEDIATE PUNISHMENT BY OFFENSE CLASS

NUMBER OF INTERMEDIATE CASES FALLING WITHIN OFFENSE CLASS	SPECIAL PROBATION	IMPACT	RESIDENTIAL FACILITY	DAY REPORTING CENTER	INTENSIVE SUPERVISION PROBATION	ELECTRONIC MONITORING	COMMUNITY PENALTY PLAN	TOTAL
OFFENSE CLASS								
E	166	41	2	22	51	73	26	381
F	117	33	4	11	65	61	28	319
G	204	66	8	30	85	61	64	518
H	990	278	40	270	887	432	245	3142
I	522	70	16	116	321	219	74	1338
TOTAL	1999	488	70	449	1409	846	437	5698

C. Type of Intermediate Punishment by Offense Class and Prior Record Level

Table 13 shows the frequency of intermediate sanctions by offense class and prior record level.

TABLE 13: TYPE OF INTERMEDIATE PUNISHMENT BY OFFENSE CLASS AND PRIOR RECORD LEVEL

NUMBER OF INTERMEDIATE CASES FALLING WITHIN OFFENSE CLASS		SPECIAL PROBATION	IMPACT	RESIDENTIAL FACILITY	DAY REPORTING CENTER	INTENSIVE SUPERVISION PROBATION	ELECTRONIC MONITORING	COMMUNITY PENALTY PLAN	TOTAL
OFFENSE CLASS	PRIOR RECORD								
E	I	82	26	1	11	24	43	15	202
	II	84	15	1	11	27	30	11	179
	SUB-TOTAL	166	41	2	22	51	73	26	381
F	PRIOR RECORD								
	I	52	22	1	7	22	36	19	159
	II	46	10	3	2	30	18	7	116
	III	19	1	.	2	13	7	2	44
	SUB-TOTAL	117	33	4	11	65	61	28	319
G	PRIOR RECORD								
	I	77	36	1	10	30	19	25	198
	II	75	26	3	17	40	24	19	204
	III	38	4	1	2	10	13	14	82
	IV	14	.	3	1	5	5	6	34
	SUB-TOTAL	204	66	8	30	85	61	64	518
H	PRIOR RECORD								
	I	231	90	5	79	209	117	48	779
	II	471	142	17	130	468	203	130	1561
	III	208	39	13	44	164	87	49	604
	IV	71	7	4	16	45	25	17	185
	V	9	.	1	1	1	.	1	13
	SUB-TOTAL	990	278	40	270	887	432	245	3142
I	PRIOR RECORD								
	II	219	51	7	56	172	109	42	656
	III	234	15	3	45	117	93	25	532
	IV	57	4	5	11	27	13	6	123
	V	7	.	.	2	4	4	1	18
	VI	5	.	1	2	1	.	.	9
	SUB-TOTAL	522	70	16	116	321	219	74	1338
TOTAL		1999	488	70	449	1409	846	437	5698

D. Type of Intermediate Punishment by Crime Type

Table 14 shows the frequency of intermediate sanctions by selected crime types. Of those cases reporting an intermediate sanction, most of the offenders were convicted of a Property offense (2,467). Intermediate sanctions were least often imposed on offenders convicted of Other Felony offenses (346). The offense category that received the most intermediate sanctions was Other Drug Felonies (1,425).

TABLE 14: TYPE OF INTERMEDIATE PUNISHMENT BY CRIME TYPE

NUMBER OF INTERMEDIATE CASES FALLING WITHIN CRIME TYPE		SPECIAL PROBATION	IMPACT	RESIDENTIAL FACILITY	DAY REPORTING CENTER	INTENSIVE SUPERVISION PROBATION	ELECTRONIC MONITORING	COMMUNITY PENALTY PLAN	TOTAL
CRIME TYPE	OFFENSES								
PERSON	MANSLAUGHTER, - VOLUNTARY	14	2	.	.	.	11	3	30
	MANSLAUGHTER, - INVOLUNTARY	8	5	1	1	3	4	3	25
	COMMON LAW ROBBERY	107	60	5	24	54	27	26	303
	AWDM INTENT TO KILL	6	2	.	.	6	2	.	16
	AWDM SERIOUS INJURY	78	27	1	14	26	35	11	192
	AWDM OFFCL, GOVRANT OFFCL, EMRGNCY PERSNL	9	1	.	1	7	8	.	26
	ASSAULT LAW ENFORCEMENT OFF. W/FIREARM	1	.	.	.	1	.	.	2
	OTHER FELONY ASSAULTS	15	3	.	.	4	4	.	26
	INDECENT LIBERTIES W/ CHILD	64	15	2	5	28	33	19	166
	CHILD ABUSE	9	.	1	.	1	1	2	14
	OTHER SEX CRIMES	8	2	.	.	.	6	.	16
	KIDNAP, ABDUCTION	11	3	.	1	5	3	1	24
	ALL OTHER PERSON	12	2	.	2	5	7	2	30
	SUB-TOTAL	342	122	10	48	140	141	67	870
PROPERTY	OFFENSES								
	BURGLARY, 2ND DEG	21	3	1	4	14	6	8	57
	BREAKING/ENTR- RING	299	133	11	71	379	120	87	1100
	LARCENY	130	58	10	32	86	66	51	433
	2ND DEGREE ARSON	10	.	1	.	2	2	3	18
	OTHER ARSON/BURNING	15	3	1	2	12	8	2	43
	FORGERY	76	5	3	22	93	34	13	246
	FRAUD	11	.	2	6	12	2	5	38
	EMBEZZLEMENT	23	2	.	2	8	20	10	65
	ALL OTHER PROPTY	154	33	7	35	126	72	40	467
	SUB-TOTAL	739	237	36	174	732	330	219	2467
DRUGS (Non- trafficking)	OFFENSES								
	DRUG POSSESSION	260	26	8	63	96	115	22	590
	OTHER DRUG FELONIES	507	83	13	150	391	195	86	1425
	SUB-TOTAL	767	109	21	213	487	310	108	2015
OTHER FELONY	OFFENSES								
	WEAPON OFFENSE	49	12	1	5	22	16	9	114
OTHER FELONY	HABITUAL MISDEMEANOR ASSAULT	2	.	.	.	.	1	1	4
	ALL OTHER FELONY	100	8	2	9	28	48	33	228
	SUB-TOTAL	151	20	3	14	50	65	43	346
TOTAL		1999	488	70	449	1409	846	437	5698

VI. IMPOSITION OF COMMUNITY PUNISHMENTS

This section includes only those offenders who received a Community punishment. Of the 5,328 offenders who received a Community punishment, 5,119 received supervised probation; 187 received unsupervised probation; and, 22 received only restitution and/or fines. For more information about community service and restitution, refer to *Appendix F*.

A. Type of Community Punishment by Offense Class

Table 15 shows the total number of offenders who received either supervised probation, unsupervised probation, or restitution and/or fine by offense class. The table also shows the average length of probation sentences by offense class. Data indicate that offenders convicted of a Class I felony accounted for the largest number of offenders who received probation as a Community punishment (3,686). Offenders convicted of a Class H felony received the longest probation sentences, on average (32 months). Overall, offenders who received a Community punishment were sentenced to an average of 29 months of probation.

TABLE 15: TYPE OF COMMUNITY PUNISHMENT BY OFFENSE CLASS

TYPE OF COMMUNITY PUNISHMENT AND AVERAGE LENGTH OF PROBATION SENTENCE		PROBATION LENGTH (MONTHS)	TOTAL
		MEAN	NUMBER
OFFENSE CLASS	TYPE OF COMMUNITY PUNISHMENT		
H	SUPERVISED	32	1605
	UNSUPERVISED	24	33
	RESTITUTION/FINE	.	4
	SUB-TOTAL	32	1642
I	TYPE OF COMMUNITY PUNISHMENT		
	SUPERVISED	29	3514
	UNSUPERVISED	24	154
	RESTITUTION/FINE	.	18
	SUB-TOTAL	28	3686
TOTAL		29	5328

* There are missing values for probation lengths of 38 offenders who received unsupervised probation.

B. Type of Community Punishment by Crime Type

Table 16 shows the total number of offenders who received either supervised probation, unsupervised probation, or restitution and/or fine by crime type. The table also shows the average length of probation sentences. Offenders convicted of a Drug offense (non-trafficking) most frequently received Community punishments (3,121). Relative to other offenses, offenders convicted of "drug possession" most frequently received supervised probation (1,628). Offenders convicted of "all other person" offenses received the longest supervised probation sentences, on average (41 months).

TABLE 16: TYPE OF COMMUNITY PUNISHMENT BY CRIME TYPE

TYPE OF COMMUNITY PUNISHMENT AND AVERAGE LENGTH OF PROBATION SENTENCE			PROBATION LENGTH (MONTHS)	TOTAL	
			MEAN	NUMBER	
CRIME TYPE	OFFENSES	TYPE OF COMMUNITY PUNISHMENT			
PERSON	COMMON LAW ROBBERY	SUPERVISED	26	11	
		UNSUPERVISED	12	1	
	OTHER SEX CRIMES	SUPERVISED	32	20	
	ALL OTHER PERSON	SUPERVISED	41	6	
		UNSUPERVISED	24	1	
	SUB-TOTAL			31	39
PROPERTY	BREAKING/ ENTERING	SUPERVISED	32	560	
		UNSUPERVISED	15	7	
		RESTITUTION/FINE	.	3	
	LARCENY	SUPERVISED	31	279	
		UNSUPERVISED	24	10	
	OTHER ARSON/BURNING	SUPERVISED	30	14	
		UNSUPERVISED	24	2	
	FORGERY	SUPERVISED	30	438	
		UNSUPERVISED	22	23	
	FRAUD	SUPERVISED	33	127	
		UNSUPERVISED	21	8	
	EMBEZZLEMENT	SUPERVISED	36	151	
		UNSUPERVISED	24	4	
		RESTITUTION/FINE	.	2	
	ALL OTHER PROPTY	SUPERVISED	32	361	
		UNSUPERVISED	26	12	
		RESTITUTION/FINE	.	1	
	SUB-TOTAL			32	2002
	DRUGS (Non-trafficking)	DRUG POSSESSION	SUPERVISED	27	1628
			UNSUPERVISED	24	64
RESTITUTION/FINE			.	9	
OTHER DRUG FELONIES		SUPERVISED	29	1374	
		UNSUPERVISED	24	41	
		RESTITUTION/FINE	.	5	
SUB-TOTAL			28	3121	
OTHER FELONY	WEAPON OFFENSE	SUPERVISED	27	31	
		UNSUPERVISED	24	1	
		RESTITUTION/FINE	.	1	
	ALL OTHER FELONY	SUPERVISED	31	119	
		UNSUPERVISED	28	13	
		RESTITUTION/FINE	.	1	
	SUB-TOTAL			30	166
TOTAL			29	5328	

VII. SPECIAL ISSUES

This section reviews other issues of interest. These include the imposition of several special sentences and/or punishments including habitual felon status, firearm enhancement, death and life sentences, and drug trafficking offenses.

