

North Carolina
Sentencing and Policy Advisory Commission



**Structured Sentencing Statistical Report
for Felonies and Misdemeanors**

**Fiscal Year 1998/99
(July 1, 1998 - June 30, 1999)**

July 2000

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NC Sentencing and Policy Advisory Commission

750 copies of this public document were printed at a total cost of \$4,214.00,
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INTRODUCTION

INTRODUCTION

This report provides detailed information about felony and misdemeanor convictions under Structured Sentencing during Fiscal Year 1998/99 (July 1, 1998 through June 30, 1999). The report only includes cases where an offender was convicted and sentenced for a crime which was committed on or after October 1, 1994 -- the effective date of Structured Sentencing. The report presents information on the number of felony and misdemeanor convictions, the distribution of felony and misdemeanor convictions within their respective punishment grids, and the types of punishments imposed, as well as data about several other issues. Information for felony convictions is presented in *Section I*, while information for misdemeanor convictions is presented in *Section II*. Information regarding the substance and application of the sentencing laws under Structured Sentencing is provided in the North Carolina Sentencing and Policy Advisory Commission's *Structured Sentencing Training and Reference Manual*.

REPORTING OF CONVICTIONS AND SENTENCES

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

The unit of analysis for this report is convictions disposed of in a *sentencing episode*.

Definition of a Sentencing Episode:

A *sentencing episode* is identified from court records as the sentence(s) imposed for the *most serious conviction* on a given day of court. While a sentencing episode involves one offender, in our reporting time frame an offender may be represented by more than one sentencing episode (meaning that within the fiscal year the number of offenders will be the same as or less than the number of sentencing episodes reported). For the sake of simplicity, throughout the report the unit of analysis is referred to as "convictions."

SUMMARY OF FINDINGS

**FELONY AND MISDEMEANOR CONVICTIONS
IN FISCAL YEAR 1998/99**

SUMMARY OF FINDINGS FISCAL YEAR 1998/99 CONVICTIONS

Felony Convictions

- During Fiscal Year 1998/99, sentences for 24,168 felony convictions were imposed under Structured Sentencing. (Note: This number excludes sentences imposed for drug trafficking and violent habitual felon convictions, which are subject to mandatory penalties.)
- The greatest number of convictions fell into Offense Class H with Prior Record Level II.
- The majority of felony convictions (67%) were for offenders with Prior Record Levels I and II. Approximately 3% of convictions were for offenders with serious prior criminal histories (Prior Record Levels V and VI).
- Eighty-six percent of all offenders were male; 44% of all offenders were under the age of 26; and 60% of all offenders were Black.
- Thirty-four percent of felony convictions resulted in an Active punishment, 41% resulted in an Intermediate punishment, and 25% resulted in a Community punishment.
- Of the four crime types, non-trafficking drug offenses accounted for the largest group of felony convictions (37%), followed closely by property offenses (35%). Person offenses represented 19% of convictions and other felonies accounted for 9% of convictions.
- Seventy-nine percent of all Active sentences fell within the presumptive range; about 13% fell within the mitigated range; and about 8% 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 (n=2,858). Special Probation was the most frequently imposed sanction.
- Other information of interest includes: 14 death sentences and 70 life without parole sentences were imposed; there were 368 convictions for drug trafficking offenses; performance of community service was ordered for 19% of all convictions; and payment of restitution was ordered for almost 40% of all convictions.

Misdemeanor Convictions

- During Fiscal Year 1998/99, sentences for 157,611 misdemeanor convictions were imposed under Structured Sentencing. (This number excludes Driving While Impaired convictions, cases disposed of by magistrates, and Class 2 and Class 3 criminal traffic offenses.)
- Eleven percent of misdemeanor convictions fell into Offense Class A1, 52% fell into Offense Class 1, 23% fell into Offense Class 2, and the remainder fell into Offense Class 3.
- Forty-six percent of misdemeanor convictions had a Prior Conviction Level I (0 points), 41% had a Prior Conviction Level II (1-4 points), and the remainder had a Prior Conviction Level III (5 or more points).
- The greatest number of misdemeanor convictions fell into Offense Class 1 with Prior Conviction Level II.
- Seventy-nine percent of all misdemeanor offenders were male; 41% were under the age of 26; and 48% were Black.
- Seventeen percent of misdemeanor convictions resulted in an Active punishment, 1% resulted in an Intermediate punishment, and 82% resulted in a Community punishment.
- Relative to the other crime types, public order offenses accounted for the majority of misdemeanor convictions (43%), while misdemeanor drug offenses accounted for the lowest proportion (13%). Convictions for person offenses were most likely to result in an Active punishment (17.5%) and resulted in the longest average sentences.
- Where a specific intermediate sanction was indicated in the AOC database, Special Probation was the most frequently invoked punishment. Offenders convicted of a Class 1 offense with Prior Conviction Level II most frequently received Special Probation.
- Of all misdemeanor offenders who received a Community punishment, 59% received unsupervised probation; 30% received supervised probation; and 11% were ordered to pay restitution and/or a fine as their most serious punishment.
- Approximately 9% of all misdemeanor offenders were ordered to perform community service and 19% were ordered to pay restitution. On average, offenders were ordered to perform 37 hours of community service. The average restitution ordered was \$625.

SECTION I

**FELONY CONVICTIONS
IN FISCAL YEAR 1998/99**

I. FELONY CONVICTIONS IN FY 1998/99

A. Definition of the Unit of Analysis

The unit of analysis for this report is convictions disposed of in a *sentencing episode*.

Definition of a Sentencing Episode:

A *sentencing episode* is identified from court records as the sentence(s) imposed for the *most serious conviction* on a given day of court. While a sentencing episode involves one offender, in our reporting time frame an offender may be represented by more than one sentencing episode (meaning that within the fiscal year the number of offenders will be the same as or less than the number of sentencing episodes reported). For the sake of simplicity, throughout the report the unit of analysis is referred to as "convictions."

B. Felony Convictions

This section contains information on felony convictions and sentences imposed under Structured Sentencing during Fiscal Year 1998/99. Overall, sentences for 24,168 felony convictions were imposed. (This number excludes sentences imposed for drug trafficking and violent habitual felon convictions, which are subject to mandatory penalties. Information regarding convictions for these offenses is summarized in *Section VII: Special Issues*.) For many of the tables, information on 3,632 convictions (or 15%) was excluded due to data discrepancies. Such exclusions are noted at the end of each table. Efforts are ongoing to understand the nature of the data discrepancies and to resolve reporting problems.

C. Distribution of Convictions within the Felony Structured Sentencing Grid

Table 1 shows the distribution of felony convictions within the Structured Sentencing Grid. Overall, the greatest number of convictions fell into Offense Class H (n=8,352 or 41%) and Prior Record Level II (n=7,504 or 37%). Relative to other grid cells, the greatest number of convictions fell into Offense Class H with Prior Record Level II (n=2,718 or 13%). Sentences imposed for Offense Classes A-E accounted for 13% of felony convictions during FY 1998/99. Seventy-one percent of sentences imposed were for Class H and I felony convictions.

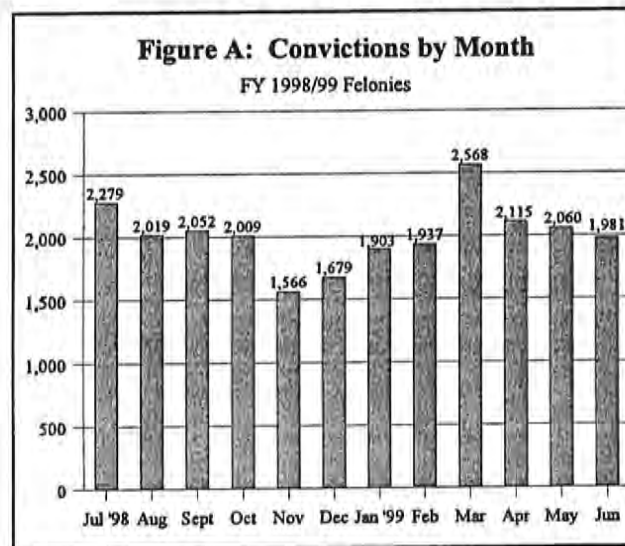
**Table 1: Distribution of Convictions within the Felony Structured Sentencing Grid
FY 1998/99 Felonies**

Offense Class	Prior Record Level						Total
	I 0 Pts	II 1-4 Pts	III 5-8 Pts	IV 9-14 Pts	V 15-18 Pts	VI 19+ Pts	
A	48 (0.2%)	15 (0.1%)	8 (0.0%)	5 (0.0%)	1 (0.0%)	1 (0.0%)	78 (0.3%)
B1	24 (0.1)	38 (0.2%)	22 (0.1%)	13 (0.1%)	1 (0.0%)	1 (0.0%)	99 (0.5%)
B2	107 (0.5%)	101 (0.5%)	40 (0.2%)	31 (0.2%)	7 (0.0%)	3 (0.0%)	289 (1.4%)
C	194 (0.9%)	172 (0.8%)	84 (0.4%)	81 (0.4%)	38 (0.2%)	29 (0.1%)	598 (2.8%)
D	231 (1.1%)	212 (1.0%)	115 (0.6%)	60 (0.3%)	10 (0.1%)	4 (0.0%)	632 (3.1%)
E	366 (1.8%)	400 (2.0%)	136 (0.7%)	59 (0.3%)	21 (0.1%)	11 (0.1%)	993 (5.0%)
F	460 (2.2%)	363 (1.8%)	198 (0.9%)	56 (0.3%)	14 (0.1%)	11 (0.1%)	1,102 (5.4%)
G	451 (2.2%)	792 (3.9%)	525 (2.6%)	306 (1.5%)	55 (0.3%)	38 (0.2%)	2,167 (10.7%)
H	2,545 (12.4%)	2,718 (13.2%)	1,761 (8.6%)	993 (4.8%)	226 (1.1%)	109 (0.5%)	8,352 (40.6%)
I	1,859 (9.1%)	2,693 (13.1%)	889 (4.3%)	576 (2.8%)	108 (0.5%)	101 (0.4%)	6,226 (30.2%)
TOTAL	6,285 (30.5%)	7,504 (36.6%)	3,778 (18.4%)	2,180 (10.7%)	481 (2.4%)	308 (1.4%)	20,536 (100%)

Note: Of the 24,168 felony convictions in FY 1998/99, 3,632 convictions were excluded from this table. These convictions did not fit within the sentencing grid due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation).

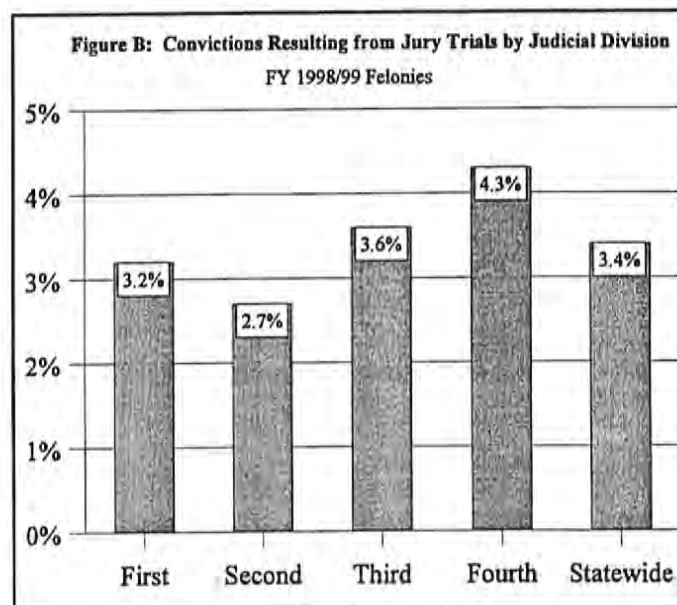
D. Convictions by Month of Sentencing

Figure A shows the total number of felony convictions by month of sentencing during Fiscal Year 1998/99 (N=24,168). Convictions peaked in March and were lowest in November and December.



E. Convictions by Judicial Division, District, and County

Table 2 displays the total number of convictions by judicial division, judicial district, and county. (See Appendix A for a map of judicial divisions and districts.) Of the 24,168 convictions in FY 1998/99, 24% (n=5,707) occurred in the first judicial division, 27% (n=6,616) in the second judicial division, 29% (n=7,060) in the third judicial division, and 20% (n=4,785) in the fourth judicial division. This table also indicates whether the conviction resulted from a guilty plea or jury trial. Overall, 3.4% of all convictions statewide resulted from jury trials (see Figure B). The number of jury trials varied slightly by judicial division with a low of 2.7% in the second division and a high of 4.3% in the fourth division.



**Table 2: Convictions by Judicial Division, Judicial District,
County, and Mode of Disposition
FY 1998/99 Felonies**

Judicial Division, Judicial District, and County		Mode of Disposition		Total
		Guilty Plea	Jury Trial	
<i>First Judicial Division</i>		<i>5,525</i>	<i>182</i>	<i>5,707</i>
District 1	Camden	9	1	10
	Chowan	47	2	49
	Currituck	30	2	32
	Dare	80	2	82
	Gates	24	0	24
	Pasquotank	170	5	175
	Perquimans	26	0	26
	Total	386	12	398
District 2	Beaufort	138	8	146
	Hyde	5	9	14
	Martin	43	5	48
	Tyrrell	7	0	7
	Washington	23	4	27
	Total	216	26	242
District 3A	Pitt	501	9	510
Total	501	9	510	
District 3B	Carteret	127	4	131
	Craven	280	9	289
	Pamlico	28	2	30
	Total	435	15	450
District 4A	Duplin	285	4	289
	Jones	35	2	37
	Sampson	288	4	292
	Total	608	10	618
District 4B	Onslow	380	11	391
	Total	380	11	391
District 5	New Hanover	610	26	636
	Pender	121	5	126
	Total	731	31	762
District 6A	Halifax	141	4	145
	Total	141	4	145

**Table 2: Convictions by Judicial Division, Judicial District,
County, and Mode of Disposition (continued)
FY 1998/99 Felonies**

Judicial Division, Judicial District, and County		Mode of Disposition		Total
		Guilty Plea	Jury Trial	
District 6B	Bertie	76	2	78
	Hertford	116	9	125
	Northampton	74	5	79
	Total	266	16	282
District 7A	Nash	200	5	205
	Total	200	5	205
District 7B,C	Edgecombe	196	9	205
	Wilson	389	12	401
	Total	585	21	606
District 8A	Greene	142	0	142
	Lenoir	390	13	403
	Total	532	13	545
District 8B	Wayne	544	9	553
	Total	544	9	553
<i>Second Judicial Division</i>		<i>6,439</i>	<i>177</i>	<i>6,616</i>
District 9	Franklin	171	1	172
	Granville	173	3	176
	Vance	310	1	311
	Warren	91	2	93
	Total	745	7	752
District 9A	Caswell	81	5	86
	Person	182	0	182
	Total	263	5	268
District 10	Wake	1,455	43	1,498
	Total	1,455	43	1,498
District 11A	Harnett	190	12	202
	Lee	181	6	187
	Total	371	18	389
District 11B	Johnston	326	6	332
	Total	326	6	332

**Table 2: Convictions by Judicial Division, Judicial District,
County, and Mode of Disposition (continued)
FY 1998/99 Felonies**

Judicial Division, Judicial District, and County		Mode of Disposition		Total
		Guilty Plea	Jury Trial	
District 12	Cumberland	706	16	722
	Total	706	16	722
District 13	Bladen	123	2	125
	Brunswick	115	4	119
	Columbus	141	4	145
	Total	379	10	389
District 14	Durham	568	37	605
	Total	568	37	605
District 15A	Alamance	738	13	751
	Total	738	13	751
District 15B	Chatham	99	0	99
	Orange	160	5	165
	Total	259	5	264
District 16A	Hoke	138	2	140
	Scotland	234	1	235
	Total	372	3	375
District 16B	Robeson	257	14	271
	Total	257	14	271
<i>Third Judicial Division</i>		6,809	251	7,060
District 17A	Rockingham	213	8	221
	Total	213	8	221
District 17B	Stokes	104	0	104
	Surry	166	4	170
	Total	270	4	274
District 18	Guilford	1,796	58	1,854
	Total	1,796	58	1,854
District 19A	Cabarrus	474	12	486
	Total	474	12	486
District 19B	Montgomery	76	2	78
	Moore	296	5	301
	Randolph	188	14	202
	Total	560	21	581

**Table 2: Convictions by Judicial Division, Judicial District,
County, and Mode of Disposition (continued)
FY 1998/99 Felonies**

Judicial Division, Judicial District, and County		Mode of Disposition		Total
		Guilty Plea	Jury Trial	
District 19C	Rowan	459	16	475
	Total	459	16	475
District 20A	Anson	97	4	101
	Richmond	269	6	275
	Total	366	10	376
District 20B	Stanly	121	2	123
	Union	367	11	378
	Total	488	13	501
District 21	Forsyth	1,299	61	1,360
	Total	1,299	61	1,360
District 22	Alexander	31	5	36
	Davidson	327	16	343
	Davie	50	3	53
	Iredell	232	11	243
	Total	640	35	675
District 23	Alleghany	25	1	26
	Ashe	27	2	29
	Wilkes	141	6	147
	Yadkin	51	4	55
	Total	244	13	257
Fourth Judicial Division		4,581	204	4,785
District 24	Avery	10	1	11
	Madison	16	0	16
	Mitchell	27	3	30
	Watauga	34	1	35
	Yancey	23	0	23
	Total	110	5	115
District 25A	Burke	211	4	215
	Caldwell	152	3	155
	Total	363	7	370

**Table 2: Convictions by Judicial Division, Judicial District,
County, and Mode of Disposition (continued)
FY 1998/99 Felonies**

Judicial Division, Judicial District, and County		Mode of Disposition		Total
		Guilty Plea	Jury Trial	
District 25B	Catawba	290	12	302
	Total	290	12	302
District 26	Mecklenburg	1,784	71	1,855
	Total	1,784	71	1,855
District 27A	Gaston	492	38	530
	Total	492	38	530
District 27B	Cleveland	262	10	272
	Lincoln	177	6	183
	Total	439	16	455
District 28	Buncombe	456	21	477
	Total	456	21	477
District 29	Henderson	112	2	114
	McDowell	93	3	96
	Polk	15	1	16
	Rutherford	188	11	199
	Transylvania	45	3	48
	Total	453	20	473
District 30A	Cherokee	34	2	36
	Clay	3	0	3
	Graham	9	1	10
	Macon	45	2	47
	Swain	10	1	11
	Total	101	6	107
District 30B	Haywood	62	3	65
	Jackson	31	5	36
	Total	93	8	101
STATE TOTAL		23,354	814	24,168

F. Felony Pleas in District Court

In 1996 the General Assembly amended the law to allow District Court judges to accept pleas for Class H and I felonies. This amendment applies to offenses committed on or after December 1, 1996. In Fiscal Year 1998/99, 1,016 Class H (or 10.2% of Class H convictions) and 831 Class I (or 11.5% of Class I convictions) felony pleas were accepted in District Court for a total of 1,847 pleas (10.8% of all Class H and I felony convictions).