A. Habitual Felons

Table 17 shows the breakdown by offense class and crime type of the most serious crime associated with habitual felon convictions. These convictions accounted for 1% (n=248) of all sentences. The majority of habitual felons were found in Offense Class H (n=137). Felony Breaking and/or Entering was the most frequently occurring serious crime associated with habitual felon convictions (n=48). (Note: The table reflects all habitual felon cases regardless of errors in the database.)

B. Firearm Enhancement

The firearm enhancement was not applied to any convictions during Fiscal Year 1996-97.

C. Death and Life Without Parole/Violent Habitual Felon

During this reporting period, 15 death sentences and 47 life without parole sentences were imposed. There were five convictions for violent habitual felon. The crimes associated with these five convictions include: "Second Degree Murder", "Second Degree Rape", "Assault With a Deadly Weapon Inflicting Serious Injury", and "Assault on a Law Enforcement Officer with a Firearm". (There were two violent habitual felon convictions associated with "Assault on a Law Enforcement Officer with a Firearm.")

D. Drug Trafficking Sentences

Drug trafficking convictions accounted for 1.2% (n=282) of all convictions. Trafficking Cocaine (Offense Class G) was the most frequently occurring drug trafficking offense (n=215). See *Table 18*.

TABLE 17: BREAKDOWN BY OFFENSE CLASS AND CRIME TYPE OF MOST SERIOUS CRIME ASSOCIATED WITH HABITUAL FELON CONVICTIONS

Offense Class	Offense	Total of Offenses	
Class B2	Att. 1st Degree Rape	1	
	Sub-Total	1	
Class D	1st Degree Arson	1	
	1st Degree Burglary	3	
	Robbery - Dangerous Weapon	5	
	Traffic Cocaine by Possession	1	
	Sub-Total	10	
Class E	Vol. Manslaughter	1	
	AWDW Serious Injury	6	
	Att. 1st Degree Burglary	1	
	Sell/Deliver CS w/i 300 ft. of School	1	
	Sub-Total	9	
Class F	Invol. Manslaughter	1	
	Felonious Restraint	1	
	Indecent Liberties	1	
	AWDW - Government Official	4	
	Traffic CS by Possession	1	
	Sub-Total	8	
Class G	Common Law Robbery	8	
	2nd Degree Burglary	2	
	Traffic Cocaine	1	
	Possession of Firearm by Felon	3	
	Habitual Impaired Driving	10	
	Sub-Total	24	
Class H	Att. Common Law Robbery	1	
	Breaking and/or Entering	48	
	Felony Larceny	10	
	Larceny from the Person	1	
	Larceny of Firearm	1	
	Larceny by Employee	1	
	Possession of Stolen Goods	18	
	Larceny after Break/Enter	4	
	Larceny of Motor Vehicle	2	
	Break/Enter w/Intent to Commit Larceny	1	
	Class I	Obtain Prop. False Pretense	9
Att. Obtain Prop. False Pretense		1	
Sell/Deliver Sch I		1	
Sell/Deliver Sch II		3	
PWIMSD Sch I		1	
PWIMSD Sch II		2	
Sell/Deliver Cocaine		7	
PWISD Cocaine		6	
PWIMSD Cocaine		13	
Possession of Dangerous Weapon by Inmate		1	
Possess Firearm by Felon		2	
Possess Stolen Auto		4	
Sub-Total		137	
Class I		Possess Burglary Tools	1
		Break/Enter Motor Vehicle	9
	Forgery of Instrument	4	
	Uttering Forged Instrument	3	
	Forgery of Endorsement	2	
	Financial Card Theft	2	
	Sell/Deliver Sch VI	1	
	PWIMSD Sch VI	2	
	PWICSD Counterfeit CS	2	
	Possession Sch II CS	2	
	Manufacture Marijuana	2	
	PWISD Marijuana	1	
	PWIMSD Marijuana	1	
	Felony Possession Marijuana	1	
	Felony Possession of Cocaine	19	
Possession of Heroin	1		
Escape from State Prison	3		
Failure to Appear on Felony	1		
Maintain Place - Controlled Sub.	1		
Att. to Obtain CS by Fraud	1		
Sub-Total	59		
TOTAL		248	