II. CHARACTERISTICS OF OFFENDERS

This section provides a breakdown of convictions by offenders' gender, race, and age. Of the 24,168 felony convictions, 86% were for males (see *Figure C*).

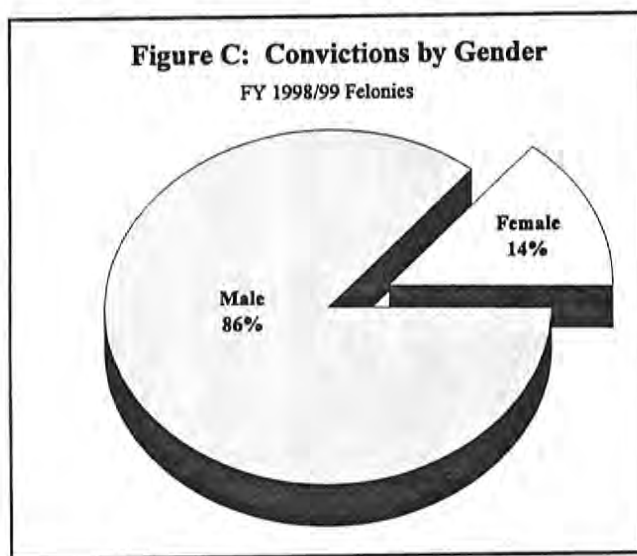
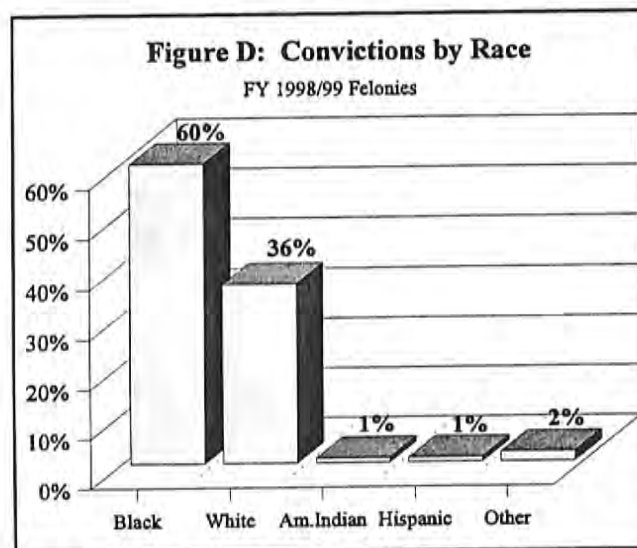
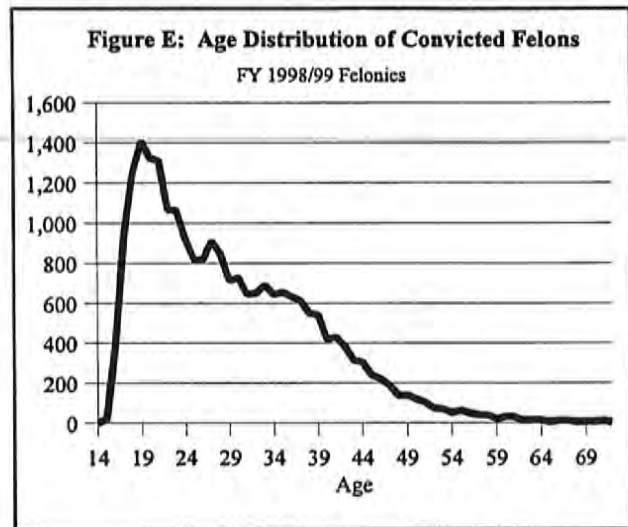


Figure D shows that 60% of all felony offenders were Black, 36% were White, and a small percentage were American Indian (1%), Hispanic (1%), or Other (2%).



Twenty-two percent of felony convictions were for offenders under the age of 21, 22% were 21-25 years of age, 14% were 26-29 years of age, 27% were 30-39 years of age, 12% were 40-49 years of age, and 3% were 50 years of age or older. *Figure E* illustrates that the volume of offenders peaks in the late teens and early twenties, and then generally declines as age increases. *Table 3* provides a summary of convictions by gender, race, and age of offenders.



**Table 3: Convictions by Gender, Race, and Age
FY 1998/99 Felonies**

Gender and Race		Age						Total
		<21	21-25	26-29	30-39	40-49	>49	
Male	White	1,638	1,332	921	1,924	843	329	6,987
	Black	3,106	3,004	1,742	3,028	1,392	361	12,633
	Hispanic	60	87	58	75	21	5	306
	Amer. Indian	57	57	33	47	20	4	218
	Asian	13	3	0	0	2	0	18
	Other	59	86	40	64	22	8	279
	Subtotal	4,933	4,569	2,794	5,138	2,300	707	20,441
Female	White	175	242	206	592	217	48	1,480
	Black	210	345	275	604	246	34	1,714
	Hispanic	7	7	1	3	1	0	19
	Amer. Indian	5	6	5	8	5	3	32
	Asian	0	0	0	1	1	0	2
	Other	1	6	8	8	4	0	27
	Subtotal	398	606	495	1,216	474	85	3,274
TOTAL		5,331	5,175	3,289	6,354	2,774	792	23,715

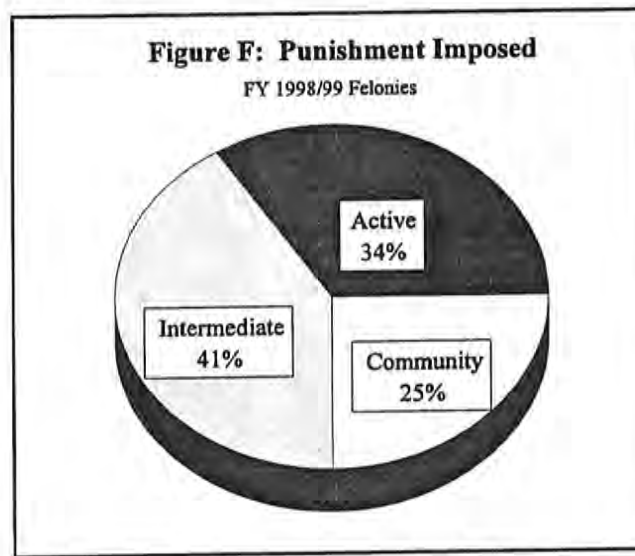
Note: Of the 24,168 felony convictions in FY 1998/99, 453 convictions with missing age values were excluded from this table.

III. PUNISHMENT IMPOSED FOR FELONIES

This section details the type of punishment imposed (Active, Intermediate, or Community) for convictions and sentences during Fiscal Year 1998/99. The tables in this section also show the average minimum and maximum sentences for convictions for which an Active punishment was imposed. *The reader should note that this is based on the most serious sentence an offender received.*¹

A. Overall Punishment

An Active punishment was imposed for 34% of felony convictions, an Intermediate punishment was imposed for 41% of felony convictions, and a Community punishment was imposed for 25% of felony convictions (see *Figure F*).



B. Punishment Imposed by Offense Class and Prior Record Level

Figure G shows the percentage of convictions by offense class. The majority of felony convictions were for Class H and Class I offenses. (See *Appendix B* for sample offenses for each offense class.) As shown in *Figure H*, the majority of felony convictions (68%) were for offenders with Prior Record Levels I and II, indicating little or no prior criminal record. About 3% of convictions were for offenders with serious prior criminal histories (Prior Record Levels V and VI).

¹ Convictions that did not fit within the sentencing grid were excluded from this section (n=3,632 or 15%). These convictions did not fit within the sentencing grid due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation).

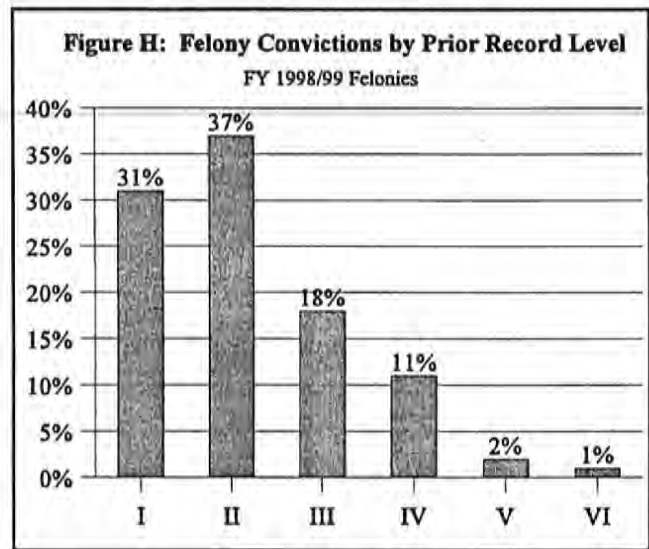
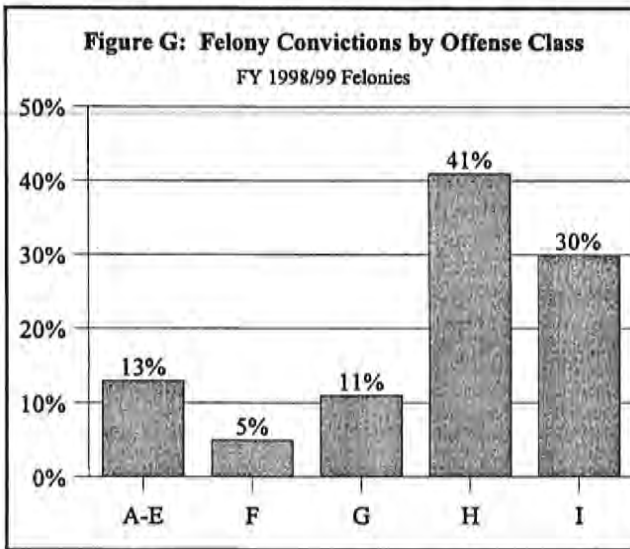


Table 4 presents felony convictions and sentences imposed within the context of the felony sentencing grid (see also Table 1). The table also includes the average minimum and maximum sentences for convictions for which an Active sentence was imposed. The majority of convictions fell within Offense Class H with Prior Record Level II (n=2,718 or 13%). An Intermediate punishment was imposed for 72% of these 2,718 convictions, while an Active punishment was imposed for the remaining 28%. Relative to the other grid cells in which an Active sentence can be imposed, convictions for a Class H offense with Prior Record Level I were least likely to have an Active sentence imposed (8%).

The data presented in Table 4 indicate that, in general, the percentage of offenders receiving an Active sentence increases as the offense class increases. Offense Class G is the exception, with a higher Active punishment rate than Offense Class F. As shown in the vertical "Total" column in Table 4, the average minimum and maximum sentences imposed increase as offense class increases.² The average minimum sentence for all convictions resulting in an Active punishment (n=6,928) was 35 months. The lowest average minimum sentence was imposed for Class I convictions (7 months). Excluding life and death sentences, the highest average minimum sentence was imposed for Class B1 convictions (263 months).

Convictions for offenders falling into Prior Record Levels I, II, and VI received the highest average minimum sentences (46 months, 38 months, and 38 months respectively). The higher minimum sentences for the lower prior record levels can be attributed to the fact that the majority of offenders eligible for an Active sentence in these prior record levels are those convicted in the more serious offense classes (i.e., Class B1 through E felonies).

For information on punishment imposed by judicial division, see Appendix C.

² Sentences resulting in life without parole or death were excluded from the calculation of the average minimum and maximum sentences.

**Table 4: Convictions and Sentences by Offense Class and Prior Record Level
FY 1998/99 Felonies**

Offense Class	Prior Record Level						Total
	I 0 Pts	II 1-4 Pts	III 5-8 Pts	IV 9-14 Pts	V 15-18 Pts	VI 19+ Pts	
A	A A = 48 (100%) (n=48) Life/Death	A A = 15 (100%) (n=15) Life/Death	A A = 8 (100%) (n=8) Life/Death	A A = 5 (100%) (n=5) Life/Death	A A = 1 (100%) (n=1) Life/Death	A A = 1 (100%) (n=1) Life/Death	A A = 78 (100%) (n=78) Life/Death
B1	A A = 24 (100%) (n=24) 199 min 248 max	A A = 38 (100%) (n=38) 246 min 303 max	A A = 22 (100%) (n=22) 307 min 378 max	A A = 13 (100%) (n=13) 350 min 430 max	A A = 1 (100%) (n=1) 346 min 425 max	A A = 1 (100%) (n=1) Life/Death	A A = 99 (100%) (n=99) 263 min 325 max
B2	A A = 107 (100%) (n=107) 138 min 175 max	A A = 101 (100%) (n=101) 178 min 223 max	A A = 40 (100%) (n=40) 201 min 250 max	A A = 31 (100%) (n=31) 238 min 295 max	A A = 7 (100%) (n=7) 272 min 336 max	A A = 3 (100%) (n=3) 319 min 392 max	A A = 289 (100%) (n=289) 177 min 222 max
C	A A = 194 (100%) (n=194) 65 min 87 max	A A = 172 (100%) (n=172) 84 min 110 max	A A = 84 (100%) (n=84) 98 min 127 max	A A = 81 (100%) (n=81) 113 min 146 max	A A = 38 (100%) (n=38) 134 min 170 max	A A = 29 (100%) (n=29) 149 min 189 max	A A = 598 (100%) (n=598) 90 min 117 max
D	A A = 231 (100%) (n=231) 52 min 72 max	A A = 212 (100%) (n=212) 64 min 86 max	A A = 115 (100%) (n=115) 87 min 114 max	A A = 60 (100%) (n=60) 102 min 132 max	A A = 10 (100%) (n=10) 113 min 145 max	A A = 4 (100%) (n=4) 139 min 176 max	A A = 632 (100%) (n=632) 69 min 92 max
E	I/A I = 243 (66%) A = 123 (34%) (n=366) 24 min 37 max	I/A I = 219 (55%) A = 181 (45%) (n=400) 26 min 40 max	A A = 136 (100%) (n=136) 30 min 45 max	A A = 59 (100%) (n=59) 42 min 60 max	A A = 21 (100%) (n=21) 49 min 68 max	A A = 11 (100%) (n=11) 54 min 74 max	I/A I = 462 (46%) A = 531 (54%) (n=993) 30 min 45 max
F	I/A I = 346 (75%) A = 114 (25%) (n=460) 15 min 19 max	I/A I = 230 (63%) A = 133 (37%) (n=363) 18 min 21 max	I/A I = 84 (42%) A = 114 (58%) (n=198) 19 min 24 max	A A = 56 (100%) (n=56) 22 min 27 max	A A = 14 (100%) (n=14) 32 min 38 max	A A = 11 (100%) (n=11) 32 min 39 max	I/A I = 660 (60%) A = 442 (40%) (n=1,102) 19 min 23 max

**Table 4: Convictions and Sentences by Offense Class and Prior Record Level (continued)
FY 1998/99 Felonies**

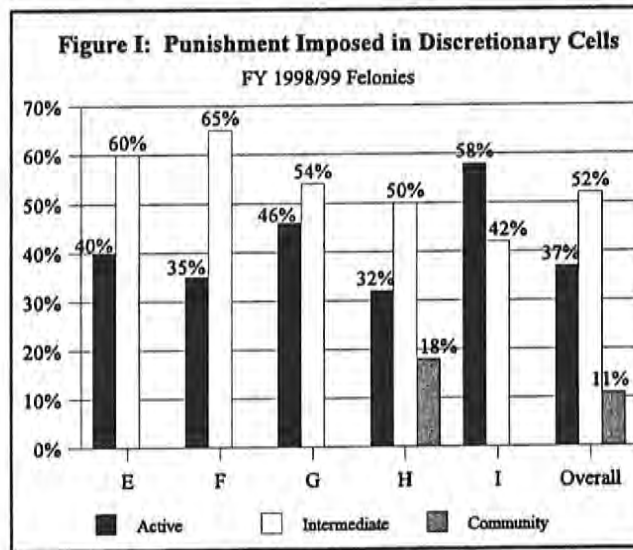
Offense Class	Prior Record Level						Total
	I 0 Pts	II 1-4 Pts	III 5-8 Pts	IV 9-14 Pts	V 15-18 Pts	VI 19+ Pts	
G	I/A I = 332 (74%) A = 119 (26%) (n=451) 12 min 15 max	I/A I = 475 (60%) A = 317 (40%) (n=792) 13 min 16 max	I/A I = 223 (42%) A = 302 (58%) (n=525) 15 min 18 max	I/A I = 95 (31%) A = 211 (69%) (n=306) 18 min 22 max	A A = 55 (100%) (n=55) 19 min 24 max	A A = 38 (100%) (n=38) 26 min 32 max	I/A I = 1,125 (52%) A = 1,042 (48%) (n=2,167) 15 min 19 max
H	C/I/A C = 1,505 (59%) I = 831 (33%) A = 209 (8%) (n=2,545) 6 min 7 max	I/A I = 1,954 (72%) A = 764 (28%) (n=2,718) 7 min 9 max	I/A I = 933 (53%) A = 828 (47%) (n=1,761) 9 min 11 max	I/A I = 319 (32%) A = 674 (68%) (n=993) 10 min 12 max	I/A I = 50 (22%) A = 176 (78%) (n=226) 13 min 16 max	A A = 109 (100%) (n=109) 19 min 22 max	C/I/A C = 1,505 (18%) I = 4,087 (49%) A = 2,760 (33%) (n=8,352) 9 min 11 max
I	C C = 1,859 (100%) (n=1,859) N/A	C/I C = 1,763 (66%) I = 930 (34%) (n=2,693) N/A	I I = 889 (100%) (n=889) N/A	I/A I = 264 (46%) A = 312 (54%) (n=576) 7 min 9 max	I/A I = 36 (33%) A = 72 (67%) (n=108) 8 min 10 max	I/A I = 28 (28%) A = 73 (72%) (n=101) 9 min 11 max	C/I/A C = 3,622 (58%) I = 2,147 (35%) A = 457 (7%) (n=6,226) 7 min 9 max
TOTAL	C/I/A C = 3,364 (53%) I = 1,752 (28%) A = 1,169 (19%) (n=6,285) 46 min 61 max	C/I/A C = 1,763 (23%) I = 3,808 (51%) A = 1,933 (26%) (n=7,504) 38 min 49 max	I/A I = 2,129 (56%) A = 1,649 (44%) (n=3,778) 31 min 40 max	I/A I = 678 (31%) A = 1,502 (69%) (n=2,180) 29 min 37 max	I/A I = 86 (18%) A = 395 (82%) (n=481) 35 min 45 max	I/A I = 28 (9%) A = 280 (91%) (n=308) 38 min 47 max	C/I/A C = 5,127 (25%) I = 8,481 (41%) A = 6,928 (34%) (n=20,536) 35 min 46 max

Note: Of the 24,168 felony convictions in FY 1998/99, 3,632 convictions were excluded from this table. These convictions did not fit within the sentencing grid due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation). Sentences resulting in life without parole or death were excluded from the calculation of the average minimum and maximum sentences.