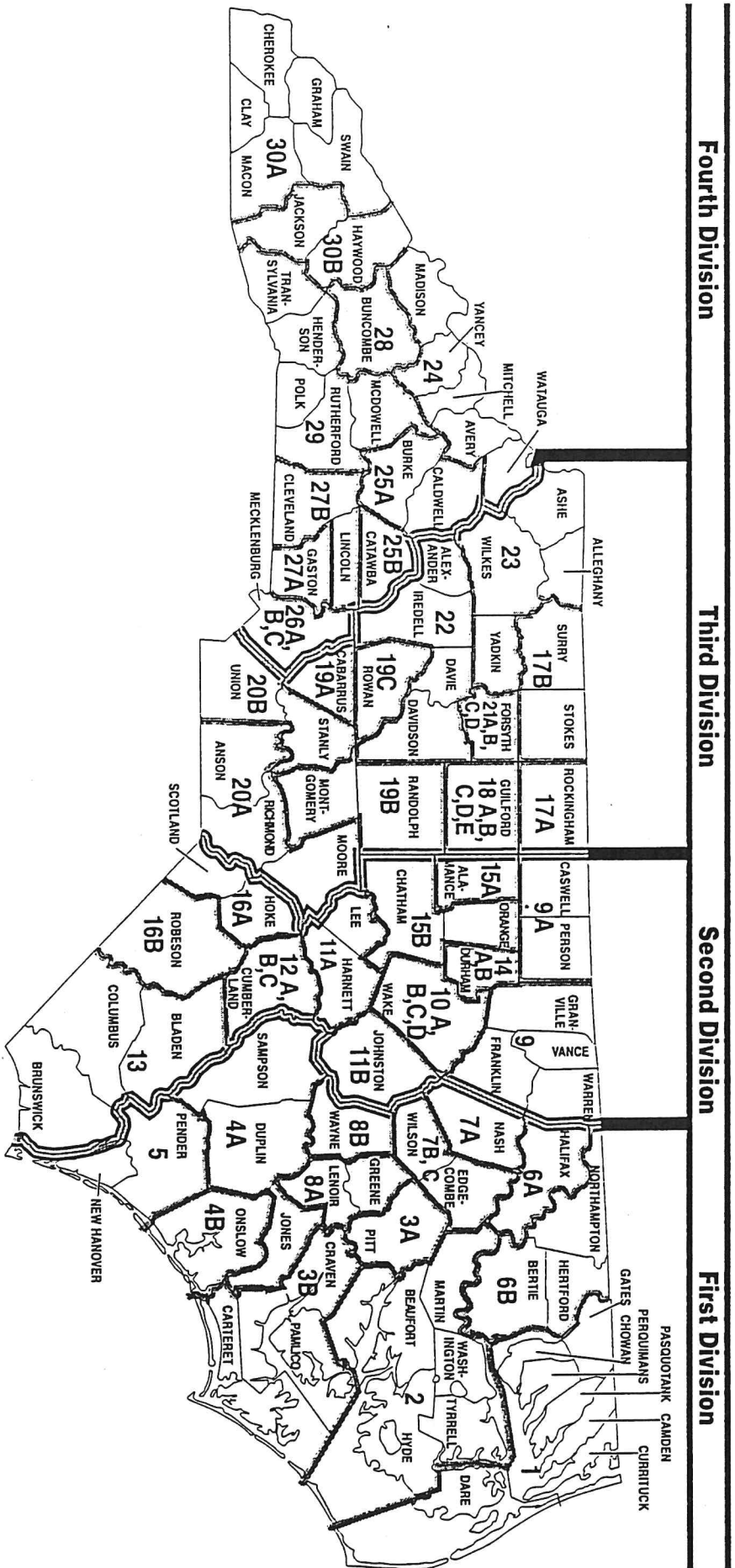
TABLE 18: DRUG TRAFFICKING SENTENCES*

TYPE OF SENTENCE, OFFENSE CLASS AND ACTIVE SENTENCE LENGTH		MODE OF DISPOSITION						MINIMUM ACTIVE SENTENCE (MONTHS)	MAXIMUM ACTIVE SENTENCE (MONTHS)	TOTAL
		ACTIVE		INTERMEDIATE		COMMUNITY				
		NUMBER	%	NUMBER	%	NUMBER	%	MEAN	MEAN	NUMBER
OFFENSE CLASS	OFFENSES									
C	TRAFFIC HEROIN	1	100.0	.	.	.	.	225.0	279.0	1
	SUB-TOTAL	1	100.0	.	.	.	.	225.0	279.0	1
D	OFFENSES									
	TRAFFIC COCAINE	8	88.9	.	.	1	11.1	108.0	138.8	9
	CONSP TRAF COCAINE	3	100.0	.	.	.	.	69.3	92.3	3
	SUB-TOTAL	11	91.7	.	.	1	8.3	97.5	126.1	12
E	OFFENSES									
	CONSP TRAF COCAINE	1	100.0	.	.	.	.	70.0	84.0	1
	SUB-TOTAL	1	100.0	.	.	.	.	70.0	84.0	1
F	OFFENSES									
	TRAFFIC COCAINE	9	69.2	3	23.1	1	7.7	62.2	76.8	13
	TRAFFIC HEROIN	4	100.0	.	.	.	.	42.3	50.8	4
	SUB-TOTAL	13	76.5	3	17.6	1	5.9	56.1	68.8	17
G	OFFENSES									
	TRAFFIC METHAQUALONE/-QUAALUDE	1	100.0	.	.	.	.	35.0	42.0	1
	TRAFFIC COCAINE	183	85.1	21	9.8	11	5.1	32.3	39.1	215
	CONSP TRAF COCAINE	19	86.4	2	9.1	1	4.5	34.1	41.9	22
	SUB-TOTAL	203	85.3	23	9.7	12	5.0	32.5	39.4	238
H	OFFENSES									
	TRAFFIC MARIJUANA	4	57.1	.	.	3	42.9	25.0	30.0	7
	CONSP TRAF MARIJUANA	1	50.0	.	.	1	50.0	12.0	15.0	2
	CONSP TRAF COCAINE	2	100.0	.	.	.	.	6.5	8.5	2
	SUB-TOTAL	7	63.6	.	.	4	36.4	17.9	21.7	11
I	OFFENSES									
	TRAFFIC COCAINE	1	50.0	1	50.0	.	.	35.0	42.0	2
	SUB-TOTAL	1	50.0	1	50.0	.	.	35.0	42.0	2
TOTAL		237	84.0	27	9.6	18	6.4	37.4	45.7	282

* Non-active sentences reflect the use of the substantial assistance provision.

APPENDIX A:
MAP OF JUDICIAL DIVISIONS AND DISTRICTS

North Carolina Superior Court Districts and Divisions as of June 30, 1996



APPENDIX B:
DEMOGRAPHICS

APPENDIX B TABLE 1: OFFENSE CLASS AND GENDER BY RANGE (Active)

NUMBER AND PERCENT OF ACTIVE CASES FALLING WITHIN SPECIFIED SENTENCE RANGE		RANGES						TOTAL NUMBER
		MITIGATED RANGE		PRESUMPTIVE RANGE		AGGRAVATED RANGE		
		NUMBER	%	NUMBER	%	NUMBER	%	
OFFENSE CLASS	GENDER							
A	Male	.	.	59	100.0	.	.	59
	Female	.	.	3	100.0	.	.	3
B1	Male	6	9.8	48	78.7	7	11.5	61
	Female	.	.	1	100.0	.	.	1
B2	Male	42	21.4	108	55.1	46	23.5	196
	Female	9	52.9	7	41.2	1	5.9	17
C	Male	31	7.6	339	83.1	38	9.3	408
	Female	4	17.4	17	73.9	2	8.7	23
D	Male	141	24.7	387	67.7	44	7.7	572
	Female	5	20.8	15	62.5	4	16.7	24
E	Male	55	11.2	382	78.0	53	10.8	490
	Female	5	12.2	32	78.0	4	9.8	41
F	Male	33	10.4	244	77.2	39	12.3	316
	Female	1	5.9	14	82.4	2	11.8	17
G	Male	62	7.8	672	84.3	63	7.9	797
	Female	5	8.5	51	86.4	*3	5.1	59
H	Male	174	6.6	2307	88.2	136	5.2	2617
	Female	15	6.9	193	88.5	10	4.6	218
I	Male	33	6.5	453	88.6	25	4.9	511
	Female	1	2.5	38	95.0	1	2.5	40
TOTAL		622	9.6	5370	83.0	478	7.4	6470

APPENDIX B TABLE 2: OFFENSE CLASS AND RACE BY RANGE (Active)

NUMBER AND PERCENT OF ACTIVE CASES FALLING WITHIN SPECIFIED SENTENCE RANGE		RANGES						TOTAL NUMBER
		MITIGATED RANGE		PRESUMPTIVE RANGE		AGGRAVATED RANGE		
		NUMBER	%	NUMBER	%	NUMBER	%	
OFFENSE CLASS	RACE							
A	Black	.	.	32	100.0	.	.	32
	Unknown	.	.	1	100.0	.	.	1
	White	.	.	29	100.0	.	.	29
B1	Black	1	3.3	25	83.3	4	13.3	30
	Hispanic	.	.	2	100.0	.	.	2
	American Indian	.	.	2	100.0	.	.	2
	White	5	17.9	20	71.4	3	10.7	28
B2	Black	24	19.4	70	56.5	30	24.2	124
	Hispanic	1	20.0	4	80.0	.	.	5
	American Indian	2	33.3	3	50.0	1	16.7	6
	Unknown	1	50.0	1	50.0	.	.	2
	White	23	30.3	37	48.7	16	21.1	76
C	Asian	.	.	1	100.0	.	.	1
	Black	23	8.9	212	82.5	22	8.6	257
	American Indian	.	.	6	85.7	1	14.3	7
	Unknown	1	14.3	5	71.4	1	14.3	7
	White	11	6.9	132	83.0	16	10.1	159
D	Asian	.	.	1	100.0	.	.	1
	Black	106	23.8	301	67.6	38	8.5	445
	Hispanic	3	60.0	2	40.0	.	.	5
	American Indian	1	12.5	6	75.0	1	12.5	8
	Unknown	5	41.7	7	58.3	.	.	12
	White	31	24.8	85	68.0	9	7.2	125

(Continued)

APPENDIX B TABLE 2: OFFENSE CLASS AND RACE BY RANGE (Active)

NUMBER AND PERCENT OF ACTIVE CASES FALLING WITHIN SPECIFIED SENTENCE RANGE		RANGES						TOTAL NUMBER
		MITIGATED RANGE		PRESUMPTIVE RANGE		AGGRAVATED RANGE		
		NUMBER	%	NUMBER	%	NUMBER	%	
OFFENSE CLASS	RACE							
E	Black	33	9.8	265	78.9	38	11.3	336
	Hispanic	1	25.0	3	75.0	.	.	4
	American Indian	1	11.1	7	77.8	1	11.1	9
	Unknown	5	31.3	7	43.8	4	25.0	16
	White	20	12.0	132	79.5	14	8.4	166
F	Black	14	10.8	101	77.7	15	11.5	130
	Hispanic	1	16.7	3	50.0	2	33.3	6
	American Indian	1	20.0	4	80.0	.	.	5
	Unknown	1	11.1	8	88.9	.	.	9
	White	17	9.3	142	77.6	24	13.1	183
G	Asian	.	.	1	100.0	.	.	1
	Black	38	8.2	388	83.4	39	8.4	465
	Hispanic	.	.	2	100.0	.	.	2
	American Indian	.	.	14	93.3	1	6.7	15
	Unknown	.	.	9	75.0	3	25.0	12
	White	29	8.0	309	85.6	23	6.4	361
H	Asian	1	33.3	2	66.7	.	.	3
	Black	122	6.3	1714	88.9	92	4.8	1928
	Hispanic	2	18.2	9	81.8	.	.	11
	American Indian	4	6.7	54	90.0	2	3.3	60
	Unknown	9	24.3	25	67.6	3	8.1	37
	White	51	6.4	696	87.4	49	6.2	796
I	Black	23	6.3	324	89.0	17	4.7	364
	Hispanic	.	.	3	100.0	.	.	3
	American Indian	.	.	6	100.0	.	.	6
	Unknown	1	7.1	13	92.9	.	.	14
	White	10	6.1	145	88.4	9	5.5	164
TOTAL		622	9.6	5370	83.0	478	7.4	6470

APPENDIX B TABLE 3: OFFENSE CLASS AND AGE BY RANGE (Active)

NUMBER AND PERCENT OF ACTIVE CASES FALLING WITHIN SPECIFIED SENTENCE RANGE		RANGES						TOTAL NUMBER
		MITIGATED RANGE		PRESUMPTIVE RANGE		AGGRAVATED RANGE		
		NUMBER	%	NUMBER	%	NUMBER	%	
OFFENSE CLASS	AGE							
A	<21	.	.	7	100.0	.	.	7
	21-25	.	.	10	100.0	.	.	10
	26-29	.	.	11	100.0	.	.	11
	30-39	.	.	15	100.0	.	.	15
	40-49	.	.	11	100.0	.	.	11
	>49	.	.	6	100.0	.	.	6
	B1	<21	.	.	7	77.8	2	22.2	9
21-25		1	16.7	4	66.7	1	16.7	6
26-29		.	.	6	85.7	1	14.3	7
30-39		2	9.5	16	76.2	3	14.3	21
40-49		3	23.1	10	76.9	.	.	13
>49		.	.	6	100.0	.	.	6
B2		<21	11	17.2	37	57.8	16	25.0	64
	21-25	11	34.4	14	43.8	7	21.9	32
	26-29	7	22.6	13	41.9	11	35.5	31
	30-39	11	25.6	22	51.2	10	23.3	43
	40-49	3	14.3	15	71.4	3	14.3	21
	>49	7	38.9	11	61.1	.	.	18
	C	<21	7	14.6	31	64.6	10	20.8	48
21-25		5	14.7	24	70.6	5	14.7	34
26-29		5	6.8	66	90.4	2	2.7	73
30-39		13	7.1	157	85.8	13	7.1	183
40-49		3	4.5	56	84.8	7	10.6	66
>49		.	.	17	89.5	2	10.5	19
D		<21	75	29.1	166	64.3	17	6.6	258
	21-25	27	22.5	82	68.3	11	9.2	120
	26-29	14	20.0	49	70.0	7	10.0	70
	30-39	17	19.8	60	69.8	9	10.5	86
	40-49	7	20.0	25	71.4	3	8.6	35
	>49	3	27.3	8	72.7	.	.	11