C. Punishment Imposed in Discretionary Cells

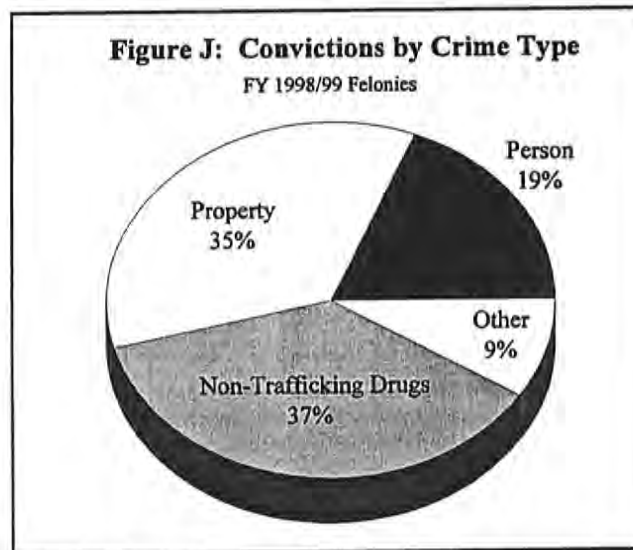
As shown in *Table 4*, where the judge had the option of imposing either an Active or community-based punishment (i.e., either an Intermediate or Community punishment), an Intermediate punishment was most likely to be imposed for convictions falling within Offense Class F with Prior Record Level I (75%), while an Active sentence was most likely to be imposed for convictions falling within Offense Class H with Prior Record Level V (78%).

Figure I summarizes sentences imposed by offense class for these discretionary cells.



D. Punishment Imposed by Crime Type

During Fiscal Year 1998/99, non-trafficking drug offenses accounted for the majority of convictions (37%), followed closely by property convictions (35%) (see Figure J). For additional data on convictions by crime type, see Appendix D.



The type of punishment imposed by crime type is shown in Table 5. Relative to other crime types, convictions for person offenses were most likely to result in the imposition of an Active punishment (65%), while convictions for non-trafficking drug offenses were least likely to result in the imposition of an Active punishment (18%). Of the four crime types, property convictions had the highest percentage of Intermediate punishment sentences (44%) and non-trafficking drug convictions had the highest percentage of Community punishment sentences (39%).

Table 5 also displays the average minimum and maximum sentence lengths for convictions in which an Active punishment was imposed. The longest average Active sentences were imposed for person convictions.

**Table 5: Convictions and Sentences by Crime Type
FY 1998/99 Felonies**

Crime Type	Type of Punishment						Minimum Active Sentence (months)	Maximum Active Sentence (months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
Person	2,562	64.8	1,345	34.0	44	1.1	64.8	84.0	3,951
Property	2,044	28.4	3,190	44.4	1,952	27.2	11.2	14.1	7,186
Non-Trafficking Drug	1,379	18.1	3,283	43.1	2,952	38.8	10.1	12.6	7,614
Other Felony	943	52.8	663	37.1	179	10.0	47.4	61.6	1,785
TOTAL	6,928	33.7	8,481	41.3	5,127	25.0	35.4	45.7	20,536

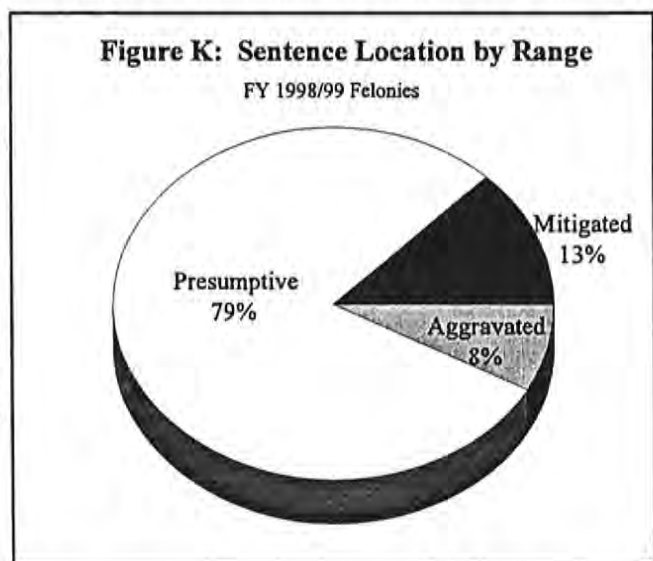
Note: Of the 24,168 felony convictions in FY 1998/99, 3,632 convictions were excluded from this table. These convictions did not fit within the sentencing grid due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation).

IV. SENTENCE LOCATION IN THE SENTENCING RANGES

This section presents information regarding the location of sentences imposed in the sentencing ranges and *deals only with convictions for which an Active sentence was imposed (n=6,928)*. Class A convictions, which are subject to mandatory life or death sentences, are excluded from this section (n=78), as are Class B1 convictions that fall in the aggravated range of Prior Record Levels V and VI with a sentence of life without parole (n=1).

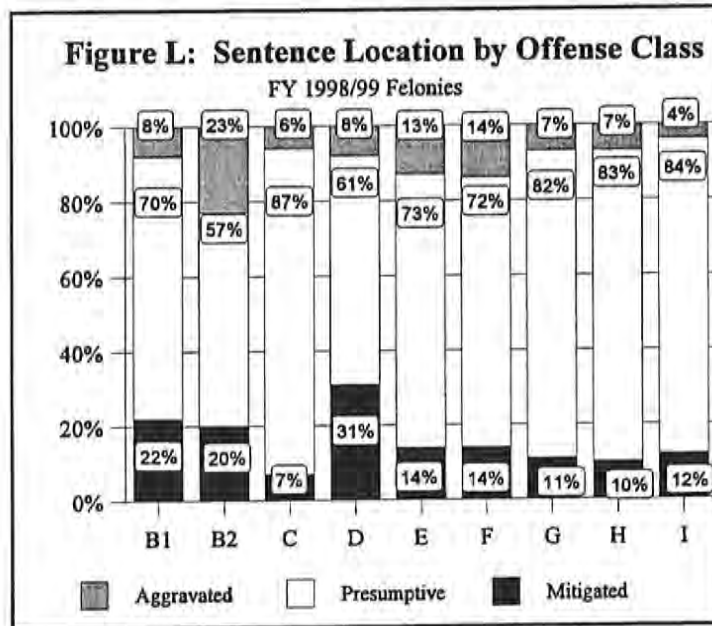
A. Sentence Location

Figure K shows that 79% of all Active sentences fell within the presumptive range; 13% fell within the mitigated range; and 8% fell within the aggravated range.



B. Sentence Location by Offense Class and Prior Record Level

Figure L displays the percentage of convictions falling within the aggravated, presumptive, and mitigated ranges by offense class for Active sentences.



For information regarding sentence location by offense class and prior record level, see *Table 6*. At least 57% of all Active sentences fell within the presumptive range for each offense class. Convictions for Class I offenses had the highest percentage of Active sentences in the presumptive range (84%), while convictions for Class B2 offenses had the lowest percentage of Active sentences in the presumptive range (57%).

Compared to convictions falling in other prior record levels, convictions falling into Prior Record Level I had the highest percentage of Active sentences both in the mitigated range (18%) and in the aggravated range (12%).

**Table 6: Sentence Location by Offense Class and Prior Record Level
(Active Sentences Only)
FY 1998/99 Felonies**

Offense Class	Sentencing Range	Prior Record Level						Total
		I 0 Pts	II 1-4 Pts	III 5-8 Pts	IV 9-14 Pts	V 15-18 Pts	VI 19+ Pts	
B1	Mitigated	7 (29%)	7 (18%)	6 (27%)	2 (15%)	.	.	22 (22%)
	Presumptive	15 (63%)	30 (79%)	13 (59%)	9 (70%)	1 (100%)	.	68 (70%)
	Aggravated	2 (8%)	1 (3%)	3 (14%)	2 (15%)	.	.	8 (8%)
	Subtotal	24	38	22	13	1	0	98
B2	Mitigated	24 (22%)	21 (21%)	9 (22%)	4 (13%)	1 (14%)	.	59 (20%)
	Presumptive	67 (63%)	47 (46%)	25 (63%)	20 (64%)	3 (43%)	2 (67%)	164 (57%)
	Aggravated	16 (15%)	33 (33%)	6 (15%)	7 (23%)	3 (43%)	1 (33%)	66 (23%)
	Subtotal	107	101	40	31	7	3	289
C	Mitigated	20 (10%)	10 (6%)	6 (7%)	5 (6%)	.	.	41 (7%)
	Presumptive	154 (80%)	158 (92%)	75 (89%)	73 (90%)	35 (92%)	28 (97%)	523 (87%)
	Aggravated	20 (10%)	4 (2%)	3 (4%)	3 (4%)	3 (8%)	1 (3%)	34 (6%)
	Subtotal	194	172	84	81	38	29	598
D	Mitigated	90 (39%)	60 (28%)	30 (26%)	17 (28%)	2 (20%)	.	199 (31%)
	Presumptive	118 (51%)	139 (66%)	76 (66%)	38 (64%)	8 (80%)	4 (100%)	383 (61%)
	Aggravated	23 (10%)	13 (6%)	9 (8%)	5 (8%)	.	.	50 (8%)
	Subtotal	231	212	115	60	10	4	632

**Table 6: Sentence Location by Offense Class and Prior Record Level (continued)
(Active Sentences Only)
FY 1998/99 Felonies**

Offense Class	Sentencing Range	Prior Record Level						Total
		I 0 Pts	II 1-4 Pts	III 5-8 Pts	IV 9-14 Pts	V 15-18 Pts	VI 19+ Pts	
E	Mitigated	10 (8%)	25 (14%)	24 (18%)	11 (19%)	4 (19%)	2 (18%)	76 (14%)
	Presumptive	94 (77%)	131 (72%)	100 (73%)	38 (64%)	15 (71%)	8 (73%)	386 (73%)
	Aggravated	19 (15%)	25 (14%)	12 (9%)	10 (17%)	2 (10%)	1 (9%)	69 (13%)
	Subtotal	123	181	136	59	21	11	531
F	Mitigated	17 (15%)	17 (13%)	13 (11%)	10 (18%)	1 (7%)	4 (36%)	62 (14%)
	Presumptive	73 (64%)	98 (74%)	90 (79%)	38 (68%)	12 (86%)	6 (55%)	317 (72%)
	Aggravated	24 (21%)	18 (13%)	11 (10%)	8 (14%)	1 (7%)	1 (9%)	63 (14%)
	Subtotal	114	133	114	56	14	11	442
G	Mitigated	11 (9%)	42 (13%)	28 (9%)	22 (10%)	8 (14%)	4 (10%)	115 (11%)
	Presumptive	95 (80%)	250 (79%)	251 (83%)	179 (85%)	41 (75%)	33 (87%)	849 (82%)
	Aggravated	13 (11%)	25 (8%)	23 (8%)	10 (5%)	6 (11%)	1 (3%)	78 (7%)
	Subtotal	119	317	302	211	55	38	1,042
H	Mitigated	18 (8%)	66 (9%)	84 (10%)	75 (11%)	23 (13%)	12 (11%)	278 (10%)
	Presumptive	171 (82%)	621 (81%)	719 (87%)	566 (84%)	146 (83%)	80 (73%)	2,303 (83%)
	Aggravated	20 (10%)	77 (10%)	25 (3%)	33 (5%)	7 (4%)	17 (16%)	179 (7%)
	Subtotal	209	764	828	674	176	109	2,760

**Table 6: Sentence Location by Offense Class and Prior Record Level (continued)
(Active Sentences Only)
FY 1998/99 Felonies**

Offense Class	Sentencing Range	Prior Record Level						Total
		I 0 Pts	II 1-4 Pts	III 5-8 Pts	IV 9-14 Pts	V 15-18 Pts	VI 19+ Pts	
I	Mitigated	.	.	.	41 (13%)	4 (5%)	9 (12%)	54 (12%)
	Presumptive	.	.	.	255 (82%)	66 (92%)	61 (84%)	382 (84%)
	Aggravated	.	.	.	16 (5%)	2 (3%)	3 (4%)	21 (4%)
	Subtotal	N/A	N/A	N/A	312	72	73	457
TOTAL	Mitigated	197 (18%)	248 (13%)	200 (12%)	187 (13%)	43 (11%)	31 (11%)	906 (13%)
	Presumptive	787 (70%)	1,474 (77%)	1,349 (82%)	1,216 (81%)	327 (83%)	222 (80%)	5,375 (79%)
	Aggravated	137 (12%)	196 (10%)	92 (6%)	94 (6%)	24 (6%)	25 (9%)	568 (8%)
	Subtotal	1,121	1,918	1,641	1,497	394	278	6,849

Note: Convictions that did not fit within the sentencing grid were excluded from this table. Seventy-nine convictions requiring a mandatory life or death sentence were excluded from this table.

C. Sentence Location by Crime Type

The sentence location for selected crime types is contained in *Table 7*. Of the four crime types, convictions for person offenses accounted for the highest percentage of aggravated sentences (12.5%) and the highest percentage of mitigated sentences (19.0%). Convictions in the category of other felony offenses accounted for the lowest percentage of mitigated sentences (8.4%) and, along with non-trafficking drug convictions, for the lowest percentage of aggravated sentences (4.7% each) relative to the other crime types. For additional information regarding convictions by crime type, see *Appendix D*.

**Table 7: Sentence Location by Crime Type
(Active Sentences Only)
FY 1998/99 Felonies**

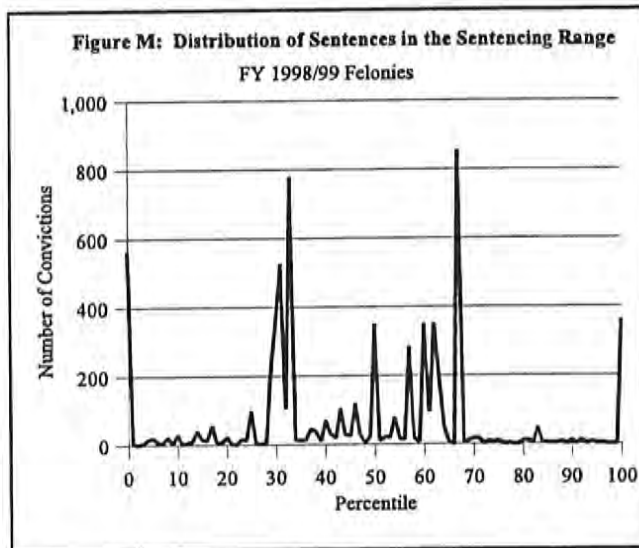
Crime Type	Type of Punishment						Total
	Mitigated Range		Presumptive Range		Aggravated Range		
	#	%	#	%	#	%	
Person	471	19.0	1,702	68.5	310	12.5	2,483
Property	199	9.7	1,696	83.0	149	7.3	2,044
Non-Trafficking Drug	157	11.4	1,157	83.9	65	4.7	1,379
Other Felony	79	8.4	820	87.0	44	4.7	943
TOTAL	906	13.2	5,375	78.5	568	8.3	6,849

Note: Convictions that did not fit within the sentencing grid were excluded from this table. Seventy-nine convictions requiring a mandatory life or death sentence were excluded from this table.

D. Length of Active Sentence Relative to the Sentencing Range

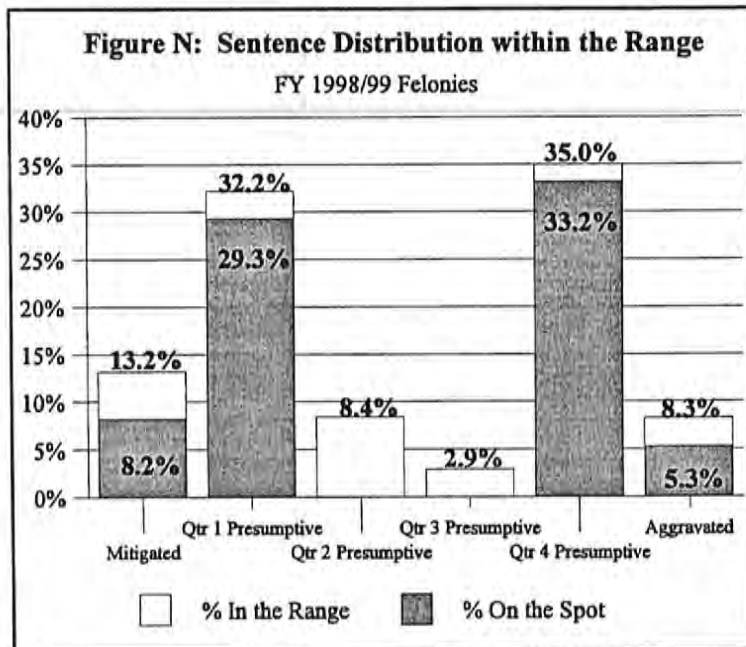
Viewing the entire sentencing range as a continuum from the lowest possible sentence imposed in the mitigated range to the highest possible sentence imposed in the aggravated range, the 6,849 Active sentences imposed (excluding the 79 convictions with mandatory life or death sentences) fell near the midpoint of the range (at the 45th percentile above the minimum). Close examination of the actual location of each Active sentence within its respective range revealed that the majority of offenders were sentenced within the first or fourth quarter of the presumptive portion of the range (32.2% and 35.0% of all cases, respectively) (see *Figure M* and *Table 8*).

Further analysis indicates that over three-quarters (76.0%) of all Active sentences were located on one of only *four* specific spots of their respective ranges (i.e., the lowest spot of the mitigated range, the lowest spot of the presumptive range, the highest spot of the



presumptive range, and the highest spot of the aggravated range). As shown in *Table 8* and *Figure N*, 8.2% of Active sentences fell on the lowest point of the mitigated range; 29.3% fell on the lowest point of the presumptive range; 33.2% fell on the highest point of the presumptive range; and 5.3% fell on the highest point of the aggravated range.

A similar pattern is evident by crime type, especially for property and drug offenses, with 86.8% and 85.2% of all Active sentences, respectively, located on four specific spots of the range. This pattern is less apparent for person offenses, with only 66.1% of all sentences on the four spots, and with a considerably higher rate of sentences outside the presumptive range.



Note: Percentages in this figure may not add to 100% due to rounding.

**Table 8: Sentencing Range by Crime Type
FY 1998/99 Felonies**

Offense Type	Location in the Range						% on the Four Spots
	% Mitigated Range (Min. Spot)	Presumptive Range				% Aggravated Range (Max. Spot)	
		% First Quarter (Min. Spot)	% Second Quarter	% Third Quarter	% Fourth Quarter (Max. Spot)		
Person	19.0 (10.0)	26.4 (21.5)	6.9	6.0	29.2 (26.8)	12.5 (7.8)	66.1
Property	9.7 (7.5)	32.5 (32.3)	7.4	1.0	42.1 (42.1)	7.3 (4.9)	86.8
Non-Traff. Drugs	11.4 (7.8)	34.8 (34.7)	8.5	1.1	39.5 (39.4)	4.7 (3.3)	85.2
Other Felonies	8.4 (5.6)	43.0 (35.2)	14.2	1.8	28.0 (22.0)	4.7 (2.2)	65.0
TOTAL	13.2 (8.2)	32.2 (29.3)	8.4	2.9	35.0 (33.2)	8.3 (5.3)	76.0

Note: Percentages may not add to 100% due to rounding.

V. INTERMEDIATE PUNISHMENTS

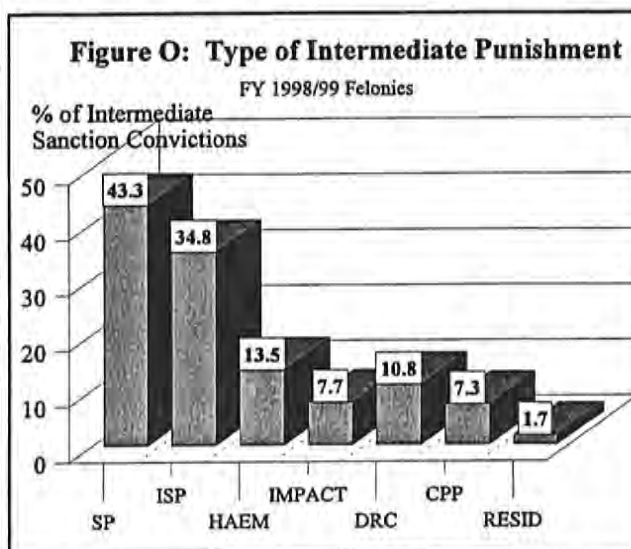
This section summarizes the types of intermediate sanctions imposed. *It only includes convictions for which an Intermediate punishment was imposed.* Under Structured Sentencing, all offenders who receive an Intermediate punishment must receive a term of supervised probation plus at least one additional sanction. The specific intermediate sanctions are Intensive Supervision Probation (ISP), Special Probation (SP), House Arrest with Electronic Monitoring (HAEM), Intensive Motivational Program of Alternative Correctional Treatment (IMPACT), Day Reporting Center (DRC), Community Penalties Program (CPP)³, and Residential Treatment Facility (RESID). See *Appendix E* for a brief description of each type of intermediate sanction, and *Appendix F* for additional information on Special Probation.

During Fiscal Year 1998/99, Intermediate punishments were imposed for 8,481 convictions, with an average supervised probation sentence length of 36 months. The specific type(s) of intermediate sanction(s) imposed was reported in the AOC database for only 4,811 convictions -- a reporting rate of 56.7%.⁴ As a result, these figures may not accurately reflect offender participation in these programs. In addition, these sanctions are not equally available across the state.

It is possible that a single conviction could result in the imposition of more than one intermediate sanction. *Consequently, the following tables reflect the total number of intermediate sanctions imposed rather than the total number of offenders receiving an intermediate sanction.*

A. Intermediate Punishments Imposed

Figure O illustrates the percentage of convictions for which specific intermediate sanctions were imposed. The figure indicates that Special Probation (43.3%) accounted for the highest percentage of convictions for which a specific intermediate sanction was reported. Assignment to a Residential Treatment Facility (RESID) accounted for the smallest percentage of convictions for which a specific intermediate sanction was reported (1.7%).



Note: The percentages in this figure do not add to 100%.

³ Beginning January 1, 2000, the Community Penalties Program became known as the Sentencing Services Program and the General Assembly amended Sentencing Services so that the plans themselves are no longer considered an intermediate punishment.

⁴ It is not clear why the specific types of intermediate sanctions are not always reported. In some cases, the court may not have specified a particular type of intermediate sanction. In many instances, the type of intermediate sanction imposed by the court has not been entered into the appropriate data field in the AOC Criminal Information System (i.e., it is being entered incorrectly in the Special Conditions field and not on the Additional Judgment screen).

B. Intermediate Punishments by Offense Class and Prior Record Level

Table 9 shows the frequency of Intermediate punishments by offense class and prior record level. Of those convictions for which specific intermediate sanctions were reported, the greatest number was imposed for Class H felonies (n=2,858). For Class H, Special Probation was the most frequently invoked sanction (n=934), followed closely by Intensive Supervision Probation (n=928). Overall, the least frequently invoked sanction was Residential Treatment Facility (n=84).

**Table 9: Type of Intermediate Punishment by Offense Class and Prior Record Level
FY 1998/99 Felonies**

Offense Class	Prior Record Level	Type of Intermediate Punishment							Total
		Special Probation	IMPACT	Residential Facility	Day Reporting Center	Intensive Supervision Probation	House Arrest w/ Elect. Mon.	Community Penalties Plan	
E	I	87	15	3	12	39	30	15	201
	II	88	12	1	8	41	18	8	176
	Subtotal	175	27	4	20	80	48	23	377
F	I	116	8	2	8	49	31	17	231
	II	84	9	1	9	37	19	16	175
	III	28	1	0	4	9	5	4	51
	Subtotal	228	18	3	21	95	55	37	457
G	I	79	25	1	28	62	30	13	238
	II	139	30	3	35	93	43	16	359
	III	62	4	2	11	39	19	7	144
	IV	33	1	3	2	19	3	6	67
	Subtotal	313	60	9	76	213	95	42	808
H	I	166	63	4	69	188	58	41	589
	II	405	102	17	122	471	125	96	1,338
	III	254	38	14	56	197	61	35	655
	IV	92	4	11	20	66	29	18	240
	V	17	0	1	3	6	7	2	36
	Subtotal	934	207	47	270	928	280	192	2,858

**Table 9: Type of Intermediate Punishment by Offense Class and Prior Record Level (continued)
FY 1998/99 Felonies**

Offense Class	Prior Record Level	Type of Intermediate Punishment							Total
		Special Probation	IMPACT	Residential Facility	Day Reporting Center	Intensive Supervision Probation	House Arrest w/ Elect. Mon.	Community Penalties Plan	
I	II	164	43	9	74	172	66	34	562
	III	182	15	7	50	129	73	15	471
	IV	67	2	3	4	44	22	6	148
	V	11	0	1	1	9	6	1	29
	VI	9	0	1	3	4	3	2	22
	Subtotal	433	60	21	132	358	170	58	1,232
TOTAL	2,083	372	84	519	1,674	648	352	5,732	

Note: Convictions that did not fit within the sentencing grid were excluded from this table.

C. Intermediate Punishments by Crime Type

Table 10 shows the frequency of Intermediate punishments by crime type. Of those convictions for which a specific intermediate sanction was reported, the largest number was for property offenses (n=2,304).

**Table 10: Type of Intermediate Punishment by Crime Type
FY 1998/99 Felonies**

Crime Type	Type of Intermediate Punishment							Total
	Special Probation	IMPACT	Residential Facility	Day Reporting Center	Intensive Supervision Probation	House Arrest w/ Elect. Mon.	Community Penalties Plan	
Person	492	59	10	53	206	124	65	1,009
Property	721	171	41	199	802	207	163	2,304
Non-Trafficking Drug	678	116	27	235	560	245	106	1,967
Other Felony	192	26	6	32	106	72	18	452
TOTAL	2,083	372	84	519	1,674	648	352	5,732

Note: Convictions that did not fit within the sentencing grid were excluded from this table.

VI. COMMUNITY PUNISHMENTS

This section includes only those convictions for which a Community punishment was imposed. During Fiscal Year 1998/99, there were 5,127 convictions for which a Community punishment was imposed. The specific type(s) of Community punishment(s) imposed was reported in the AOC database for 5,092 convictions. Of these 5,092 convictions, 4,898 were for supervised probation; 167 were for unsupervised probation; and 27 were for restitution and/or fines only. For more information about community service and restitution, refer to Appendix G.

A. Community Punishments by Offense Class

Table 11 shows the type of Community punishment imposed -- either supervised probation, unsupervised probation, or restitution and/or fine -- by offense class, as well as information regarding the average length of probation sentences. Class I felony offenses accounted for the largest number of convictions for which a Community punishment was imposed (n=3,595). Convictions for Class H felonies resulted in the longest average probation sentences for Community punishments (32 months). Overall, convictions for which a Community punishment was imposed resulted in an average probation sentence of 29 months.

**Table 11: Type of Community Punishment by Offense Class
FY 1998/99 Felonies**

Offense Class	Type of Community Punishment (Number and Average Probation Length)			Total
	Supervised	Unsupervised	Restitution/Fine	
H	1,463 <i>32 months</i>	33 <i>23 months</i>	1 <i>N/A</i>	1,497 <i>32 months</i>
I	3,435 <i>28 months</i>	134 <i>21 months</i>	26 <i>N/A</i>	3,595 <i>27 months</i>
TOTAL	4,898 <i>29 months</i>	167 <i>22 months</i>	27 <i>N/A</i>	5,092 <i>29 months</i>

Note: Convictions that did not fit within the sentencing grid were excluded from this table.

B. Community Punishments by Crime Type

Information regarding the type of Community punishment imposed by crime type is provided in *Table 12*. The table also includes the average length of probation sentences. Non-trafficking drug offenses represented the largest offense category for which a Community punishment was imposed (n=2,940). Convictions for person and property offenses resulting in a Community punishment had the longest average probation sentences (32 months each).

**Table 12: Type of Community Punishment by Crime Type
FY 1998/99 Felonies**

Crime Type	Type of Community Punishment (Number and Average Probation Length)			Total
	Supervised	Unsupervised	Restitution/Fine	
Person	42 <i>31 months</i>	1 <i>36 months</i>	0 <i>N/A</i>	43 <i>32 months</i>
Property	1,874 <i>32 months</i>	56 <i>21 months</i>	3 <i>N/A</i>	1,933 <i>32 months</i>
Non-Trafficking Drug	2,827 <i>27 months</i>	90 <i>21 months</i>	23 <i>N/A</i>	2,940 <i>27 months</i>
Other Felony	155 <i>29 months</i>	20 <i>24 months</i>	1 <i>N/A</i>	176 <i>28 months</i>
TOTAL	4,898 <i>29 months</i>	167 <i>22 months</i>	27 <i>N/A</i>	5,092 <i>29 months</i>

Note: Convictions that did not fit within the sentencing grid were excluded from this table.

VII. SPECIAL ISSUES

This section reviews other issues of interest, including habitual felon status, firearm enhancement, death and life sentences, and drug trafficking convictions.

A. Habitual Felons

An habitual felon is an offender with at least three prior felony convictions (each conviction having occurred before he or she committed the next offense) who has currently been convicted of a felony offense and who has been found by the court to be an habitual felon. An habitual felon is sentenced as a Class C felon. (N.C. Gen. Stat. §§ 14-7.1 to -7.6) *Table 13* shows the breakdown by offense class and crime type of the most serious conviction associated with habitual felon convictions. There were 460 habitual felon convictions during Fiscal Year 1998/99. The majority of habitual felons had a conviction for a Class H offense as their underlying conviction (n=234). Felony Breaking and/or Entering was the most frequently occurring most serious crime associated with habitual felon convictions (n=89).

**Table 13: Most Serious Crime Associated with Habitual Felon Convictions
by Offense Class and Offense
FY 1998/99 Felonies**

Offense Class	Offense	Total
Class A	Murder	1
	Sub-Total	1
Class B2	2 nd Degree Murder	1
	Attempted 1 st Degree Rape	1
	Sub-Total	2
Class C	1 st Degree Kidnapping	1
	AWDWIKISI	2
	Other Drug Offense	8
	Habitual Felon*	3
	Other Offense	1
	Sub-Total	15
Class D	Voluntary Manslaughter	2
	Attempted 2 nd Degree Sex Offense	1
	Att. Robbery - Dangerous Weapon	1
	Robbery - Dangerous Weapon	14
	1 st Degree Burglary	6
	Sub-Total	24
Class E	2 nd Degree Kidnapping	6
	AWDW Intent to Kill	1
	AWDW Serious Injury	7
	Poss. Contr. Subst. 300 Feet of School	1
	Felony Child Abuse - Serious Injury	1
	Discharge Weapon - Occ. Property	1
	Sub-Total	17
Class F	Involuntary Manslaughter	1
	Indecent Liberties with Child	3
	AWDW - Government Official	2
	Trafficking Cocaine	1
	Habitual Impaired Driving	3
	Fail Register Sex Offender	1
	Sub-Total	11
Class G	Common Law Robbery	17
	2 nd Degree Arson	1
	2 nd Degree Burglary	1

Offense Class	Offense	Total
Class G (cont.)	Sell Cocaine	20
	Sell Schedule II Controlled Subst.	3
	Trafficking Cocaine	1
	Other Drug Offense	4
	Possession of Firearm by Felon	9
	Habitual Impaired Driving	2
	Other Offense	1
	Sub-Total	59
Class H	Att. Common Law Robbery	1
	Other Robbery Offense	1
	Habitual Misdemeanor Assault	3
	Breaking and/or Entering	89
	Felony Larceny	27
	Larceny from the Person	2
	Receiving Stolen Goods	1
	Possession of Stolen Goods	20
	Larceny of Motor Vehicle	3
	Other Larceny	2
	Obt. Property by False Pretenses	14
	Poss. Contr. Subst. Prison/Jail Premise	4
	Sell Marijuana	1
	Deliver Cocaine	1
	Deliver Sch. II. Contr. Subst.	1
	PWIMSD Sch. I Contr. Subst.	4
	PWIMSD Sch. II Contr. Subst.	9
	Sell or Deliver Cocaine	1
	PWISD Cocaine	25
	PWIMSD Cocaine	7
	Conspire to Sell or Deliver Cocaine	1
	Other Drug Offense	2
	Possession of Stolen Automobile	9
Fel. Hit & Run/Fail Stop/Pers. Injury	1	
Flee Elude Arrest with Motor Vehicle	2	
Elude Arrest w/ MV - 2+ Agg. Factors	3	
Sub-Total	234	

**Table 13: Most Serious Crime Associated with Habitual Felon Convictions
by Offense Class and Offense (continued)
FY 1998/99 Felonies**

Offense Class	Offense	Total
Class I	Fail Register Sex Offender	1
	Possess Burglary Tools	1
	Break/Enter Motor Vehicle	17
	Other Burglary	1
	Forgery of Instrument	13
	Uttering Forged Instrument	6
	Uttering Forged Endorsement	1
	Forgery of Endorsement	1
	Other Forgery	1
	Financial Card Theft	2
	PWIMSD Sch. IV Contr. Subst.	1
	PWICSD Counterfeit Contr. Subst.	1

Offense Class	Offense	Total
Class I (cont.)	Poss. Sch. II Contr. Subst.	8
	PWISD Marijuana	7
	Felony Possession of Marijuana	2
	Felony Possession of Cocaine	26
	Other Drug Offense	5
	Crime Against Nature	1
	Failure to Appear on a Felony	1
	Sub-Total	96
	Class I Misd.	Hit/Run Leave Scene Property Dmg.	1
Sub-Total		1
TOTAL		460

* Of the 460 habitual felon convictions, the most serious associated conviction could not be determined for three convictions. These three convictions are represented in the table as Class C habitual felon convictions.

B. Firearm Enhancement

The firearm enhancement requires the judge to increase an offender's active sentence by sixty months if the offender is convicted of a Class A, B1, B2, C, D, or E felony and he or she used, displayed, or threatened to use or display a firearm during the commission of the felony. The firearm enhancement cannot be applied if the firearm is used to prove an element of the offense. (N.C. Gen. Stat. § 15A-1340.16A) The firearm enhancement was not applied to any convictions during Fiscal Year 1998/99.

C. Death and Life without Parole Sentences and Violent Habitual Felon Convictions

Offenders convicted of first degree murder may receive either the death sentence or life without parole. The sentence of life without parole is required for offenders convicted of first degree murder, offenders found to be violent habitual felons, certain offenders convicted of second or subsequent Class B1 felonies, and offenders convicted of first-degree rape or sexual assault who are sentenced from the aggravated range in Prior Record Levels V and VI. During Fiscal Year 1998/99, 14 death sentences and 70 life without parole sentences were imposed.

A violent habitual felon is an offender with at least two prior Class A, B1, B2, C, D, or E felony convictions (each conviction having occurred before he or she committed the next offense) who has currently been convicted of a Class A, B1, B2, C, D, or E felony offense and who has been found by the court to be a violent habitual felon. A violent habitual felon is sentenced to life without parole. (N.C. Gen. Stat. §§ 14-7.7 to -7.12) Of the 70 life without parole sentences imposed during Fiscal Year 1998/99, two were imposed for violent habitual felon convictions. The most serious convictions associated with these violent habitual felon convictions were second degree rape and first degree burglary.

D. Drug Trafficking Convictions

As shown in *Table 14*, there were 368 convictions for drug trafficking offenses. Trafficking Cocaine (Offense Class G) was the most frequently occurring drug trafficking offense (n=195).