(Continued)

APPENDIX B TABLE 3: OFFENSE CLASS AND AGE BY RANGE (Active)

NUMBER AND PERCENT OF ACTIVE CASES FALLING WITHIN SPECIFIED SENTENCE RANGE		RANGES						TOTAL
		MITIGATED RANGE		PRESUMPTIVE RANGE		AGGRAVATED RANGE		
		NUMBER	%	NUMBER	%	NUMBER	%	
OFFENSE CLASS	AGE							
E	<21	8	5.9	112	83.0	15	11.1	135
	21-25	13	12.9	71	70.3	17	16.8	101
	26-29	4	6.0	56	83.6	7	10.4	67
	30-39	15	12.0	102	81.6	8	6.4	125
	40-49	9	16.4	38	69.1	8	14.5	55
	>49	7	21.9	23	71.9	2	6.3	32
F	<21	1	2.2	40	88.9	4	8.9	45
	21-25	6	11.5	40	76.9	6	11.5	52
	26-29	3	6.7	32	71.1	10	22.2	45
	30-39	8	7.5	87	81.3	12	11.2	107
	40-49	9	18.8	31	64.6	8	16.7	48
	>49	5	17.9	22	78.6	1	3.6	28
G	<21	14	9.2	122	79.7	17	11.1	153
	21-25	12	9.8	101	82.1	10	8.1	123
	26-29	8	5.8	121	87.1	10	7.2	139
	30-39	17	6.1	240	86.0	22	7.9	279
	40-49	13	12.4	85	81.0	7	6.7	105
	>49	3	7.9	35	92.1	.	.	38
H	<21	30	5.9	456	89.9	21	4.1	507
	21-25	28	5.6	446	89.2	26	5.2	500
	26-29	24	5.4	400	89.7	22	4.9	446
	30-39	66	7.1	805	87.1	53	5.7	924
	40-49	27	8.0	291	85.8	21	6.2	339
	>49	6	9.0	60	89.6	1	1.5	67
I	<21	1	8.3	11	91.7	.	.	12
	21-25	4	6.2	55	84.6	6	9.2	65
	26-29	5	6.0	77	91.7	2	2.4	84
	30-39	16	6.8	209	89.3	9	3.8	234
	40-49	7	6.1	103	89.6	5	4.3	115
	>49	1	5.0	16	80.0	3	15.0	20
TOTAL		602	9.5	5249	83.0	473	7.5	6324

APPENDIX B TABLE 4: JUDICIAL DIVISION AND DISTRICT BY RANGE (Active)

NUMBER AND PERCENT OF ACTIVE CASES FALLING WITHIN SPECIFIED SENTENCE RANGE		RANGES						TOTAL NUMBER	
		MITIGATED RANGE		PRESUMPTIVE RANGE		AGGRAVATED RANGE			
		NUMBER	%	NUMBER	%	NUMBER	%		
JUDICIAL DIVISION	JUDICIAL DISTRICT								
FIRST	1	7	7.4	81	86.2	6	6.4	94	
	2	9	10.3	68	78.2	10	11.5	87	
	3A	10	9.0	93	83.8	8	7.2	111	
	3B	11	8.1	116	85.3	9	6.6	136	
	4A	24	20.5	87	74.4	6	5.1	117	
	4B	7	9.2	63	82.9	6	7.9	76	
	5	26	12.1	180	84.1	8	3.7	214	
	6A	1	1.6	56	88.9	6	9.5	63	
	6B	9	10.5	67	77.9	10	11.6	86	
	7A	6	8.1	67	90.5	1	1.4	74	
	7B	12	6.3	171	90.5	6	3.2	189	
	8A	18	14.6	96	78.0	9	7.3	123	
	8B	14	12.3	90	78.9	10	8.8	114	
	SUB-TOTAL		154	10.4	1235	83.2	95	6.4	1484
	SECOND	JUDICIAL DISTRICT							
9A		7	12.5	41	73.2	8	14.3	56	
9B		13	7.4	142	80.7	21	11.9	176	
10		33	9.3	302	85.1	20	5.6	355	
11A		2	3.3	59	96.7	.	.	61	
11B		9	13.6	48	72.7	9	13.6	66	
12		42	20.6	138	67.6	24	11.8	204	
13		17	12.4	113	82.5	7	5.1	137	
14		28	13.4	161	77.0	20	9.6	209	
15A		6	3.0	187	94.9	4	2.0	197	
15B		12	12.1	86	86.9	1	1.0	99	
16A		3	3.0	93	93.9	3	3.0	99	
16B		7	4.9	132	93.0	3	2.1	142	
SUB-TOTAL		179	9.9	1502	83.4	120	6.7	1801	

(Continued)

APPENDIX B TABLE 4: JUDICIAL DIVISION AND DISTRICT BY RANGE (Active)

NUMBER AND PERCENT OF ACTIVE CASES FALLING WITHIN SPECIFIED SENTENCE RANGE		RANGES						TOTAL NUMBER
		MITIGATED RANGE		PRESUMPTIVE RANGE		AGGRAVATED RANGE		
		NUMBER	%	NUMBER	%	NUMBER	%	
JUDICIAL DIVISION	JUDICIAL DISTRICT							
THIRD	17A	4	6.5	50	80.6	8	12.9	62
	17B	7	7.8	75	83.3	8	8.9	90
	18	37	7.0	425	80.6	65	12.3	527
	19A	9	7.2	114	91.2	2	1.6	125
	19B	.	.	48	87.3	7	12.7	55
	19C	8	8.4	77	81.1	10	10.5	95
	20A	17	9.8	140	80.9	16	9.2	173
	20B	10	8.3	101	83.5	10	8.3	121
	21	51	15.8	253	78.6	18	5.6	322
	22	16	5.2	282	92.5	7	2.3	305
	23	1	1.5	56	82.4	11	16.2	68
		SUB-TOTAL	160	8.2	1621	83.4	162	8.3	1943
FOURTH	JUDICIAL DISTRICT							
	24	2	5.3	30	78.9	6	15.8	38
	25A	5	8.2	52	85.2	4	6.6	61
	25B	3	5.0	45	75.0	12	20.0	60
	26	56	12.0	378	81.3	31	6.7	465
	27A	23	15.6	103	70.1	21	14.3	147
	27B	4	3.3	112	91.8	6	4.9	122
	28	18	9.6	156	83.0	14	7.4	188
	29	8	9.6	72	86.7	3	3.6	83
	30A	5	15.6	24	75.0	3	9.4	32
	30B	5	10.9	40	87.0	1	2.2	46
		SUB-TOTAL	129	10.4	1012	81.5	101	8.1	1242
TOTAL		622	9.6	5370	83.0	478	7.4	6470

APPENDIX B TABLE 5: OFFENSE CLASS AND GENDER BY SENTENCE

OFFENSE CLASS, GENDER AND AVERAGE LENGTH OF ACTIVE SENTENCES		MODE OF DISPOSITION						MINIMUM ACTIVE SENTENCE (MONTHS)	MAXIMUM ACTIVE SENTENCE (MONTHS)	TOTAL
		ACTIVE		INTERMEDIATE		COMMUNITY				
		NUMBER	%	NUMBER	%	NUMBER	%	MEAN	MEAN	NUMBER
OFFENSE CLASS	GENDER									
A	Male	59	100.0	.	.	.	.	.	.	59
	Female	3	100.0	.	.	.	.	.	.	3
B1	Male	61	100.0	.	.	.	.	272.5	336.3	61
	Female	1	100.0	.	.	.	.	192.0	240.0	1
B2	Male	196	100.0	.	.	.	.	162.6	204.5	196
	Female	17	100.0	.	.	.	.	142.8	180.8	17
C	Male	408	100.0	.	.	.	.	87.8	114.6	408
	Female	23	100.0	.	.	.	.	78.0	102.7	23
D	Male	572	100.0	.	.	.	.	69.9	93.5	572
	Female	24	100.0	.	.	.	.	72.1	95.9	24
E	Male	490	52.0	452	48.0	.	.	29.5	44.4	942
	Female	41	36.6	71	63.4	.	.	26.3	40.3	112
F	Male	316	39.5	483	60.5	.	.	18.4	22.7	799
	Female	17	35.4	31	64.6	.	.	16.6	20.9	48
G	Male	797	56.8	605	43.2	.	.	15.1	18.6	1402
	Female	59	45.4	71	54.6	.	.	14.0	17.2	130
H	Male	2617	33.3	3978	50.6	1259	16.0	9.2	11.4	7854
	Female	218	18.2	587	49.0	393	32.8	8.6	10.7	1198
I	Male	511	9.6	1969	36.9	2851	53.5	7.4	9.4	5331
	Female	40	3.0	448	33.2	863	63.9	7.4	9.4	1351
TOTAL		6470	31.5	8695	42.4	5366	26.1	30.4	39.5	20531