**Table 14: Drug Trafficking Convictions
FY 1998/99 Felonies**

Offense Class and Trafficking Offense		Type of Punishment						Minimum Active Sentence (months)	Maximum Active Sentence (months)	Total
		Active		Intermediate		Community				
		#	%	#	%	#	%			
C	Traffic Marijuana	1	100.0	.	.	.	.	25.0	30.0	1
	Traffic Heroin	1	100.0	.	.	.	.	70.0	84.0	1
	Consp. Traffic Heroin	2	66.7	1	33.3	.	.	70.0	82.5	3
	Subtotal	4	80.0	1	20.0	.	.	58.8	69.8	5
D	Traffic Cocaine	22	71.0	5	16.1	4	12.9	112.8	141.3	31
	Consp. Traffic Cocaine	10	71.4	1	7.1	3	21.4	87.4	113.2	14
	Subtotal	32	71.1	6	13.3	7	15.6	104.8	132.5	45
E	Traffic Marijuana	1	100.0	.	.	.	.	25.0	30.0	1
	Traffic Heroin	2	100.0	.	.	.	.	63.0	85.0	2
	Subtotal	3	100.0	.	.	.	.	50.3	66.7	3
F	Traff. Methamphetamine	2	100.0	.	.	.	.	67.5	84.0	2
	Traffic LSD	.	.	1	100.0	.	.	.	.	1
	Traffic Cocaine	22	73.3	8	26.7	.	.	59.5	72.3	30
	Traffic Heroin	5	71.4	2	28.6	.	.	70.0	84.0	7
	Consp. Traffic Cocaine	1	50.0	1	50.0	.	.	35.0	42.0	2
	Subtotal	30	71.4	12	28.6	.	.	60.9	74.0	42

**Table 14: Drug Trafficking Convictions (continued)
FY 1998/99 Felonies**

Offense Class and Trafficking Offense		Type of Punishment						Minimum Active Sentence (months)	Maximum Active Sentence (months)	Total
		Active		Intermediate		Community				
		#	%	#	%	#	%			
G	Traff. Methamphetamine	5	83.3	.	.	1	16.7	35.0	42.0	6
	Traffic LSD	3	60.0	1	20.0	1	20.0	27.3	33.0	5
	Traffic Marijuana	8	88.9	1	11.1	.	.	23.9	28.8	9
	Traffic Cocaine	162	83.1	20	10.3	13	6.7	32.4	38.9	195
	Consp. Traffic Marij.	1	50.0	1	50.0	.	.	35.0	42.0	2
	Consp. Traffic Cocaine	15	83.3	2	11.1	1	5.6	32.5	39.1	18
	Subtotal	194	82.6	25	10.6	16	6.8	32.0	38.5	235
H	Traffic Marijuana	26	81.3	5	15.6	1	3.1	22.5	27.3	32
	Consp. Traffic Marij	3	50.0	1	16.7	2	33.3	22.7	26.7	6
	Subtotal	29	76.3	6	15.8	3	7.9	22.5	27.3	38
TOTAL		292	79.3	50	13.6	26	7.1	42.6	52.1	368

Note: This table reflects all drug trafficking convictions regardless of whether the sentences are consistent with the minimum and maximum sentences set forth in N.C. Gen. Stat. §90-95(h). (For example, the Class C Trafficking Marijuana conviction exceeds the mandatory sentence.) Non-active sentences and shorter than mandatory Active sentences may reflect the use of the substantial assistance provision.

SECTION II

**MISDEMEANOR CONVICTIONS
IN FISCAL YEAR 1998/99**

I. MISDEMEANOR CONVICTIONS IN FY 1998/99

A. Definition of the Unit of Analysis

The unit of analysis for this report is convictions disposed of in a *sentencing episode*.

Definition of a Sentencing Episode:

A *sentencing episode* is identified from court records as the sentence(s) imposed for the *most serious conviction* on a given day of court. While a sentencing episode involves one offender, in our reporting time frame an offender may be represented by more than one sentencing episode (meaning that within the fiscal year the number of offenders will be the same as or less than the number of sentencing episodes reported). For the sake of simplicity, throughout the report the unit of analysis is referred to as "convictions."

B. Misdemeanor Convictions

This section contains detailed information about misdemeanor convictions and sentences imposed under Structured Sentencing during Fiscal Year 1998/99 (July 1, 1998 through June 30, 1999). Overall, sentences for 157,611 misdemeanor convictions were imposed. For many of the tables, information on 7,750 convictions (5%) was excluded due to data discrepancies. Such exclusions are noted at the end of each table. Efforts are being made to understand the nature of the data discrepancies and to resolve reporting problems.

It should be noted that misdemeanor Driving While Impaired offenses are not covered under Structured Sentencing, and, therefore, are not included in this report. In addition, this report includes only cases disposed of in superior or district court, not by magistrate. Finally, of all criminal traffic offenses, only Class 1 offenses are reflected in these statistics.

C. Distribution of Convictions within the Misdemeanor Structured Sentencing Grid

Table 15 shows the distribution of convictions within the Structured Sentencing Grid. Relative to other grid cells, the greatest number of convictions fell into Offense Class 1 with Prior Conviction Level II (n=33,248, or 22%).

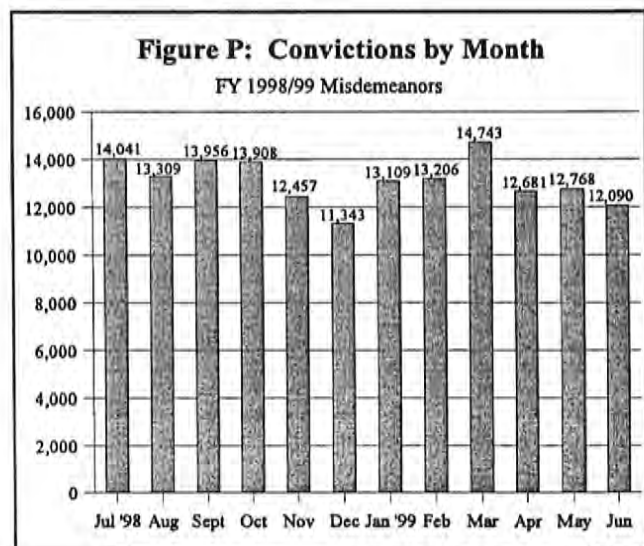
**Table 15: Distribution of Convictions within the Misdemeanor Structured Sentencing Grid
FY 1998/99 Misdemeanors**

Offense Class	Prior Conviction Level			Total
	I 0 Pts	II 1-4 Pts	III 5+ Pts	
A1	5,358 (3.6%)	7,656 (5.1%)	3,020 (2.0%)	16,034 (10.7%)
1	33,121 (22.1%)	33,248 (22.2%)	11,345 (7.6%)	77,714 (51.9%)
2	18,190 (12.1%)	12,535 (8.4%)	3,455 (2.3%)	34,180 (22.8%)
3	11,924 (8.0%)	7,525 (5.0%)	2,484 (1.6%)	21,933 (14.6%)
TOTAL	68,593 (45.8%)	60,964 (40.7%)	20,304 (13.5%)	149,861 (100%)

Note: Of the 157,611 misdemeanor convictions in FY 1998/99, 7,750 (5%) were excluded from this table. These convictions did not fit within the sentencing grid due to discrepant offense classes, prior conviction levels, or for other reasons.

D. Convictions by Month of Sentencing

Figure P shows the number of misdemeanor convictions (N=157,611) by month of sentencing during Fiscal Year 1998/99. Convictions peaked in July and March, and were lowest in December.



E. Convictions by Judicial Division, District, and County

Table 16 shows the number of misdemeanor convictions by judicial division, judicial district, and county. The table also indicates whether a conviction occurred in district or superior court and whether it resulted from a guilty plea, a bench trial, or a jury trial.⁵ Of the 157,611 convictions in FY 1998/99, 24% (n=38,317) occurred in the first judicial division, 28% (n=43,227) in the second judicial division, 25% (n=39,756) in the third judicial division, and 23% (n=36,311) in the fourth judicial division. See *Appendix A* for a map of judicial divisions and districts.

**Table 16: Convictions by Judicial Division, Judicial District, County, and Mode of Disposition
FY 1998/99 Misdemeanors**

Judicial Division, Judicial District, and County		District Court	Superior Court		Total
		Guilty Plea/ Bench Trial	Guilty Plea	Jury Trial	
First Judicial Division		35,904	2,342	71	38,317
District 1	Camden	73	5	0	78
	Chowan	337	14	2	353
	Currituck	349	43	1	393
	Dare	760	47	1	808
	Gates	141	6	1	148
	Pasquotank	998	83	0	1,081
	Perquimans	186	13	0	199
	Total	2,844	211	5	3,060
District 2	Beaufort	1,560	45	4	1,609
	Hyde	133	0	0	133
	Martin	576	9	1	586
	Tyrrell	139	3	1	143
	Washington	243	15	0	258
	Total	2,651	72	6	2,729
District 3A	Pitt	2,672	392	5	3,069
	Total	2,672	392	5	3,069

⁵ For misdemeanor convictions in superior court, see N.C. Gen. Stat. §7A-271(a).

**Table 16: Convictions by Judicial Division, Judicial District, County,
and Mode of Disposition (continued)
FY 1998/99 Misdemeanors**

Judicial Division, Judicial District, and County		District Court	Superior Court		Total
		Guilty Plea/ Bench Trial	Guilty Plea	Jury Trial	
District 3B	Carteret	1,408	47	2	1,457
	Craven	2,372	85	5	2,462
	Pamlico	235	12	0	247
	Total	4,015	144	7	4,166
District 4	Duplin	808	59	0	867
	Jones	143	6	0	149
	Onslow	2,528	209	6	2,743
	Sampson	1,596	41	1	1,638
	Total	5,075	315	7	5,397
District 5	New Hanover	3,589	245	12	3,846
	Pender	535	33	1	569
	Total	4,124	278	13	4,415
District 6A	Halifax	1,626	72	4	1,702
	Total	1,626	72	4	1,702
District 6B	Bertie	494	26	1	521
	Hertford	770	18	1	789
	Northampton	578	21	0	599
	Total	1,842	65	2	1,909
District 7	Edgecombe	1,779	156	11	1,946
	Nash	2,223	141	1	2,365
	Wilson	1,966	164	2	2,132
	Total	5,968	461	14	6,443
District 8	Greene	277	21	2	300
	Lenoir	2,005	126	3	2,134
	Wayne	2,805	185	3	2,993
	Total	5,087	332	8	5,427

**Table 16: Convictions by Judicial Division, Judicial District, County,
and Mode of Disposition (continued)
FY 1998/99 Misdemeanors**

Judicial Division, Judicial District, and County		District Court	Superior Court		Total
		Guilty Plea/ Bench Trial	Guilty Plea	Jury Trial	
<i>Second Judicial Division</i>		41,493	1,691	43	43,227
District 9	Franklin	1,057	68	0	1,125
	Granville	952	80	1	1,033
	Vance	1,849	101	0	1,950
	Warren	365	46	0	411
	Total	4,223	295	1	4,519
District 9A	Caswell	618	77	0	695
	Person	1,087	77	0	1,164
	Total	1,705	154	0	1,859
District 10	Wake	9,393	135	15	9,543
	Total	9,393	135	15	9,543
District 11	Harnett	1,901	67	1	1,969
	Johnston	1,998	64	1	2,063
	Lee	1,239	78	1	1,318
	Total	5,138	209	3	5,350
District 12	Cumberland	3,987	194	2	4,183
	Total	3,987	194	2	4,183
District 13	Bladen	1,031	31	0	1,062
	Brunswick	1,002	51	4	1,057
	Columbus	841	27	2	870
	Total	2,874	109	6	2,989
District 14	Durham	4,279	60	10	4,349
	Total	4,279	60	10	4,349
District 15A	Alamance	2,567	344	4	2,915
	Total	2,567	344	4	2,915
District 15B	Chatham	432	20	0	452
	Orange	802	25	0	827
	Total	1,234	45	0	1,279

**Table 16: Convictions by Judicial Division, Judicial District, County,
and Mode of Disposition (continued)
FY 1998/99 Misdemeanors**

Judicial Division, Judicial District, and County		District Court	Superior Court		Total
		Guilty Plea/ Bench Trial	Guilty Plea	Jury Trial	
District 16A	Hoke	650	43	0	693
	Scotland	1,370	61	0	1,431
	Total	2,020	104	0	2,124
District 16B	Robeson	4,073	42	2	4,117
	Total	4,073	42	2	4,117
<i>Third Judicial Division</i>		37,932	1,758	66	39,756
District 17A	Rockingham	1,737	151	2	1,890
	Total	1,737	151	2	1,890
District 17B	Stokes	663	27	1	691
	Surry	1,230	66	2	1,298
	Total	1,893	93	3	1,989
District 18	Guilford	6,044	303	17	6,364
	Total	6,044	303	17	6,364
District 19A	Cabarrus	3,295	237	5	3,537
	Total	3,295	237	5	3,537
District 19B	Montgomery	685	22	2	709
	Moore	1,382	73	1	1,456
	Randolph	1,913	57	5	1,975
	Total	3,980	152	8	4,140
District 19C	Rowan	2,642	99	5	2,746
	Total	2,642	99	5	2,746
District 20	Anson	826	43	0	869
	Richmond	1,298	150	2	1,450
	Stanly	960	104	4	1,068
	Union	1,809	175	0	1,984
	Total	4,893	472	6	5,371
District 21	Forsyth	5,436	78	9	5,523
	Total	5,436	78	9	5,523

**Table 16: Convictions by Judicial Division, Judicial District, County,
and Mode of Disposition (continued)
FY 1998/99 Misdemeanors**

Judicial Division, Judicial District, and County		District Court	Superior Court		Total
		Guilty Plea/ Bench Trial	Guilty Plea	Jury Trial	
District 22	Alexander	531	17	1	549
	Davidson	2,573	49	4	2,626
	Davie	468	15	1	484
	Iredell	2,434	49	2	2,485
	Total	6,006	130	8	6,144
District 23	Alleghany	131	8	0	139
	Ashe	227	2	0	229
	Wilkes	1,235	23	1	1,259
	Yadkin	413	10	2	425
	Total	2,006	43	3	2,052
Fourth Judicial Division		34,750	1,488	73	36,311
District 24	Avery	124	14	0	138
	Madison	205	16	0	221
	Mitchell	121	11	1	133
	Watauga	290	22	1	313
	Yancey	181	23	0	204
	Total	921	86	2	1,009
District 25	Burke	1,379	137	4	1,520
	Caldwell	1,566	118	3	1,687
	Catawba	3,099	207	6	3,312
	Total	6,044	462	13	6,519
District 26	Mecklenburg	9,952	257	22	10,231
	Total	9,952	257	22	10,231
District 27A	Gaston	4,193	130	12	4,335
	Total	4,193	130	12	4,335
District 27B	Cleveland	2,110	102	4	2,216
	Lincoln	1,048	33	0	1,081
	Total	3,158	135	4	3,297

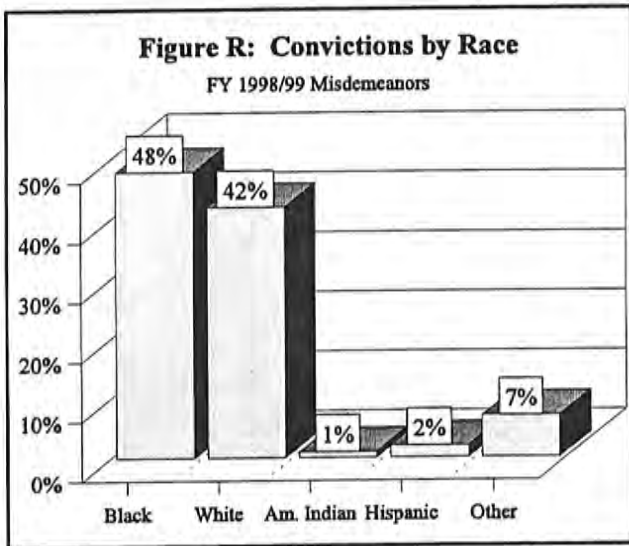
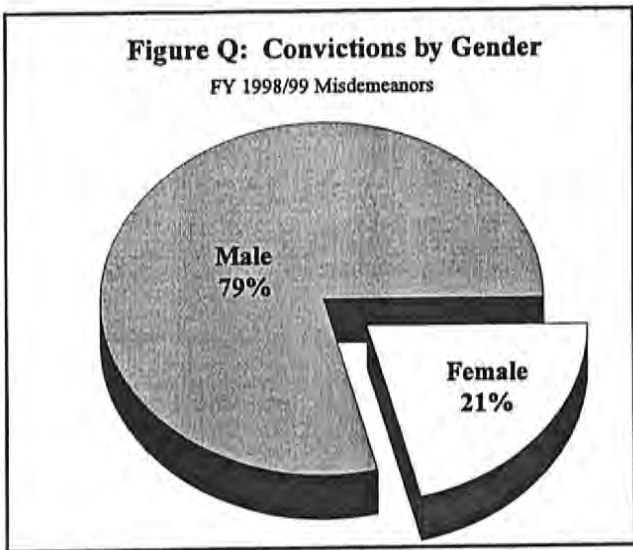
**Table 16: Convictions by Judicial Division, Judicial District, County,
and Mode of Disposition (continued)
FY 1998/99 Misdemeanors**

Judicial Division, Judicial District, and County		District Court	Superior Court		Total
		Guilty Plea/ Bench Trial	Guilty Plea	Jury Trial	
District 28	Buncombe	3,739	67	7	3,813
	Total	3,739	67	7	3,813
District 29	Henderson	1,257	34	2	1,293
	McDowell	834	41	1	876
	Polk	307	16	0	323
	Rutherford	1,775	109	4	1,888
	Transylvania	464	11	0	475
	Total	4,637	211	7	4,855
District 30	Cherokee	301	15	0	316
	Clay	52	4	0	56
	Graham	107	4	0	111
	Haywood	833	68	3	904
	Jackson	373	10	2	385
	Macon	271	24	0	295
	Swain	169	15	1	185
	Total	2,106	140	6	2,252
STATE TOTAL		150,079	7,279	253	157,611

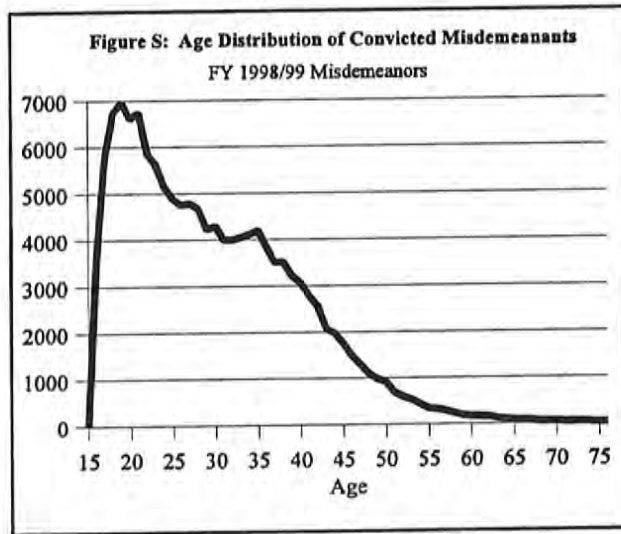
II. CHARACTERISTICS OF OFFENDERS

This section provides a summary of misdemeanor convictions by gender, race, and age of offenders. As indicated in *Figure Q*, the majority of misdemeanor convictions were for males (79%). *Figure R* shows that 48% of all misdemeanor offenders were Black and 42% were White. Only a small percentage were American Indian (1%), Hispanic (2%), or Other (7%).⁶

⁶ Errors in reporting racial composition may account for the unusually large percentage of Other offenders.



Twenty-one percent of misdemeanor convictions were for offenders under the age of 21, 20% were 21-25 years of age, 13% were 26-29 years of age, 28% were 30-39 years of age, 14% were 40-49 years of age, and 4% were 50 years of age or older. *Figure S* illustrates the age distribution of misdemeanor offenders. As with felons, the volume of offenders peaks in the late teens and early twenties and then generally declines. *Table 17* provides a summary of misdemeanor convictions by gender, race, and age of offenders.



**Table 17: Convictions by Gender, Race, and Age
FY 1998/99 Misdemeanors**

Gender and Race		Age						Total
		<21	21-25	26-29	30-39	40-49	>49	
Male	White	11,971	9,647	5,825	12,391	6,093	2,418	48,345
	Black	10,777	10,996	7,293	15,800	8,700	2,455	56,021
	Hispanic	465	907	474	601	128	21	2,596
	Amer. Indian	319	311	223	350	174	50	1,427
	Asian	58	10	10	12	3	1	94
	Unknown	407	669	438	717	259	84	2,574
	Subtotal	23,997	22,540	14,263	29,871	15,357	5,029	111,057
Female	White	2,735	2,532	1,712	3,818	1,653	480	12,930
	Black	2,711	2,927	2,242	4,669	1,888	355	14,792
	Hispanic	43	49	31	29	16	6	174
	Amer. Indian	108	118	64	147	60	11	508
	Asian	10	5	0	5	6	1	27
	Unknown	88	94	98	174	74	12	540
	Subtotal	5,695	5,725	4,147	8,842	3,697	865	28,971
TOTAL		29,692	28,265	18,410	38,713	19,054	5,894	140,028

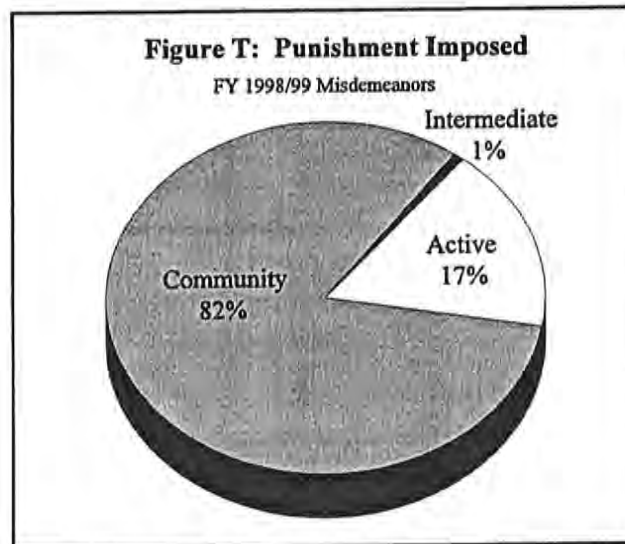
Note: Of the 157,611 misdemeanor convictions in FY 1998/99, 17,583 (11%) convictions with missing values for offenders' age were excluded from this table.

III. PUNISHMENT IMPOSED FOR MISDEMEANORS

This section summarizes information about the types of punishment imposed (Active, Intermediate, or Community) for misdemeanor convictions. It also shows the average sentence imposed and the average time to be served -- adjusting for credit for time served -- for misdemeanants who received an Active punishment. *The reader should note that credit for time served was not consistently reported in the AOC database. Therefore, the following tables do not show the full impact of the use of credit for time served.*

A. Overall Punishment

As shown in *Figure T*, an Active punishment was imposed for 17% of misdemeanor convictions; an Intermediate punishment was imposed for 1% of misdemeanor convictions; and a Community punishment was imposed for 82% of misdemeanor convictions. Of the Active punishments imposed, 92% were for sentences of 90 days or less, with the remaining 8% for sentences greater than 90 days.



B. Punishment Imposed by Offense Class and Prior Conviction Level

Misdemeanor convictions and sentences imposed are presented within the context of the misdemeanor sentencing grid in *Table 18*. Most convictions -- regardless of offense class or prior conviction level -- resulted in the imposition of a Community punishment. Eleven percent of misdemeanor convictions fell into Offense Class A1, 52% fell into Offense Class 1, 23% fell into Offense Class 2, and approximately 14% fell into Offense Class 3. Forty-six percent of misdemeanor convictions fell into Prior Conviction Level I, 41% fell into Prior Conviction Level II, and the remainder fell into Prior Conviction Level III.

Convictions for Class A1 misdemeanors accounted for the largest percentage of Active sentences imposed relative to other offense classes (21%). The majority of convictions fell into Offense Class 1 with Prior Conviction Level II (n=33,248). In general, the likelihood of receiving an Active punishment increases as prior conviction level increases (with the exception of Class 3).

**Table 18: Convictions and Sentences by Offense Class and Prior Conviction Level
FY 1998/99 Misdemeanors**

Offense Class	Prior Conviction Level			Total
	I 0 Pts	II 1-4 Pts	III 5+ Pts	
A1	C/I/A C = 4,684 (87%) I = 82 (2%) A = 592 (11%) (n=5,358) 32.5 days	C/I/A C = 5,988 (78%) I = 218 (3%) A = 1,450 (19%) (n=7,656) 50.0 days	C/I/A C = 1,554 (52%) I = 131 (4%) A = 1,335 (44%) (n=3,020) 107.9 days	C/I/A C = 12,226 (76%) I = 431 (3%) A = 3,377 (21%) (n=16,034) 69.8 days
1	C C = 29,819 (90%) I = 86 (0%) A = 3,216 (10%) (n=33,121) 22.3 days	C/I/A C = 27,363 (82%) I = 619 (2%) A = 5,266 (16%) (n=33,248) 31.7 days	C/I/A C = 6,030 (53%) I = 522 (5%) A = 4,793 (42%) (n=11,345) 81.2 days	C/I/A C = 63,212 (81%) I = 1,227 (2%) A = 13,275 (17%) (n=77,714) 47.3 days
2	C C = 16,874 (93%) I = 22 (0%) A = 1,294 (7%) (n=18,190) 14.9 days	C/I C = 10,945 (87%) I = 149 (1%) A = 1,441 (12%) (n=12,535) 24.7 days	C/I/A C = 2,030 (59%) I = 69 (2%) A = 1,356 (39%) (n=3,455) 38.7 days	C/I/A C = 29,849 (87%) I = 240 (1%) A = 4,091 (12%) (n=34,180) 26.2 days
3	C C = 10,130 (85%) I = 3 (0%) A = 1,791 (15%) (n=11,924) 5.5 days	C/I C = 6,539 (87%) I = 32 (0%) A = 954 (13%) (n=7,525) 8.9 days	C/I/A C = 1,270 (51%) I = 11 (0%) A = 1,203 (49%) (n=2,484) 14.4 days	C/I/A C = 17,939 (82%) I = 46 (0%) A = 3,948 (18%) (n=21,933) 9.0 days
TOTAL	C/I/A C = 61,507 (90%) I = 193 (0%) A = 6,893 (10%) (n=68,593) 17.4 days	C/I/A C = 50,835 (83%) I = 1,018 (2%) A = 9,111 (15%) (n=60,964) 31.1 days	C/I/A C = 10,884 (54%) I = 733 (3%) A = 8,687 (43%) (n=20,304) 69.4 days	C/I/A C = 123,226 (82%) I = 1,944 (1%) A = 24,691 (17%) (n=149,861) 40.8 days

Note: Of the 157,611 misdemeanor convictions in FY 1998/99, 7,750 (5%) were excluded from this table. These convictions did not fit within the sentencing grid due to discrepant offense classes, prior conviction levels, or for other reasons. Active sentences in cells in which an Active punishment is not a sentencing option may be attributed to the use of credit for time served.

C. Average Length of Active Sentences

Information on the average sentence imposed, average credit for time served, and average time to be served for misdemeanor convictions resulting in an Active punishment is presented in *Table 19*. Time to be served is calculated by subtracting credit for time served from the Active sentence imposed. The length of Active sentences imposed and the actual time to be served increase as offense class and prior conviction level increase. The longest average time to be served was for Class A1 misdemeanors (almost 65 days). Overall, the average time served for misdemeanor convictions is almost 37 days.

**Table 19: Average Length of Active Sentences by Offense Class and Prior Conviction Level
FY 1998/99 Misdemeanors**

Offense Class		Prior Conviction Level			Overall
		I (0 Pts)	II 1-4 Pts	III 5+ Pts	
A1	Average Active Sentence (Days)	32.5	50.0	107.9	69.8
	Average Credit for Time Served (Days)	6.9	3.9	5.9	5.2
	Average Time to be Served (Days)	25.6	46.1	102.0	64.6
	No. of Active Sentences	592	1,450	1,335	3,377
1	Average Active Sentence (Days)	22.3	31.7	81.2	47.3
	Average Credit for Time Served (Days)	7.4	2.4	3.4	4.0
	Average Time to be Served (Days)	14.9	29.3	77.8	43.3
	No. of Active Sentences	3,216	5,266	4,793	13,275
2	Average Active Sentence (Days)	14.9	24.7	38.7	26.2
	Average Credit for Time Served (Days)	7.5	3.2	3.1	4.5
	Average Time to be Served (Days)	7.4	21.5	35.6	21.7
	No. of Active Sentences	1,294	1,441	1,356	4,091
3	Average Active Sentence (Days)	5.5	8.9	14.4	9.0
	Average Credit for Time Served (Days)	3.8	1.5	1.4	2.5
	Average Time to be Served (Days)	1.7	7.4	13.0	6.5
	No. of Active Sentences	1,791	954	1,203	3,948
TOTAL	Average Active Sentence (Days)	17.4	31.1	69.4	40.8
	Average Credit for Time Served (Days)	6.4	2.7	3.5	4.0
	Average Time to be Served (Days)	11.0	28.4	65.9	36.8
	No. of Active Sentences	6,893	9,111	8,687	24,691

Note: Convictions that did not fit within the sentencing grid were excluded from this table. Since credit for time served was not consistently reported in the AOC database, this table does not indicate the full impact of the use of credit for time served.

D. Punishment Imposed by Crime Type

As shown in *Figure U*, public order offenses (43%) accounted for the majority of misdemeanor convictions, while misdemeanor drug offenses accounted for the lowest proportion (13%).

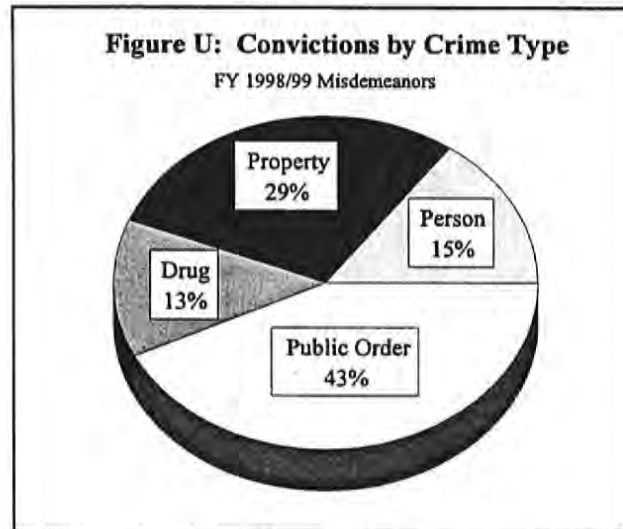


Table 20 contains information about the type of punishment imposed by crime type for misdemeanor convictions, as well as the average minimum sentence imposed and average time to be served for offenders who received an Active punishment. Of the convictions for the four crime types, those for drug offenses were least likely to result in an Active punishment (13.7%). Approximately 17% of convictions for person, property, and public order offenses resulted in an Active punishment. The average minimum sentence imposed and average time to be served were longest for convictions for person offenses.

Table 20: Punishment by Crime Type
FY 1998/99 Misdemeanors

Crime Type	Type of Punishment						Minimum Active Sentence (days)	Credit for Time Served (days)	Time to be Served (days)	Total
	Active		Intermediate		Community					
	No.	%	No.	%	No.	%				
Person	3,895	17.5	491	2.2	17,869	80.3	61.9	5.2	56.7	22,255
Property	7,297	16.7	579	1.3	35,695	81.9	44.9	4.2	40.7	43,571
Drug	2,714	13.7	184	0.9	16,931	85.4	36.1	4.7	31.4	19,829
Public Order	10,785	16.8	690	1.1	52,731	82.1	31.5	3.3	28.3	64,206
TOTAL	24,691	16.5	1,944	1.3	123,226	82.2	40.8	4.0	36.8	149,861

Note: Of the 157,611 misdemeanor convictions in FY 1998/99, 7,750 (5%) were excluded from this table. These convictions did not fit within the sentencing grid due to discrepant offense classes, prior conviction levels, or for other reasons. Since credit for time served was not consistently reported in the AOC database, this table does not indicate the full impact of the use of credit for time served.

IV. INTERMEDIATE PUNISHMENTS

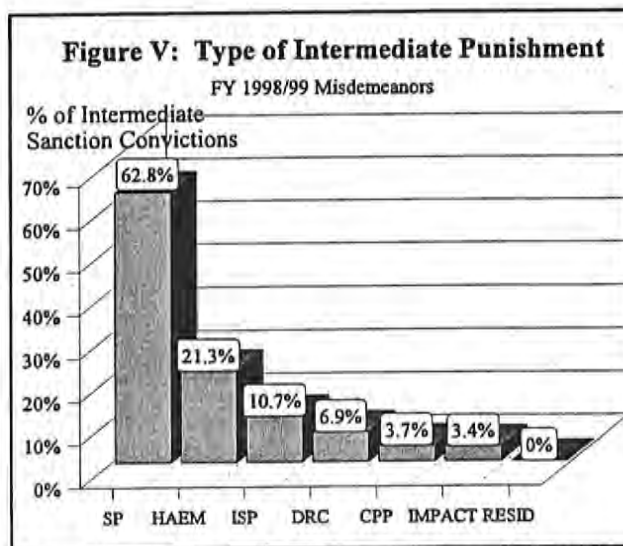
This section provides a summary of the types of intermediate sanctions imposed. *It only includes convictions for which an Intermediate punishment was imposed.* The types of intermediate sanctions include Special Probation (SP), House Arrest with Electronic Monitoring (HAEM), Intensive Supervision Probation (ISP), Day Reporting Center (DRC), Community Penalties Program (CPP)⁷, Intensive Motivational Program of Alternative Correctional Treatment (IMPACT), and Residential Treatment Facility (RESID). See *Appendix E* for a brief description of each sanction.

During Fiscal Year 1998/99, there were 1,944 convictions for which an Intermediate punishment was imposed. However, the specific type(s) of intermediate sanction(s) imposed was reported for only 1,244 of these convictions (a reporting rate of 64%).⁸ As a result, these figures may not accurately reflect offender participation in these programs.

It is possible that a single conviction could result in the imposition of more than one intermediate sanction. *Consequently, the following tables and figures reflect the total number of intermediate sanctions imposed, not the total number of convictions for which an intermediate sanction was imposed.*

A. Intermediate Punishments Imposed

Figure V shows the percentage of convictions for which each intermediate sanction was imposed. Where a specific intermediate sanction was reported in the database, data indicate that Special Probation accounted for the highest percentage of convictions (63%). Assignment to a Residential Treatment Facility accounted for the smallest percentage of convictions for which a specific intermediate sanction was reported (less than 1%).



Note: The percentages in this figure do not add to 100%.

⁷ Beginning January 1, 2000, the Community Penalties Program became known as the Sentencing Services Program and the General Assembly amended Sentencing Services so that the plans themselves are no longer considered an intermediate punishment.

⁸ It is not clear why the specific types of intermediate sanctions are not always reported. In some cases, the court may not have specified a sanction. It is more likely, however, that the type of sanction imposed by the court has not been entered into the appropriate data field in the AOC Criminal Information System (i.e., it is being entered incorrectly in the Special Conditions field and not on the Additional Judgment screen).

B. Intermediate Punishments by Offense Class and Prior Conviction Level

Table 21 contains the frequency of intermediate sanctions by offense class and prior conviction level, with the greatest number of intermediate sanctions imposed for Class 1 with Prior Conviction Level II (n=427). Overall, intermediate sanctions were most frequently imposed for Class 1 convictions (n=829).

**Table 21: Type of Intermediate Punishment by Offense Class and Prior Conviction Level
FY 1998/99 Misdemeanors**

Offense Class	Prior Conviction Level	Type of Intermediate Punishment							Total
		Special Probation	IMPACT	Residential Facility	Day Reporting Center	Intensive Supervision Probation	House Arrest w/ Elect. Mon.	Community Penalties Plan	
A1	I	41	1	0	2	5	11	1	61
	II	129	2	0	8	16	29	0	184
	III	59	3	1	3	11	15	4	96
	Subtotal	229	6	1	13	32	55	5	341
1	I	13	2	0	10	7	6	5	43
	II	236	25	2	27	38	85	14	427
	III	200	4	2	11	40	83	19	359
	Subtotal	449	31	4	48	85	174	38	829
2	I	4	0	0	1	0	1	0	6
	II	57	4	0	18	11	19	0	109
	III	25	1	0	1	5	11	2	45
	Subtotal	86	5	0	20	16	31	2	160
3	I	0	0	0	1	0	0	1	2
	II	13	0	1	2	0	1	0	17
	III	4	0	0	2	0	4	0	10
	Subtotal	17	0	1	5	0	5	1	29
TOTAL		781	42	6	86	133	265	46	1,359

Note: Convictions that did not fit within the sentencing grid were excluded from this table.

C. Intermediate Punishments by Crime Type

Table 22 shows the frequency of specific intermediate sanctions by crime type. Of those convictions for which an intermediate sanction was reported, the majority were for public order offenses (n=485).