APPENDIX B TABLE 6: OFFENSE CLASS AND RACE BY SENTENCE

OFFENSE CLASS, RACE AND AVERAGE LENGTH OF ACTIVE SENTENCES		MODE OF DISPOSITION						MINIMUM ACTIVE SENTENCE (MONTHS)	MAXIMUM ACTIVE SENTENCE (MONTHS)	TOTAL
		ACTIVE		INTERMEDIATE		COMMUNITY				
		NUMBER	%	NUMBER	%	NUMBER	%	MEAN	MEAN	NUMBER
OFFENSE CLASS	RACE									
A	Black	32	100.0	.	.	.	.	.	32	
	Unknown	1	100.0	.	.	.	.	.	1	
	White	29	100.0	.	.	.	.	.	29	
B1	Black	30	100.0	.	.	.	.	290.3	357.7	30
	Hispanic	2	100.0	.	.	.	.	264.0	326.0	2
	American Indian	2	100.0	.	.	.	.	269.0	332.0	2
	White	28	100.0	.	.	.	.	251.5	311.0	28
B2	Black	124	100.0	.	.	.	.	166.3	208.9	124
	Hispanic	5	100.0	.	.	.	.	135.2	172.2	5
	American Indian	6	100.0	.	.	.	.	152.2	192.0	6
	Unknown	2	100.0	.	.	.	.	143.0	181.0	2
	White	76	100.0	.	.	.	.	155.3	195.8	76
C	Asian	1	100.0	.	.	.	.	58.0	79.0	1
	Black	257	100.0	.	.	.	.	86.3	112.7	257
	American Indian	7	100.0	.	.	.	.	86.1	113.7	7
	Unknown	7	100.0	.	.	.	.	83.6	109.7	7
	White	159	100.0	.	.	.	.	89.4	116.3	159
D	Asian	1	100.0	.	.	.	.	64.0	86.0	1
	Black	445	100.0	.	.	.	.	69.3	92.7	445
	Hispanic	5	100.0	.	.	.	.	50.6	70.2	5
	American Indian	8	100.0	.	.	.	.	74.6	99.0	8
	Unknown	12	100.0	.	.	.	.	59.9	81.3	12
	White	125	100.0	.	.	.	.	73.9	98.7	125
E	Black	336	52.3	307	47.7	.	.	29.4	44.2	643
	Hispanic	4	44.4	5	55.6	.	.	23.0	36.8	9
	American Indian	9	36.0	16	64.0	.	.	34.0	50.1	25
	Unknown	16	50.0	16	50.0	.	.	25.5	38.8	32
	White	166	48.1	179	51.9	.	.	29.3	44.1	345

(Continued)

APPENDIX B TABLE 6: OFFENSE CLASS AND RACE BY SENTENCE

OFFENSE CLASS, RACE AND AVERAGE LENGTH OF ACTIVE SENTENCES		MODE OF DISPOSITION						MINIMUM ACTIVE SENTENCE (MONTHS)	MAXIMUM ACTIVE SENTENCE (MONTHS)	TOTAL
		ACTIVE		INTERMEDIATE		COMMUNITY				
		NUMBER	%	NUMBER	%	NUMBER	%	MEAN	MEAN	NUMBER
OFFENSE CLASS	RACE									
F	Black	130	37.7	215	62.3	.	.	18.9	23.4	345
	Hispanic	6	46.2	7	53.8	.	.	16.5	20.2	13
	American Indian	5	38.5	8	61.5	.	.	20.2	24.8	13
	Unknown	9	37.5	15	62.5	.	.	16.3	21.0	24
	White	183	40.5	269	59.5	.	.	17.9	22.1	452
G	Asian	1	50.0	1	50.0	.	.	24.0	29.0	2
	Black	465	54.7	385	45.3	.	.	15.3	19.0	850
	Hispanic	2	40.0	3	60.0	.	.	14.5	17.5	5
	American Indian	15	57.7	11	42.3	.	.	14.8	18.0	26
	Unknown	12	48.0	13	52.0	.	.	13.9	17.3	25
	White	361	57.9	263	42.1	.	.	14.7	18.1	624
H	Asian	3	18.8	8	50.0	5	31.3	5.3	7.0	16
	Black	1928	34.6	2741	49.2	898	16.1	9.1	11.3	5567
	Hispanic	11	21.6	14	27.5	26	51.0	6.6	8.4	51
	American Indian	60	31.1	88	45.6	45	23.3	9.3	11.6	193
	Unknown	37	30.8	56	46.7	27	22.5	9.2	11.3	120
	White	796	25.6	1658	53.4	651	21.0	9.3	11.6	3105
I	Asian	.	.	.	.	5	100.0	.	.	5
	Black	364	9.4	1495	38.7	2008	51.9	7.4	9.4	3867
	Hispanic	3	3.3	11	12.1	77	84.6	6.7	8.7	91
	American Indian	6	6.1	38	38.4	55	55.6	7.5	9.5	99
	Unknown	14	13.0	29	26.9	65	60.2	6.9	8.8	108
	White	164	6.5	844	33.6	1504	59.9	7.4	9.4	2512
TOTAL		6470	31.5	8695	42.4	5366	26.1	30.4	39.5	20531

APPENDIX B TABLE 7: OFFENSE CLASS AND AGE BY SENTENCE

OFFENSE CLASS, AGE AND AVERAGE LENGTH OF ACTIVE SENTENCES		MODE OF DISPOSITION						MINIMUM ACTIVE SENTENCE (MONTHS)	MAXIMUM ACTIVE SENTENCE (MONTHS)	TOTAL
		ACTIVE		INTERMEDIATE		COMMUNITY				
		NUMBER	%	NUMBER	%	NUMBER	%	MEAN	MEAN	NUMBER
OFFENSE CLASS	AGE									
A	<21	7	100.0	.	.	.	.	.	.	7
	21-25	10	100.0	.	.	.	.	.	.	10
	26-29	11	100.0	.	.	.	.	.	.	11
	30-39	15	100.0	.	.	.	.	.	.	15
	40-49	11	100.0	.	.	.	.	.	.	11
	>49	6	100.0	.	.	.	.	.	.	6
B1	<21	9	100.0	.	.	.	.	250.1	309.2	9
	21-25	6	100.0	.	.	.	.	282.2	348.0	6
	26-29	7	100.0	.	.	.	.	272.7	336.4	7
	30-39	21	100.0	.	.	.	.	279.2	344.9	21
	40-49	13	100.0	.	.	.	.	274.1	337.5	13
	>49	6	100.0	.	.	.	.	256.0	316.3	6
B2	<21	64	100.0	.	.	.	.	151.0	190.6	64
	21-25	32	100.0	.	.	.	.	155.6	196.0	32
	26-29	31	100.0	.	.	.	.	177.4	222.3	31
	30-39	43	100.0	.	.	.	.	168.9	212.0	43
	40-49	21	100.0	.	.	.	.	173.2	217.2	21
	>49	18	100.0	.	.	.	.	146.3	184.9	18
C	<21	48	100.0	.	.	.	.	81.6	107.2	48
	21-25	34	100.0	.	.	.	.	88.1	114.8	34
	26-29	73	100.0	.	.	.	.	83.0	108.8	73
	30-39	183	100.0	.	.	.	.	88.3	115.2	183
	40-49	66	100.0	.	.	.	.	92.6	120.0	66
	>49	19	100.0	.	.	.	.	92.2	119.6	19
D	<21	258	100.0	.	.	.	.	60.1	81.8	258
	21-25	120	100.0	.	.	.	.	72.5	96.8	120
	26-29	70	100.0	.	.	.	.	82.0	107.9	70
	30-39	86	100.0	.	.	.	.	79.4	104.4	86
	40-49	35	100.0	.	.	.	.	82.6	108.6	35
	>49	11	100.0	.	.	.	.	76.2	101.0	11

(Continued)

APPENDIX B TABLE 7: OFFENSE CLASS AND AGE BY SENTENCE

OFFENSE CLASS, AGE AND AVERAGE LENGTH OF ACTIVE SENTENCES		MODE OF DISPOSITION						MINIMUM ACTIVE SENTENCE (MONTHS)	MAXIMUM ACTIVE SENTENCE (MONTHS)	TOTAL
		ACTIVE		INTERMEDIATE		COMMUNITY				
		NUMBER	%	NUMBER	%	NUMBER	%	MEAN	MEAN	NUMBER
OFFENSE CLASS	AGE									
E	<21	135	39.7	205	60.3	.	.	26.3	40.5	340
	21-25	101	58.4	72	41.6	.	.	30.1	45.0	173
	26-29	67	58.8	47	41.2	.	.	29.1	43.9	114
	30-39	125	56.8	95	43.2	.	.	31.6	46.9	220
	40-49	55	53.4	48	46.6	.	.	30.0	44.8	103
	>49	32	50.0	32	50.0	.	.	31.7	46.9	64
F	<21	45	23.7	145	76.3	.	.	17.5	21.6	190
	21-25	52	34.4	99	65.6	.	.	18.5	23.3	151
	26-29	45	43.7	58	56.3	.	.	18.4	22.7	103
	30-39	107	48.2	115	51.8	.	.	18.6	23.1	222
	40-49	48	49.5	49	50.5	.	.	19.1	23.2	97
	>49	28	43.8	36	56.3	.	.	17.4	21.3	64
G	<21	153	38.0	250	62.0	.	.	13.7	16.8	403
	21-25	123	55.9	97	44.1	.	.	14.8	18.4	220
	26-29	139	64.1	78	35.9	.	.	15.6	19.1	217
	30-39	279	66.3	142	33.7	.	.	15.8	19.4	421
	40-49	105	57.1	79	42.9	.	.	15.3	18.9	184
	>49	38	70.4	16	29.6	.	.	13.8	17.2	54
H	<21	507	18.7	1496	55.1	712	26.2	7.9	9.8	2715
	21-25	500	32.2	798	51.5	253	16.3	8.7	10.8	1551
	26-29	446	37.3	579	48.4	172	14.4	9.2	11.4	1197
	30-39	924	40.6	1059	46.5	295	12.9	9.8	12.1	2278
	40-49	339	38.7	396	45.3	140	16.0	10.0	12.5	875
	>49	67	30.5	110	50.0	43	19.5	10.0	12.5	220
I	<21	12	0.9	390	29.2	934	69.9	6.5	8.4	1336
	21-25	65	6.0	374	34.6	643	59.4	7.3	9.3	1082
	26-29	84	8.8	378	39.6	492	51.6	7.4	9.3	954
	30-39	234	11.5	794	38.9	1014	49.7	7.4	9.4	2042
	40-49	115	12.6	360	39.6	435	47.8	7.6	9.6	910
	>49	20	10.0	66	33.0	114	57.0	7.9	9.9	200
TOTAL		6324	31.6	8463	42.2	5247	26.2	30.5	39.6	20034

APPENDIX B TABLE 8: JUDICIAL DIVISION AND DISTRICT BY SENTENCE

SENTENCE TYPE AND AVERAGE LENGTH OF ACTIVE SENTENCES		MODE OF DISPOSITION						MINIMUM ACTIVE SENTENCE (MONTHS)	MAXIMUM ACTIVE SENTENCE (MONTHS)	TOTAL	
		ACTIVE		INTERMEDIATE		COMMUNITY					
		NUMBER	%	NUMBER	%	NUMBER	%	MEAN	MEAN	NUMBER	
JUDICIAL DIVISION	JUDICIAL DISTRICT										
FIRST	1	94	24.4	154	40.0	137	35.6	25.0	32.3	385	
	2	87	34.1	113	44.3	55	21.6	38.7	50.4	255	
	3A	111	28.4	156	39.9	124	31.7	27.2	35.4	391	
	3B	136	32.5	170	40.6	113	27.0	25.1	33.0	419	
	4A	117	27.8	180	42.8	124	29.5	21.5	28.7	421	
	4B	76	22.6	148	43.9	113	33.5	34.5	43.5	337	
	5	214	35.7	257	42.9	128	21.4	26.3	33.6	599	
	6A	63	43.2	56	38.4	27	18.5	28.0	36.4	146	
	6B	86	34.0	87	34.4	80	31.6	27.8	36.3	253	
	7A	74	31.8	111	47.6	48	20.6	19.2	24.5	233	
	7B	189	37.0	211	41.3	111	21.7	19.4	24.8	511	
	8A	123	32.8	126	33.6	126	33.6	25.3	33.3	375	
	8B	114	26.8	161	37.8	151	35.4	34.1	44.4	426	
		SUB-TOTAL	1484	31.2	1930	40.6	1337	28.1	26.4	34.2	4751
	SECOND	JUDICIAL DISTRICT									
9A		56	28.4	98	49.7	43	21.8	30.2	38.8	197	
9B		176	32.9	208	38.9	151	28.2	25.7	33.2	535	
10		355	33.9	435	41.6	256	24.5	34.1	44.1	1046	
11A		61	23.8	111	43.4	84	32.8	32.4	41.7	256	
11B		66	25.0	126	47.7	72	27.3	51.4	65.8	264	
12		204	26.3	378	48.8	193	24.9	31.0	40.7	775	
13		137	34.3	172	43.1	90	22.6	26.0	33.8	399	
14		209	33.7	325	52.4	86	13.9	29.1	38.2	620	
15A		197	29.3	297	44.2	178	26.5	16.9	22.2	672	
15B		99	33.0	132	44.0	69	23.0	33.9	43.9	300	
16A		99	30.4	153	46.9	74	22.7	33.1	43.6	326	
16B		142	27.4	228	43.9	149	28.7	20.0	26.0	519	
		SUB-TOTAL	1801	30.5	2663	45.1	1445	24.5	29.1	37.8	5909

(Continued)

APPENDIX B TABLE 8: JUDICIAL DIVISION AND DISTRICT BY SENTENCE

SENTENCE TYPE AND AVERAGE LENGTH OF ACTIVE SENTENCES		MODE OF DISPOSITION						MINIMUM ACTIVE SENTENCE (MONTHS)	MAXIMUM ACTIVE SENTENCE (MONTHS)	TOTAL	
		ACTIVE		INTERMEDIATE		COMMUNITY					
		NUMBER	%	NUMBER	%	NUMBER	%	MEAN	MEAN	NUMBER	
JUDICIAL DIVISION	JUDICIAL DISTRICT										
THIRD	17A	62	25.6	135	55.8	45	18.6	47.1	60.6	242	
	17B	90	30.8	148	50.7	54	18.5	25.6	32.9	292	
	18	527	32.1	726	44.2	389	23.7	39.4	51.2	1642	
	19A	125	35.8	120	34.4	104	29.8	26.1	34.8	349	
	19B	55	22.8	104	43.2	82	34.0	33.1	42.3	241	
	19C	95	36.5	77	29.6	88	33.8	34.8	44.7	260	
	20A	173	39.5	172	39.3	93	21.2	26.8	35.0	438	
	20B	121	32.0	154	40.7	103	27.2	31.8	41.3	378	
	21	322	35.9	387	43.2	187	20.9	40.8	53.3	896	
	22	305	45.3	222	33.0	146	21.7	31.2	40.1	673	
	23	68	36.4	69	36.9	50	26.7	36.5	46.6	187	
		SUB-TOTAL	1943	34.7	2314	41.3	1341	24.0	35.0	45.4	5598
	FOURTH	JUDICIAL DISTRICT									
24		38	29.7	63	49.2	27	21.1	44.1	56.5	128	
25A		61	28.0	110	50.5	47	21.6	20.3	26.6	218	
25B		60	25.5	90	38.3	85	36.2	28.8	36.9	235	
26		465	26.5	732	41.8	556	31.7	26.3	34.2	1753	
27A		147	27.3	246	45.6	146	27.1	40.8	52.7	539	
27B		122	36.7	126	38.0	84	25.3	28.3	37.0	332	
28		188	35.1	230	43.0	117	21.9	36.2	46.8	535	
29		83	26.8	118	38.1	109	35.2	27.4	35.3	310	
30A		32	31.4	37	36.3	33	32.4	23.3	31.1	102	
30B		46	38.0	36	29.8	39	32.2	25.6	33.1	121	
		SUB-TOTAL	1242	29.1	1788	41.8	1243	29.1	30.0	39.0	4273
TOTAL		6470	31.5	8695	42.4	5366	26.1	30.4	39.5	20531	

APPENDIX C:
SAMPLE OFFENSES

**MAXIMUM PUNISHMENTS AND SAMPLE OFFENSES
FOR USE AT FIRST APPEARANCES AND ARRAIGNMENTS
[FOR OFFENSES COMMITTED ON OR AFTER 12/1/95]**

CLASS A FELONIES		Maximum Punishment of Death or Life Without Parole
Murder, First Degree (14-17)		
CLASS B1 FELONIES		Maximum Punishment of Life Without Parole
Rape, First Degree (14-27.2)		Sexual Offense, First Degree (14-27.4)
CLASS B2 FELONIES		Maximum Punishment of 479 Months
Murder, Second Degree (14-17)		
CLASS C FELONIES		Maximum Punishment of 261 Months
Habitual Felon (14-7.6)		Assault W/D/W/I/K/I/S/I (14-32(a))
Rape, Second Degree (14-27.3)		Kidnapping, First Degree (14-39)
Sexual Offense, Second Degree (14-27.5)		Continuing Criminal Enterprise (90-95.1)
CLASS D FELONIES		Maximum Punishment of 229 Months
Malicious Use of Explosive or Incendiary (14-49(a))		Arson, First Degree (14-58)
Burglary, First Degree (14-51)		Armed Robbery (14-87)
CLASS E FELONIES		Maximum Punishment of 98 Months
Voluntary Manslaughter (14-18)		Assault with a Firearm on a Law Enforcement Officer (14-34.5)
Intercourse and Sexual Offenses with Certain Victims (Substitute Parent/Custodian) (14-27.7)		Kidnapping, Second Degree (14-39)
Assault W/D/W/I/S/I (14-32(b))		Child Abuse (14-318.4)
Assault W/D/W/I/K (14-32(c))		Sell or Deliver a Controlled Substance to a Person Under 16 Years of Age (90-95(e)(5))
Discharging Weapon Into Occupied Property (14-34.1)		Sell or Deliver a Controlled Substance Within 300 Feet of a School (90-95(e)(8))
CLASS F FELONIES		Maximum Punishment of 59 Months
Involuntary Manslaughter (14-18)		Incest Between Certain Near Relatives (14-178)
Assault W/D/W Governmental Officer or Employee (14-34.2)		Indecent Liberties with Children (14-202.1)
Felony Restraint (14-43.3)		Perjury (14-209)
Burning of Certain Other Buildings (14-62)		Possess Weapon of Mass Destruction (14-288.8)
CLASS G FELONIES		Maximum Punishment of 44 Months
Burglary, Second Degree (14-51)		Possession of Firearms, etc., by Felon (14-415.1)
Arson, Second Degree (14-58)		Habitual Impaired Driving (20-138.5)
Common Law Robbery (14-87.1)		Death by Vehicle (20-141.4)

CLASS H FELONIES		Maximum Punishment of 30 Months
Accessories After the Fact (14-7)	Embezzlement (14-90)	
Breaking or Entering Buildings (14-54(a))	Obtaining Property by False Pretenses (14-100)	
Fraudulently Setting Fire to Dwelling House (14-65)	Intimidating/Interfering with Witnesses (14-226)	
Possessing Stolen Goods Worth More than \$1,000 (14-71.1)	Hit and Run Involving Personal Injury/Death (20-166(a))	
Larceny of Property Worth More than \$1,000 (14-72)	Possession W/I/M/S/D Cocaine (90-95(a)(1))	
CLASS I FELONIES		Maximum Punishment of 15 Months
Breaking or Entering Motor Vehicles (14-56)	Possession W/I/M/S/D Marijuana (90-95(a)(1))	
Financial Transaction Card Theft (14-113.9)	Possess Cocaine (90-95(a)(3))	
Forgery of Notes, Checks, Securities (14-119)	Maintain Dwelling or Motor Vehicle for Keeping or Selling a Controlled Substance (90-108(a)(7),(b))	
Uttering Forged Paper or Instrument (14-120)	Obtain a Controlled Substance by Fraud (90-108(a)(10),(b))	
Crime Against Nature (14-177)	Escaping From State Prison System (148-45)	

APPENDIX D:
INTERMEDIATE AND COMMUNITY PUNISHMENTS

INTERMEDIATE PUNISHMENTS

An intermediate punishment requires a sentence of supervised probation with at least one of the following conditions:

1. **Split Sentence/Special Probation:** Requires the offender to submit to a specified period of imprisonment in a prison or jail (total imprisonment may not exceed 25% of maximum sentence or 6 months, whichever is less) followed by a term of probation. It may include special conditions such as recommendation for work release or serving the active term in an inpatient facility.
2. **IMPACT (Boot Camp):** Is a form of Special Probation for offenders on supervised probation. The offenders must live at the camp for 90 days and participate in a strictly regimented para-military program. Offenders spend more than 7 hours a day at work, performing such duties as clearing land or property for federal, state and local agencies. Upon successful completion of the program, the offender returns to his community to serve the rest of his sentence on supervised probation.
3. **Residential Facility:** Requires the offender to reside in a facility for a specified continuous period of time in order to participate in activities such as substance abuse counseling, social skills training, or employment training, conducted at the residence or at other specified locations.
4. **Day Reporting Center:** Requires mandatory attendance at a facility on a daily or otherwise regular basis at specified times for a specific length of time in order to participate in activities such as substance abuse counseling, social skills training, or employment training.
5. **Intensive Supervision Probation:** Requires close supervision by a probation officer in order to control and assist the offender to remain in the community pursuant to a community penalties plan, community work plan, community restitution plan, or other plan of rehabilitation.
6. **Electronic Monitoring:** Requires the offender to remain in one or more specified places for a specified period or periods each day to wear a device which permits the supervising agency to monitor the offender's compliance with the conditions electronically.
7. **Community Penalties Plan Accepted by the Sentencing Judge:** Requires the offender to comply with conditions specified in the plan.