**Table 22: Type of Intermediate Punishment by Crime Type
FY 1998/99 Misdemeanors**

Crime Type	Type of Intermediate Punishment							Total
	Special Probation	IMPACT	Residential Facility	Day Reporting Center	Intensive Supervision Probation	House Arrest w/ Elect. Mon.	Community Penalties Plan	
Person	252	6	1	23	36	66	5	389
Property	160	23	3	31	64	85	23	389
Drug	35	4	1	15	13	20	8	96
Public Order	334	9	1	17	20	94	10	485
TOTAL	781	42	6	86	133	265	46	1,359

Note: Convictions that did not fit within the sentencing grid were excluded from this table.

D. Special Probation

Table 23 contains the number and average length of Special Probation sentences by offense class. Where a specific intermediate sanction was reported in the database, Special Probation was imposed for 781 convictions. All but one of these convictions was sentenced to jail to serve the time for the split sentence. The largest category of Special Probation cases was Class 1 misdemeanors (n=449). Class A1 misdemeanors received the longest average Special Probation sentences (14 days).

**Table 23: Special Probation by Offense Class
FY 1998/99 Misdemeanors**

Offense Class	Number	Mean Special Probation Length (Days) ⁹
Class A1	229	13.9
Class 1	449	11.9
Class 2	86	8.9
Class 3	17	5.2
TOTAL	781	12.0

⁹ The mean special probation length does not include any adjustment for credit for time served.

As shown in *Table 24*, the majority of Special Probation convictions were for public order offenses (n=334) and the least number were for drug offenses (n=35). Relative to the other crime types, property convictions resulted in the longest Special Probation length (14.4 days).

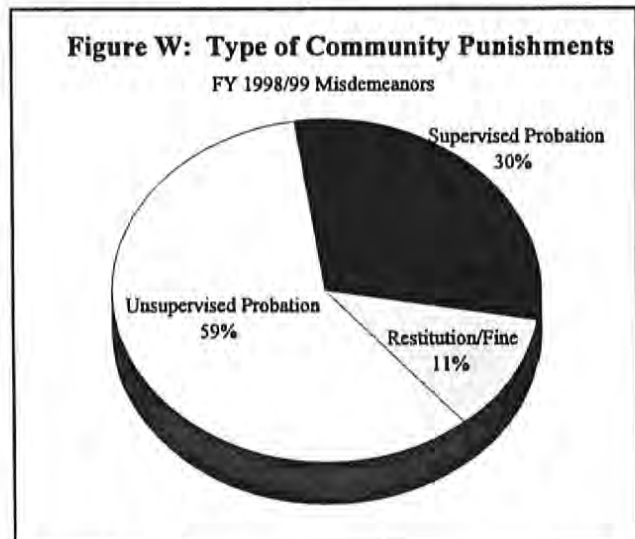
**Table 24: Special Probation by Crime Type
FY 1998/99 Misdemeanors**

Offense Class	Number	Mean Special Probation Length (Days) ¹⁰
Person	252	12.2
Property	160	14.4
Drug	35	6.4
Public Order	334	11.3
TOTAL	781	12.0

V. COMMUNITY PUNISHMENTS

A. Community Punishments by Offense Class

*This section includes only those convictions for which a Community punishment was imposed. Of the 123,226 convictions for which a Community punishment was imposed, the specific type of Community punishment imposed was reported for 116,526 convictions. Where a specific Community punishment was reported, 59% received Unsupervised Probation; 30% received Supervised Probation; and 11% received only Restitution/Fine without probation (see *Figure W*).*



¹⁰ The mean special probation length does not include any adjustment for credit for time served.

Table 25 shows the type of Community punishment imposed -- either Supervised Probation, Unsupervised Probation, or Restitution and/or Fine -- by offense class, as well as information regarding the average length of probation sentences. Convictions for Class 1 offenses comprised the majority of convictions (n=59,972) resulting in a Community punishment. Convictions for Class A1 offenses resulted in the longest average probation sentences (20 months).

**Table 25: Type of Community Punishment by Offense Class
FY 1998/99 Misdemeanors**

Offense Class	Type of Community Punishment (Number and Average Probation Length)			Total
	Supervised	Unsupervised	Restitution/Fine	
Class A1	5,704 <i>20 months</i>	5,773 <i>20 months</i>	156 <i>N/A</i>	11,633 <i>20 months</i>
Class 1	21,677 <i>19 months</i>	32,404 <i>17 months</i>	5,891 <i>N/A</i>	59,972 <i>18 months</i>
Class 2	5,786 <i>17 months</i>	19,090 <i>15 months</i>	3,317 <i>N/A</i>	28,193 <i>16 months</i>
Class 3	1,929 <i>16 months</i>	11,880 <i>15 months</i>	2,919 <i>N/A</i>	16,728 <i>16 months</i>
TOTAL	35,096 <i>19 months</i>	69,147 <i>17 months</i>	12,283 <i>N/A</i>	116,526 <i>17 months</i>

Note: Convictions that did not fit within the sentencing grid were excluded from this table.

B. Community Punishments by Crime Type

The type of Community punishment imposed by crime type and the average length of probation sentences is provided in Table 26. Property offenses were the largest offense category for which Supervised Probation was imposed (n=13,585). The largest number sentenced to Unsupervised Probation were convicted of public order offenses (n=31,690).

**Table 26: Type of Community Punishment by Crime Type
FY 1998/99 Misdemeanors**

Crime Type	Type of Community Punishment (Number and Average Probation Length)			Total
	Supervised	Unsupervised	Restitution/Fine	
Person	6,916 <i>19 months</i>	9,573 <i>18 months</i>	417 <i>N/A</i>	16,906 <i>19 months</i>
Property	13,585 <i>19 months</i>	18,164 <i>16 months</i>	2,294 <i>N/A</i>	34,043 <i>17 months</i>
Drug	4,157 <i>18 months</i>	9,720 <i>16 months</i>	2,152 <i>N/A</i>	16,029 <i>16 months</i>
Public Order	10,438 <i>18 months</i>	31,690 <i>17 months</i>	7,420 <i>N/A</i>	49,548 <i>17 months</i>
TOTAL	35,096 <i>19 months</i>	69,147 <i>17 months</i>	12,283 <i>N/A</i>	116,526 <i>17 months</i>

Note: Convictions that did not fit within the sentencing grid were excluded from this table.

VI. SPECIAL ISSUES

This section reviews other areas of interest, including Community Service and Restitution.

A. Community Service

During Fiscal Year 1998/99, 9.2% of all misdemeanor convictions were sentenced to perform Community Service, with an average of almost 37 hours ordered. *Table 27* shows the average hours ordered and the number of convictions for which Community Service was ordered by offense class. Also provided is the percentage of convictions for which Community Service was part of the sentence relative to the total number of convictions within each offense class. It should be noted that Community Service can be used as a sole condition of probation or in conjunction with other types of punishment.

Class 1 offenses accounted for the largest number of Community Service sentences (n=8,150). Of the four offense classes, convictions for Class 1 offenses were most likely to result in a Community Service sentence (10.5%), while convictions for Class A1 offenses had the highest average hours of Community Service ordered (42.7 hours).

**Table 27: Community Service by Offense Class
FY 1998/99 Misdemeanors**

Offense Class	Mean Number of Hours Ordered	Number of Convictions	% of Convictions
Class A1	42.7	1,044	6.5
Class 1	38.8	8,150	10.5
Class 2	34.3	2,457	7.2
Class 3	28.5	2,130	9.7
TOTAL	36.7	13,781	9.2

Table 28 contains information on the average hours ordered and the number of convictions for which Community Service was ordered as part of the sentence by crime type. Also shown is the percentage of convictions for which Community Service was part of the sentence relative to the total number of convictions for each crime type. Convictions for property offenses accounted for the largest number of Community Service sentences (n=6,498). Of the four crime types, property convictions were the most likely to result in a Community Service sentence (15%), while person convictions had the highest number of Community Service hours ordered (an average of 41 hours).

**Table 28: Community Service by Crime Type
FY 1998/99 Misdemeanors**

Crime Type	Mean Number of Hours Ordered	Number of Convictions	% of Convictions
Person	40.6	1,728	7.8
Property	37.1	6,498	14.9
Drug	32.9	1,445	7.3
Public Order	35.8	4,110	6.4
TOTAL	36.7	13,781	9.2

B. Restitution

This section presents information about the amount of Restitution ordered for all misdemeanor convictions; it does not reflect the amount paid. Restitution can be ordered as a sole sanction or in conjunction with other sanctions.

The following tables provide four pieces of information: the total number and percentage of convictions for which payment of Restitution was ordered, the mean (average) dollar amount ordered, and the median dollar amount ordered (i.e., the amount which has the same number of Restitution orders above it as below it). Note that the mean is often much higher than the median due to one or more orders which are higher than the “normal” amount of Restitution ordered.

As shown in *Figure X*, payment of Restitution was ordered for about 19% of all misdemeanor convictions during Fiscal Year 1998/99.

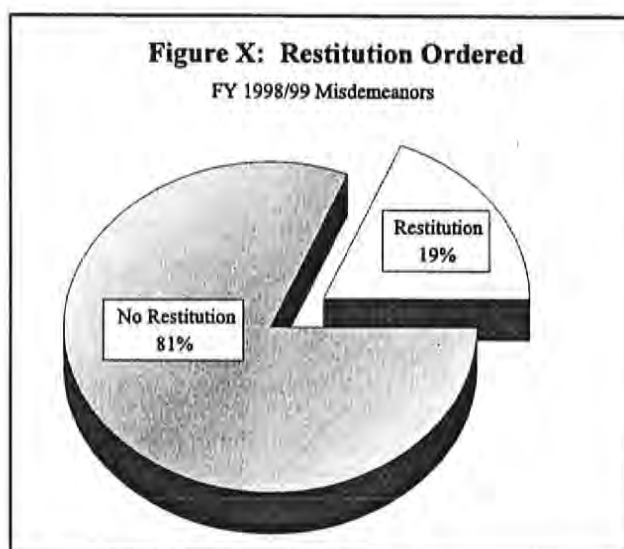


Table 29 provides information on the mean and median dollar amounts of Restitution ordered and the total number of convictions for which payment of Restitution was ordered by offense class. The table also includes the percentage of convictions for which payment of Restitution was ordered relative to the total number of convictions in each offense class. The average (mean) amount of Restitution ordered was \$625, while the median amount was \$187. The highest amount of Restitution, on average, was ordered for Class 1 convictions (a mean of \$874, a median of \$250). Thirty-nine percent of all convictions for Class 2 offenses were ordered to pay Restitution -- the largest percentage of all offense classes. Convictions for Class 2 misdemeanors also comprised the largest group with a Restitution sentence (n=13,243).

**Table 29: Restitution Ordered by Offense Class
FY 1998/99 Misdemeanors**

Offense Class	Mean Restitution Ordered (\$)	Median Restitution Ordered (\$)	Number of Convictions	% of Convictions
Class A1	516	200	1,883	11.7
Class 1	874	250	12,060	15.5
Class 2	445	150	13,243	38.7
Class 3	117	100	840	3.8
TOTAL	625	187	28,026	18.7

Table 30 shows the mean and median dollar amounts of Restitution ordered and the total number of convictions for which payment of Restitution was ordered by crime type. The table also includes the percentage of convictions for which Restitution was ordered relative to the total number of convictions for each crime type. The highest mean Restitution amount was ordered for property convictions (\$657). The highest median Restitution amount was ordered for convictions for person offenses (\$212). Property offense convictions accounted for the majority of convictions for which payment of Restitution was ordered (n=22,226). Fifty-one percent of all convictions for a property offense were ordered to pay Restitution -- the largest percentage of all crime types.

**Table 30: Restitution Ordered by Crime Type
FY 1998/99 Misdemeanors**

Crime Type	Mean Restitution Ordered (\$)	Median Restitution Ordered (\$)	Number of Convictions	% of Convictions
Person	505	212	2,725	12.2
Property	657	200	22,226	51.0
Drugs	318	100	824	4.2
Public Order	564	139	2,251	3.5
TOTAL	625	187	28,026	18.7

Table 31 provides information on the mean and median amounts of Restitution ordered and the total number of convictions for which Restitution was ordered by type of punishment. The table also includes the percentage of convictions for which payment of Restitution was ordered relative to the total number of convictions by type of punishment imposed. The highest mean Restitution was ordered for convictions for which an Intermediate punishment was imposed (\$963). Almost twenty-eight percent of all convictions resulting in the imposition of an Intermediate punishment were ordered to pay Restitution – the largest percentage of all punishment types. The vast majority of convictions sentenced to pay Restitution received a Community punishment (n=27,190).

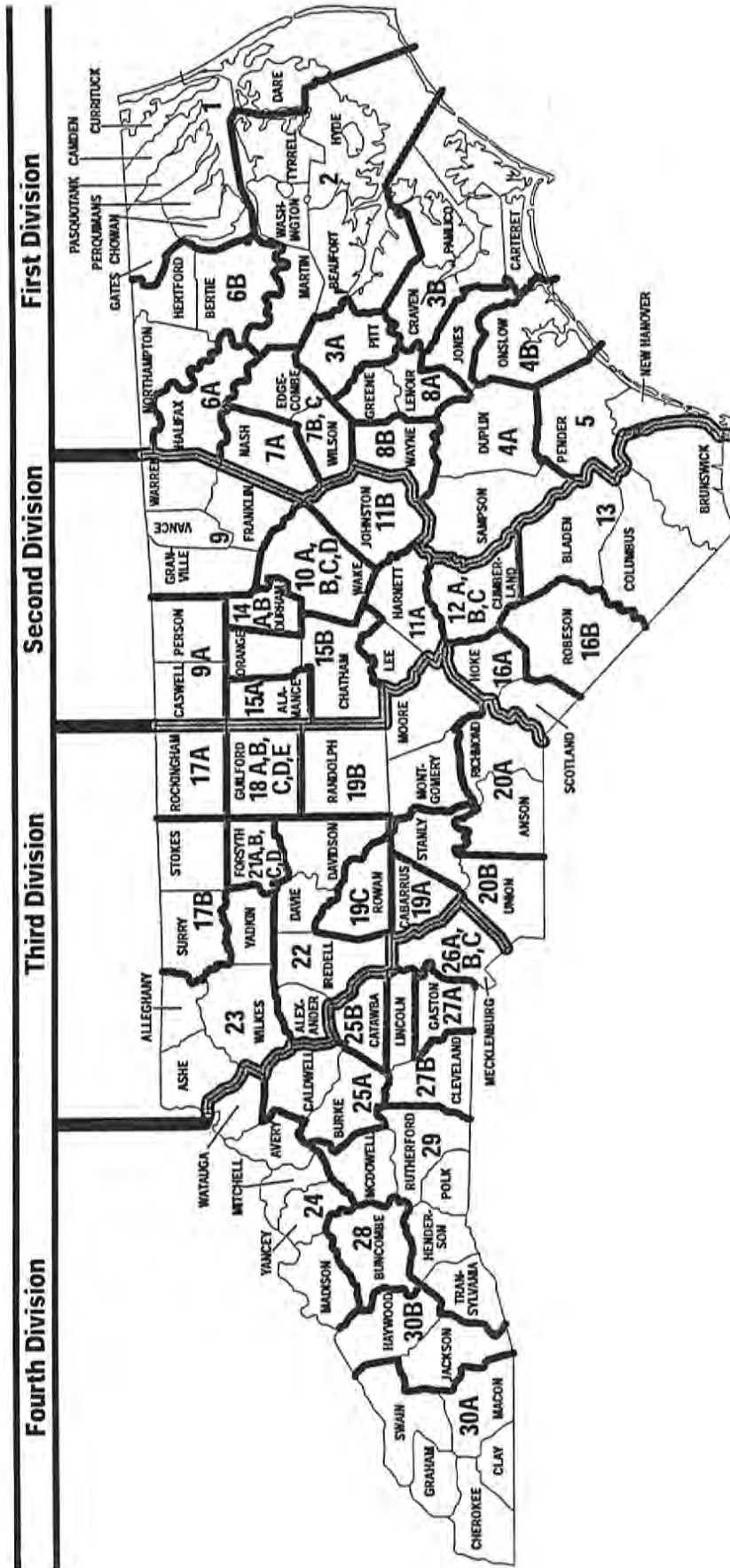
**Table 31: Restitution Ordered by Punishment Imposed
FY 1998/99 Misdemeanors**

Type of Punishment	Mean Restitution Ordered (\$)	Median Restitution Ordered (\$)	Number of Convictions	% of Convictions
Active	581	200	301	1.2
Intermediate	963	342	535	27.5
Community	618	184	27,190	22.1
TOTAL	625	187	28,026	18.7

APPENDIX A

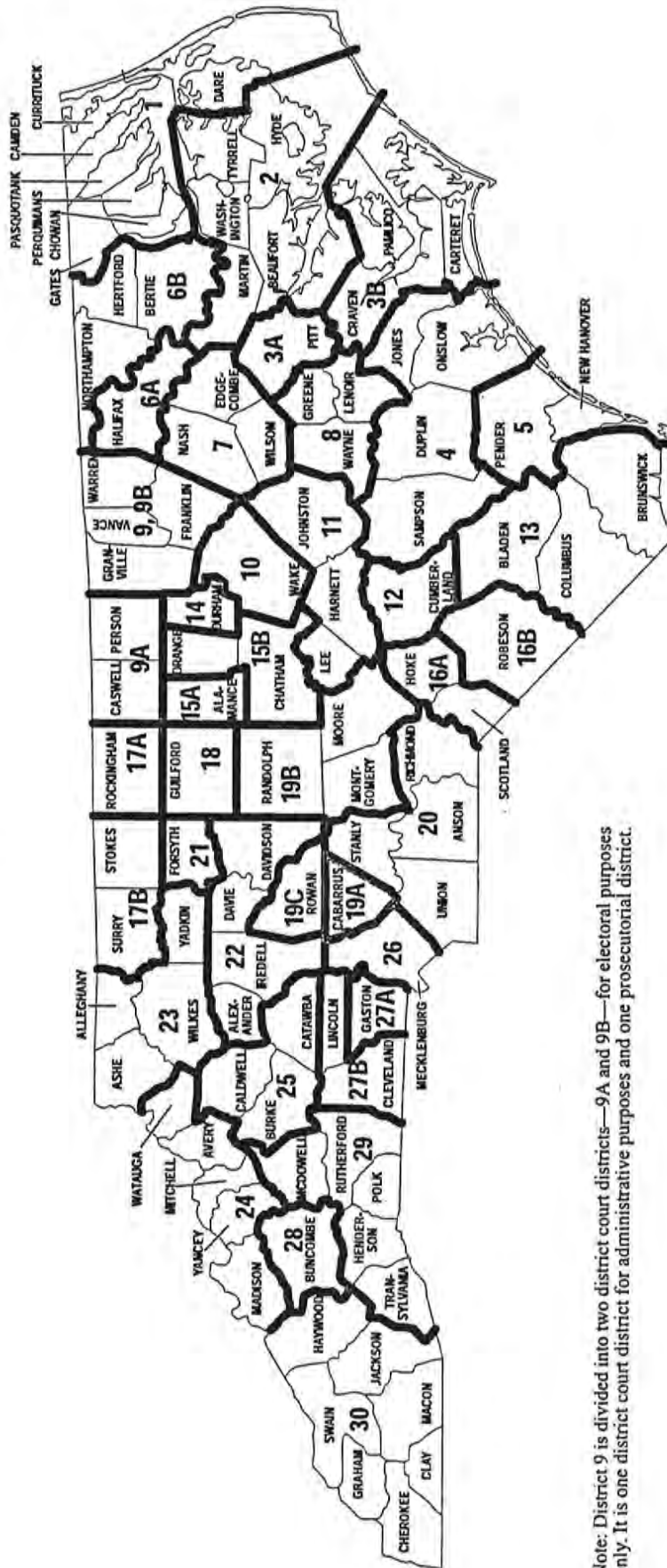
MAP OF JUDICIAL DIVISIONS AND DISTRICTS

North Carolina Superior Court Districts and Divisions as of June 30, 1998



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North Carolina District Court and Prosecutorial Districts as of June 30, 1998



Note: District 9 is divided into two district court districts—9A and 9B—for electoral purposes only. It is one district court district for administrative purposes and one prosecutorial district.