COMMUNITY PUNISHMENTS

A Community punishment is any authorized sentence that does not include an Active punishment or an Intermediate punishment. Community punishments can include, but are not limited to, one of the following: unsupervised or supervised probation (basic supervision not intensive supervision probation), outpatient drug/alcohol treatment, community service, restitution, fines, T.A.S.C. (Treatment Alternatives to Street Crime).

APPENDIX E:
SPECIAL PROBATION

APPENDIX E TABLE 1: SPECIAL PROBATION BY OFFENSE CLASS AND LOCATION

JAIL AND PRISON AVERAGE ACTIVE SENTENCE LENGTH	JAIL NUMBER	PRISON NUMBER	JAIL	PRISON	TOTAL	TOTAL NUMBER
			SPECIAL PROBATION LENGTH (DAYS)	SPECIAL PROBATION LENGTH (DAYS)	SPECIAL PROBATION LENGTH (DAYS)	
			MEAN	MEAN	MEAN	
OFFENSE CLASS						
E	128	38	90.9	162.9	107.4	166
F	90	27	69.3	145.0	86.7	117
G	161	43	102.6	166.1	116.0	204
H	896	94	51.2	73.4	53.3	990
I	436	86	53.5	57.0	54.1	522
TOTAL	1711	288	60.5	100.9	66.3	1999

APPENDIX E TABLE 2: SPECIAL PROBATION BY CRIME TYPE AND LOCATION

TOTAL JAIL AND PRISON AVERAGE ACTIVE SENTENCE LENGTH		JAIL NUMBER	PRISON NUMBER	JAIL	PRISON	TOTAL SPECIAL PROBATION LENGTH (DAYS)	TOTAL	
				SPECIAL PROBATION LENGTH (DAYS)	SPECIAL PROBATION LENGTH (DAYS)			
				MEAN	MEAN			
CRIME TYPE	OFFENSE							
PERSON	MANSLAUGHTER, - VOLUNTARY	10	4	130.9	182.4	145.6	14	
	MANSLAUGHTER, - INVOLUNTARY	6	2	90.9	167.2	110.0	8	
	COMMON LAW ROBBERY	87	20	118.0	224.4	137.9	107	
	AWDW INTENT TO KILL	5	1	81.9	180.0	98.2	6	
	AWDW SERIOUS INJURY	60	18	92.2	156.8	107.1	78	
	AWDW OFFCL, GOVRNNT OFFCL, EMRGNCY PERSNL	5	4	108.8	120.2	113.8	9	
	ASSAULT LAW ENFORCEMENT OFF. W/FIREARM		1		182.4	182.4	1	
	OTHER FELONY ASSAULTS	11	4	76.9	167.2	101.0	15	
	INDECENT LIBERTIES W/ CHILD	50	14	64.5	151.9	83.6	64	
	CHILD ABUSE	8	1	83.3	182.4	94.3	9	
	OTHER SEX CRIMES	6	2	74.9	60.0	71.2	8	
	KIDNAP, ABDUCT- ION	8	3	110.2	151.6	121.5	11	
	ALL OTHER PERSON	9	3	64.8	152.0	86.6	12	
	SUB-TOTAL		265	77	95.3	171.8	112.5	342
	PROPERTY	OFFENSE						
BURGLARY, 2ND DEG		19	2	118.2	113.5	117.7	21	
BREAKING/ENTE- RNG		268	31	48.5	70.0	50.8	299	
LARCENY		121	9	52.1	99.2	55.3	130	
2ND DEGREE ARSON		8	2	78.5	121.2	87.0	10	
OTHER ARSON/BURNING		11	4	45.4	66.3	51.0	15	
FORGERY		54	22	39.6	59.5	45.3	76	
FRAUD		9	2	43.4	52.9	45.2	11	
EMBEZZLEMENT		18	5	49.0	79.3	55.6	23	
ALL OTHER PROPTY		145	9	54.8	72.3	55.8	154	
SUB-TOTAL			653	86	52.1	72.8	54.5	739

(continued)

APPENDIX E TABLE 2: SPECIAL PROBATION BY CRIME TYPE AND LOCATION

TOTAL JAIL AND PRISON AVERAGE ACTIVE SENTENCE LENGTH		JAIL NUMBER	PRISON NUMBER	JAIL	PRISON	TOTAL SPECIAL PROBATION LENGTH (DAYS)	TOTAL
				SPECIAL PROBATION LENGTH (DAYS)	SPECIAL PROBATION LENGTH (DAYS)		
				MEAN	MEAN		
CRIME TYPE	OFFENSE						
DRUG (Non- trafficking)	DRUG POSSESSION	229	31	65.1	56.2	64.0	260
	OTHER DRUG FELONIES	448	59	48.9	66.2	50.9	507
	SUB-TOTAL	677	90	54.4	62.8	55.3	767
OTHER FELONY	OFFENSE						
	WEAPON OFFENSE	39	10	71.7	150.1	87.7	49
	HABITUAL MISDEMEANOR ASSAULT	2	.	30.0	.	30.0	2
	ALL OTHER FELONY	75	25	61.7	96.7	70.4	100
	SUB-TOTAL	116	35	64.5	112.0	75.5	151
TOTAL		1711	288	60.5	100.9	66.3	1999

APPENDIX F:
COMMUNITY SERVICE AND RESTITUTION

APPENDIX F TABLE 1: COMMUNITY SERVICE BY OFFENSE CLASS

Offense Class & Average Number of Community Service Hours Ordered	Community Service Hours	Total Number of Offenders	Percentage of Offenders
	Mean	Number	Percent
OFFENSE CLASS			
A	60.0	1	1.6
B2	67.3	4	1.9
C	79.1	14	3.2
D	84.5	12	1.9
E	85.3	196	18.5
F	80.8	179	20.7
G	82.7	274	15.5
H	74.8	2128	23.5
I	68.0	1813	27.1
TOTAL	73.3	4621	22.2

APPENDIX F TABLE 2: COMMUNITY SERVICE BY CRIME TYPE

Number & Percentage of Offenders Ordered to Perform Community Service & Average Hours Ordered by Crime Type		Community Service Hours	Total Number of Offenders	Percentage of Offenders
		Mean	Number	Percent
CRIME TYPE	OFFENSE			
PERSON	1st Degree Murder	60.0	1	1.6
	2nd Degree Murder	64.7	3	1.6
	Voluntary Manslaughter	216.3	13	11.6
	Involuntary Manslaughter	93.6	19	27.9
	Armed Robbery	76.6	9	1.8
	Common Law Robbery	81.9	162	19.3
	AWDW Intent to Kill	78.1	7	18.9
	AWDW Serious Injury	73.9	99	18.4
	AWDW Offcl, Gov't Offcl, Emergency Personl.	68.0	4	5.3
	Other Felony Assault	90.7	18	30.0
	Att Rape, S.O. ,1st Degree	75.0	1	6.7
	2nd Deg Rape, S.O.	78.4	5	6.3
	Att Rape, S.O. 2nd Deg	75.0	1	4.3
	Indecent Liberties w/Child	79.2	94	19.7
	Child Abuse	68.3	6	16.7
	Other Sex Crimes	112.5	16	14.8
	Kidnap/Abduction	92.4	14	12.7
	All Other Person	79.0	23	23.0
	Sub-Total	84.6	495	13.9
PROPERTY	1st Degree Burglary	50.0	1	2.5
	2nd Degree Burglary	80.3	36	23.2
	Breaking/Entering	78.1	693	23.5
	Larceny	74.5	317	23.3
	1st Degree Arson	200.0	1	25.0
	2nd Degree Arson	66.0	10	23.3
	Other Arson/Burning	78.7	22	26.5
	Forgery	68.7	232	24.9
	Fraud	67.2	58	25.3
	Embezzlement	93.5	87	33.0
	All Other Property	72.0	362	22.7
	Sub-Total	75.5	1819	23.8

(Continued)

APPENDIX F TABLE 2: COMMUNITY SERVICE BY CRIME TYPE

Number & Percentage of Offenders Ordered to Perform Community Service & Average Hours Ordered by Crime Type		Community Service Hours	Total Number of Offenders	Percentage of Offenders
		Mean	Number	Percent
CRIME TYPE	OFFENSE			
DRUGS (non-trafficking)	Drug Possession	66.3	841	27.3
	Other Drug Felonies	69.9	1226	25.9
	Sub-Total	68.4	2085	25.7
OTHER FELONY	Weapon Offense	73.6	91	25.4
	Habitual Felon	57.3	6	2.5
	Habitual Misdem. Assault	72.0	1	5.0
	All Other Felony	77.0	124	14.3
	Sub-Total	75.0	222	15.0
TOTAL		73.3	4621	22.2

APPENDIX F TABLE 3: RESTITUTION ORDERED BY OFFENSE CLASS¹

Total Number & Percentage of Offenders Ordered to Pay Restitution & Amount Ordered by Offense Class	Restitution Amount (\$) ²	Restitution Amount (\$)	Total Number of Offenders Ordered to Pay Restitution	Percentage of Offenders Ordered to Pay Restitution
	Mean	Median	Number	.Percent
OFFENSE CLASS				
A	710	710	2	3.2
B2	3649	3192	28	13.1
C	4802	1294	46	10.9
D	4676	538	76	12.8
E	4062	1329	401	37.9
F	2461	630	216	25.0
G	2607	450	489	29.1
H	2446	525	4604	50.8
I	1188	198	2892	43.3
TOTAL	2149	400	8754	42.2

¹ Appendix F Tables 3-5 present information about the amount of restitution ordered; they do not reflect the amount paid. Restitution can be ordered as a sole sanction or in conjunction with other sanctions.

² Appendix F Tables 3-5 provide four important pieces of information about restitution. They indicate the mean dollar amount ordered (average), the median dollar amount ordered (the amount which has the same number of restitutions ordered falling below it as above it), and the total number and percentage of offenders who were ordered to pay restitution. Note that the mean is often much higher than the median. This occurs because one or more sanctions are higher than the “normal” amount of restitution ordered.

APPENDIX F TABLE 4: RESTITUTION ORDERED BY CRIME TYPE

Total Number & Percentage of Offenders Ordered to Pay Restitution & Amount of Restitution Ordered by Crime Type		Restitution Amount (\$)	Restitution Amount (\$)	Total Number of Offenders Ordered to Pay Restitution	Percentage of Offenders Ordered to Pay Restitution
		Mean	Median	Number	Percent
Crime Type	Offense				
PERSON	1st Degree Murder	710	710	2	3.2
	2nd Degree Murder	3724	3192	26	13.8
	Vol. Manslaughter	3190	1500	23	20.5
	Invol. Manslaughter	8024	6014	20	29.4
	Armed Robbery	5162	578	68	13.4
	Common Law Robbery	2120	350	356	42.4
	AWDWIKISI	13148	3709	13	20.0
	AWDW Intent to Kill	2283	1025	14	37.8
	AWDW Serious Injury	5484	2000	235	43.6
	AWDW Offcl, Govt Offcl, Emerg Persnl.	1661	1000	18	23.7
	Other Felony Assaults	3964	1811	31	51.7
	Att. 1st Deg. Rape/S.O.	2680	2680	2	13.3
	2nd Deg. Rape/S.O.	1920	1563	6	7.6
	Indecent Libertiesw/Child	1021	417	90	18.9
	Child Abuse	853	500	7	19.4
	Other Sex Crimes	684	400	16	14.8
	Kidnap/Abduction	2449	1315	26	23.6
	All Other Person	1376	465	36	36.0
	Sub-Total	3359	750	989	27.7

(Continued)

APPENDIX F TABLE 4: RESTITUTION ORDERED BY CRIME TYPE

Total Number & Percentage of Offenders Ordered to Pay Restitution & Amount of Restitution Ordered by Crime Type		Restitution Amount (\$)	Restitution Amount (\$)	Total Number of Offenders Ordered to Pay Restitution	Percentage of Offenders Ordered to Pay Restitution
		Mean	Median	Number	Percent
Crime Type	Offense				
PROPERTY	1st Degree Burglary	605	100	7	17.5
	2nd Degree Burglary	3121	1253	68	43.9
	Breaking/Entering	2380	807	1774	60.1
	Larceny	3152	917	731	53.6
	1st Degree Arson	100	100	1	25.0
	2nd Degree Arson	7424	3031	20	46.5
	Other Arson/Burning	5704	1542	54	65.1
	Forgery	2660	545	691	74.1
	Fraud	3238	1671	96	41.9
	Embezzlement	7971	2385	209	79.2
	All Other Property	3334	1000	866	54.4
	Sub-Total	3077	877	4517	59.0
DRUGS (non- trafficking)	Drug Possession	188	100	1128	36.6
	Other Drug Felonies	320	130	1844	41.6
	Sub-Total	270	100	2972	37.0
OTHER FELONY	Weapon Offense	1087	486	98	27.4
	Habitual Felon	1578	719	22	9.3
	Habitual Misdem. Assault	646	719	3	15.0
	All Other Felony	4205	900	153	17.6
	Sub-Total	2850	650	276	18.6
TOTAL		2149	400	8754	42.2

APPENDIX F TABLE 5: RESTITUTION ORDERED BY TYPE OF PUNISHMENT

Total Number & Percentage of Offenders Ordered to Pay Restitution & Amount of Restitution Ordered by Type of Punishment	Restitution Amount (\$)	Restitution Amount (\$)	Total Number of Offenders Ordered to Pay Restitution	Percentage of Offenders Ordered to Pay Restitution
Type of Punishment	Mean	Median	Number	Percent
Active	3459	742	1064	16.2
Intermediate	2014	420	4953	56.8
Community	1883	290	2737	50.9
TOTAL	2149	400	8754	42.2

ENDNOTES

1. In a few instances, a conviction under Structured Sentencing has been consolidated within another conviction under the Fair Sentencing Act. In such cases, the sentence is not reflected in this report.
2. The month of June has fewer convictions relative to the previous months due in part to a week long judges' conference held that month. Thus, judges had fewer days in June to process cases.
3. Convictions containing incorrect offense classes, prior record levels, sentence lengths, or other errors were excluded from this section (n=3,097 or 13%). Note that convictions where the judge made a finding of extraordinary mitigation were also excluded from this section.
4. Under Structured Sentencing, all offenders in Offense Classes A through D are required to receive an Active punishment unless the court makes a finding of "extraordinary mitigation."
5. The minimum and maximum sentences reflected are those which were officially entered in the AOC computer system. In some instances, these sentences do not appear to fully conform to the Structured Sentencing Act.
6. Sentences resulting in life without parole or death were excluded from the calculation of the average minimum and maximum sentences.
7. See Endnote #5.
8. See Endnote #5.
9. See Endnote #5.
10. It is not clear why the specific types of intermediate sanctions have not always been reported. In some cases, the court may not have specified a particular type of intermediate sanction. It is more likely, however, that the type of intermediate sanction imposed by the court has not been entered into the AOC Criminal Information System.

*****Effective for Offenses Committed on or after 12/1/95*****

FELONY PUNISHMENT CHART

PRIOR RECORD LEVEL

OFFENSE CLASS

	I 0 Pts	II 1-4 Pts	III 5-8 Pts	IV 9-14 Pts	V 15-18 Pts	VI 19+ Pts	
A	Death or Life Without Parole						
B1	A 240-300	A 288-360	A 336-420	A 384-480	A <i>Life Without Parole</i>	A <i>Life Without Parole</i>	DISPOSITION <i>Aggravated Range</i>
	192-240	230-288	269-336	307-384	346-433	384-480	PRESUMPTIVE RANGE
	144-192	173-230	202-269	230-307	260-346	288-384	<i>Mitigated Range</i>
B2	A 157 - 196	A 189 - 237	A 220 - 276	A 251 - 313	A 282 - 353	A 313 - 392	
	125 - 157	151 - 189	176 - 220	201 - 251	225 - 282	251 - 313	
	94 - 125	114 - 151	132 - 176	151 - 201	169 - 225	188 - 251	
C	A 73 - 92	A 100 - 125	A 116 - 145	A 133 - 167	A 151 - 188	A 168 - 210	
	58 - 73	80 - 100	93 - 116	107-133	121 - 151	135 - 168	
	44 - 58	60 - 80	70 - 93	80 - 107	90 - 121	101-135	
D	A 64 - 80	A 77 - 95	A 103 - 129	A 117 - 146	A 133 - 167	A 146 - 183	
	51 - 64	61 - 77	82 - 103	94 - 117	107 - 133	117 - 146	
	38 - 51	46 - 61	61 - 82	71 - 94	80 - 107	88 - 117	
E	I/A 25 - 31	I/A 29 - 36	A 34 - 42	A 46 - 58	A 53 - 66	A 59 - 74	
	20 - 25	23 - 29	27 - 34	37 - 46	42 - 53	47 - 59	
	15 - 20	17 - 23	20 - 27	28 - 37	32 - 42	35 - 47	
F	I/A 16 - 20	I/A 19 - 24	I/A 21 - 26	A 25 - 31	A 34 - 42	A 39 - 49	
	13 - 16	15 - 19	17 - 21	20 - 25	27 - 34	31 - 39	
	10 - 13	11 - 15	13 - 17	15 - 20	20 - 27	23 - 31	
G	I/A 13 - 16	I/A 15 - 19	I/A 16 - 20	I/A 20 - 25	A 21 - 26	A 29 - 36	
	10 - 13	12 - 15	13 - 16	16 - 20	17 - 21	23 - 29	
	8 - 10	9 - 12	10 - 13	12 - 16	13 - 17	17 - 23	
H	C/I/A 6 - 8	I/A 8 - 10	I/A 10 - 12	I/A 11 - 14	I/A 15 - 19	A 20 - 25	
	5 - 6	6 - 8	8 - 10	9 - 11	12 - 15	16 - 20	
	4 - 5	4 - 6	6 - 8	7 - 9	9 - 12	12 - 16	
I	C 6 - 8	C/I 6 - 8	I 6 - 8	I/A 8 - 10	I/A 9 - 11	I/A 10 - 12	
	4 - 6	4 - 6	5 - 6	6 - 8	7 - 9	8 - 10	
	3 - 4	3 - 4	4 - 5	4 - 6	5 - 7	6 - 8	

Note: A - Active Punishment I - Intermediate Punishment C - Community Punishment
 *Numbers shown are in months and represent the range of minimum sentences.

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NC Sentencing and Policy Advisory Commission

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