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APPENDIX B
SAMPLE OFFENSES

**MAXIMUM PUNISHMENTS AND SAMPLE OFFENSES
FOR USE AT FIRST APPEARANCES AND ARRAIGNMENTS
[FOR OFFENSES COMMITTED ON OR AFTER 12/1/99]**

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)	Embezzlement (amount involved \$100,000 or more) (14-90)	
CLASS D FELONIES		Maximum Punishment of 229 Months
Voluntary Manslaughter (14-18)	Arson, First Degree (14-58)	
Malicious Use of Explosive or Incendiary (14-49(a))	Armed Robbery (14-87)	
Burglary, First Degree (14-51)	Sell or Deliver a Controlled Substance to a Person Under 16 But More Than 13 Years of Age (90-95(e)(5))	
CLASS E FELONIES		Maximum Punishment of 98 Months
Intercourse and Sexual Offenses with Certain Victims (Substitute Parent/Custodian) (14-27.7)	Assault with a Firearm on a Law Enforcement Officer (14-34.5)	
Assault W/D/W/I/S/I (14-32(b))	Kidnapping, Second Degree (14-39)	
Assault W/D/W/I/K (14-32(c))	Child Abuse I/S/I (14-318.4)	
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)	Burning of Certain Other Buildings (14-62)	
Assault Inflicting Serious Bodily Injury (14-32.4)	Incest Between Certain Near Relatives (14-178)	
Assault W/D/W on a Governmental Officer or Employee (14-34.2)	Indecent Liberties with Children (14-202.1)	
Assault on a Law Enforcement Officer (14-34.7)	Possess Weapon of Mass Destruction (14-288.8)	
Felonious Restraint (14-43.3)	Habitual Impaired Driving (20-138.5)	
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)	Death by Vehicle (20-141.4)	
Common Law Robbery (14-87.1)	Sale of a Schedule I or II Controlled Substance (90-95(a)(1))	
CLASS H FELONIES		Maximum Punishment of 30 Months
Habitual Misdemeanor Assault (14-33.2)	Obtaining Property by False Pretenses (amount involved less than \$100,000) (14-100)	
Breaking or Entering Buildings (14-54(a))	Intimidating/Interfering with Witnesses (14-226)	
Fraudulently Setting Fire to Dwelling House (14-65)	Hit and Run Involving Personal Injury/Death (20-166(a))	

Possessing Stolen Goods Worth More than \$1,000 (14-71.1)	Sale of a Schedule III, IV, V, or VI Controlled Substance (90-95(a)(1))
Larceny of Property Worth More than \$1,000 (14-72)	Possession W/I/M/S/D Cocaine (90-95(a)(1))
Embezzlement (amount involved less than \$100,000) (14-90)	Escaping From State Prison System (felon) (148-45(b))
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))
CLASS A1 MISDEMEANORS	Maximum Punishment of 150 Days
Assault Inflicting Serious Injury or Using a Deadly Weapon (14-33(c)(1))	Assault on a State Officer or Employee (14-33(c)(4))
Assault On a Female (14-33(c)(2))	Assault by pointing a gun (14-34)
Assault on a Child Under 12 Years of Age (14-33(c)(3))	Violation of a valid protective order (50B-4.1)
CLASS 1 MISDEMEANORS	Maximum Punishment of 120 Days
Breaking or Entering Buildings (14-54(b))	Willful Injury to Real Property (14-127)
Larceny of Property Worth \$1,000 or Less (14-72)	Communicating Threats (14-277.1)
Unauthorized Use of a Motor Vehicle (14-72.2)	Possession of Drug Paraphernalia (90-113.22)
Worthless Check/Closed Account (14-107(4))	Misrepresentation to Obtain Employment Security Benefits (96-18)
CLASS 2 MISDEMEANORS	Maximum Punishment of 60 Days
Simple Assault/Assault and Battery (14-33(a))	Failure to Return Rental Property (14-167)
Obtaining Property in Return for Worthless Check (14-106)	Using Profane, Indecent or Threatening Language to Any Person Over Telephone (14-196)
Worthless Check/\$2,000 or Less (14-107(1))	Resisting Officers (14-223)
Trespass, First Degree (14-159.12)	Carrying Concealed Weapons (14-269)
Willful Injury to Personal Property (14-160(a))	Disorderly Conduct (14-288.4)
CLASS 3 MISDEMEANORS	Maximum Punishment of 20 Days
Concealment of merchandise in mercantile establishments (first conviction) (14-72.1)	Operate Motorboat Without Lifesaving Device (75A-6)
Trespass, Second Degree (14-159.13)	Hunting Without a License (113-270.2)
Intoxicated and Disruptive in Public (14-444)	Fishing Without a License (113-271)
Unsealed Wine/Liquor in Passenger Area (18B-401)	Possess Marijuana (½ ounce or less) (90-95(a)(3))
CONSPIRACY to commit an offense is classified as one class lower than the offense the person conspired to commit. (14-2.4)	
ATTEMPT to commit an offense is classified as one class lower than the offense the person attempted to commit. (14-2.5)	
SOLICITATION to commit an offense is classified as two classes lower than the offense the person solicited the other person to commit. (14-2.6)	
ACCESSORY BEFORE THE FACT punishable as the principal felon. (14-5.2)	
ACCESSORY AFTER THE FACT punishable as two classes lower than the felony the principal felon committed. (14-7)	

APPENDIX C

ADDITIONAL FELONY DATA BY JUDICIAL DIVISION AND DISTRICT

**Appendix C, Table 1: Convictions and Sentences by Judicial Division and District
FY 1998/99 Felonies**

SENTENCE TYPE 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
JUDICIAL DIVISION	JUDICIAL DISTRICT									
FIRST	1	108	34.0	116	36.5	94	29.6	24.8	31.8	318
	2	79	35.9	80	36.4	61	27.7	39.8	50.8	220
	3A	138	30.9	192	43.0	117	26.2	43.8	56.8	447
	3B	114	30.4	161	42.9	100	26.7	48.2	61.1	375
	4A	151	29.3	218	42.3	146	28.3	26.3	33.9	515
	4B	104	31.4	134	40.5	93	28.1	29.2	37.9	331
	5	216	31.3	338	49.0	136	19.7	28.5	36.2	690
	6A	61	53.5	35	30.7	18	15.8	29.4	37.8	114
	6B	106	45.3	71	30.3	57	24.4	38.4	48.9	234
	7A	92	49.2	58	31.0	37	19.8	26.0	33.9	187
	7B	170	35.6	149	31.2	158	33.1	26.6	34.4	477
	8A	161	35.1	172	37.5	126	27.5	27.9	36.0	459
	8B	170	33.9	216	43.1	115	23.0	28.4	37.1	501
	SUB-TOTAL		1670	34.3	1940	39.9	1258	25.8	31.5	40.5	4868
SECOND	JUDICIAL DISTRICT									
	9	207	30.0	337	48.8	147	21.3	28.7	37.0	691
	9A	54	24.3	119	53.6	49	22.1	34.9	44.3	222
	10	436	44.4	277	28.2	269	27.4	29.2	37.7	982
	11A	105	31.6	166	50.0	61	18.4	32.5	42.0	332
	11B	87	31.2	141	50.5	51	18.3	33.3	43.0	279
	12	211	31.5	311	46.5	147	22.0	41.6	54.0	669
	13	110	36.2	130	42.8	64	21.1	34.0	43.9	304
	14	212	39.4	251	46.7	75	13.9	53.5	69.7	538
	15A	254	36.8	303	43.8	134	19.4	22.7	29.3	691

**Appendix C, Table 1: Convictions and Sentences by Judicial Division and District (continued)
FY 1998/99 Felonies**

SENTENCE TYPE 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
JUDICIAL DIVISION	JUDICIAL DISTRICT									
SECOND (CONT)	15B	69	30.3	105	46.1	54	23.7	45.3	57.9	228
	16A	96	29.8	142	44.1	84	26.1	29.7	37.9	322
	16B	75	30.7	108	44.3	61	25.0	60.3	77.2	244
	SUB-TOTAL	1916	34.8	2390	43.4	1196	21.7	35.0	45.2	5502
THIRD	JUDICIAL DISTRICT									
	17A	70	34.7	94	46.5	38	18.8	37.2	47.4	202
	17B	91	38.6	97	41.1	48	20.3	29.6	38.1	236
	18	512	30.2	768	45.3	416	24.5	35.3	45.6	1696
	19A	118	27.3	228	52.7	87	20.1	44.1	56.8	433
	19B	144	34.3	130	31.0	146	34.8	42.7	54.9	420
	19C	149	38.1	138	35.3	104	26.6	38.0	48.9	391
	20A	116	37.5	105	34.0	88	28.5	29.6	38.8	309
	20B	117	26.1	178	39.7	153	34.2	36.0	46.7	448
	21	375	32.9	488	42.8	278	24.4	44.2	57.4	1141
	22	246	44.2	197	35.4	114	20.5	36.2	46.0	557
	23	84	43.5	63	32.6	46	23.8	38.3	48.5	193
	SUB-TOTAL	2022	33.6	2486	41.3	1518	25.2	37.9	48.9	6026
FOURTH	JUDICIAL DISTRICT									
	24	24	27.0	47	52.8	18	20.2	15.6	20.8	89
	25A	100	30.0	151	45.3	82	24.6	32.1	41.3	333
	25B	73	26.8	133	48.9	66	24.3	35.6	45.9	272
	26	475	29.5	613	38.0	524	32.5	36.8	48.1	1612
	27A	144	29.6	212	43.5	131	26.9	36.1	46.5	487
	27B	127	31.5	182	45.2	94	23.3	30.3	39.7	403

**Appendix C, Table 1: Convictions and Sentences by Judicial Division and District (continued)
FY 1998/99 Felonies**

SENTENCE TYPE 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
JUDICIAL DIVISION	JUDICIAL DISTRICT									
FOURTH (CONT)	28	198	45.3	169	38.7	70	16.0	42.0	54.1	437
	29	109	31.3	103	29.6	136	39.1	40.1	51.3	348
	30A	39	48.1	24	29.6	18	22.2	50.4	63.6	81
	30B	31	39.7	31	39.7	16	20.5	52.4	66.7	78
	SUB-TOTAL	1320	31.9	1665	40.2	1155	27.9	37.1	48.1	4140
TOTAL		6928	33.7	8481	41.3	5127	25.0	35.4	45.7	20536

**Appendix C, Table 2: Sentence Location by Judicial Division and District
(Active Sentences Only)
FY 1998/99 Felonies**

NUMBER AND PERCENT OF ACTIVE CASES FALLING WITHIN SPECIFIED SENTENCE RANGE		RANGES						TOTAL
		MITIGATED RANGE		PRESUMPTIVE RANGE		AGGRAVATED RANGE		
		NUMBER	%	NUMBER	%	NUMBER	%	
JUDICIAL DIVISION	JUDICIAL DISTRICT							
FIRST	1	3	2.8	95	88.8	9	8.4	107
	2	3	3.9	66	85.7	8	10.4	77
	3A	19	13.9	108	78.8	10	7.3	137
	3B	14	12.6	92	82.9	5	4.5	111
	4A	31	20.8	112	75.2	6	4.0	149
	4B	14	13.6	83	80.6	6	5.8	103
	5	39	18.2	151	70.6	24	11.2	214
	6A	5	8.3	47	78.3	8	13.3	60
	6B	15	14.7	84	82.4	3	2.9	102
	7A	7	7.8	81	90.0	2	2.2	90
	7B	13	7.7	148	87.6	8	4.7	169
	8A	27	16.9	128	80.0	5	3.1	160
	8B	50	29.4	114	67.1	6	3.5	170
	SUB-TOTAL		240	14.6	1309	79.4	100	6.1	1649
SECOND	JUDICIAL DISTRICT							
	9	24	11.7	168	81.6	14	6.8	206
	9A	6	11.1	38	70.4	10	18.5	54
	10	52	12.1	307	71.7	69	16.1	428
	11A	9	8.8	83	81.4	10	9.8	102
	11B	16	18.4	66	75.9	5	5.7	87
	12	58	28.2	123	59.7	25	12.1	206
	13	17	15.5	79	71.8	14	12.7	110
	14	44	20.9	142	67.3	25	11.8	211
	15A	13	5.1	234	92.5	6	2.4	253
	15B	11	15.9	53	76.8	5	7.2	69

Appendix C, Table 2: Sentence Location by Judicial Division and District (continued)
(Active Sentences Only)
FY 1998/99 Felonies

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							
SECOND (CONT)	16A	4	4.3	80	85.1	10	10.6	94
	16B	6	8.1	67	90.5	1	1.4	74
	SUB-TOTAL	260	13.7	1440	76.0	194	10.2	1894
THIRD	JUDICIAL DISTRICT							
	17A	6	8.7	50	72.5	13	18.8	69
	17B	4	4.4	84	92.3	3	3.3	91
	18	61	12.1	379	75.2	64	12.7	504
	19A	17	14.5	97	82.9	3	2.6	117
	19B	12	8.3	116	80.6	16	11.1	144
	19C	7	4.8	123	84.2	16	11.0	146
	20A	17	14.8	90	78.3	8	7.0	115
	20B	4	3.4	100	86.2	12	10.3	116
	21	94	25.3	256	68.8	22	5.9	372
	22	27	11.0	194	78.9	25	10.2	246
	23	12	14.5	59	71.1	12	14.5	83
	SUB-TOTAL	261	13.0	1548	77.3	194	9.7	2003
	FOURTH	JUDICIAL DISTRICT						
24		3	13.0	19	82.6	1	4.3	23
25A		7	7.0	82	82.0	11	11.0	100
25B		4	5.6	63	88.7	4	5.6	71
26		71	15.0	380	80.5	21	4.4	472
27A		8	5.7	120	85.1	13	9.2	141
27B		7	5.6	107	85.6	11	8.8	125
28		27	13.8	166	85.1	2	1.0	195

**Appendix C, Table 2: Sentence Location by Judicial Division and District (continued)
 (Active Sentences Only)
 FY 1998/99 Felonies**

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							
FOURTH (CONT)	29	10	9.4	93	87.7	3	2.8	106
	30A	1	2.6	30	76.9	8	20.5	39
	30B	7	22.6	18	58.1	6	19.4	31
	SUB-TOTAL	145	11.1	1078	82.7	80	6.1	1303
TOTAL		906	13.2	5375	78.5	568	8.3	6849

APPENDIX D

ADDITIONAL FELONY DATA BY CRIME TYPE AND OFFENSE

**Appendix D, Table 1: Type of Punishment by Crime Type and Offense
FY 1998/99 Felonies**

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	1ST DEG MURDER	78	100.0	.	.	.	.	.	.	78
	2ND DEG MURDER	255	100.0	.	.	.	.	177.5	222.4	255
	ATTEMPTED MURDER	2	100.0	.	.	.	.	88.0	115.0	2
	VOLUNTARY MANSLAUGHTER	109	90.8	11	9.2	.	.	54.6	74.6	120
	INVOLUNTARY MANSLAUGHTER	39	59.1	27	40.9	.	.	17.3	21.2	66
	ARMED ROBBERY	487	100.0	.	.	.	.	68.7	91.9	487
	COMMON LAW ROBBERY	464	53.8	389	45.1	10	1.2	16.1	20.1	863
	AWDWIKISI	61	100.0	.	.	.	.	100.0	129.2	61
	AWDW INTENT TO KILL	19	51.4	18	48.6	.	.	26.7	41.3	37
	AWDW SERIOUS INJURY	247	52.9	220	47.1	.	.	30.7	45.9	467
	ASSAULT OFFCL, GOVT OFFCL, EMRG PERSNL, OTHER	52	59.1	35	39.8	1	1.1	21.7	27.7	88
	OTHER FELONY ASSAULTS	71	42.5	95	56.9	1	0.6	22.1	28.0	167
	1ST DEG RAPE, SEX OFFENSE	66	100.0	.	.	.	.	269.9	332.9	66
	ATT 1ST DEG RAPE, S.O.	24	100.0	.	.	.	.	175.7	220.1	24
	2ND DEG RAPE, S.O.	82	100.0	.	.	.	.	78.8	103.6	82
	ATT 2ND DEG RAPE, S.O.	36	100.0	.	.	.	.	65.1	87.7	36
	INDECENT LIBERTIES W/ CHILD	233	37.9	381	62.1	.	.	18.1	22.2	614
	CHILD ABUSE	16	36.4	28	63.6	.	.	26.0	39.9	44
	OTHER SEX CRIMES	89	57.4	40	25.8	26	16.8	112.4	142.7	155

**Appendix D, Table 1: Type of Punishment by Crime Type and Offense (continued)
FY 1998/99 Felonies**

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 (CONT)	KIDNAP, ABDUCT- ION	94	69.1	42	30.9	.	.	52.9	72.5	136
	ALL OTHER PERSON	38	36.9	59	57.3	6	5.8	24.5	34.1	103
	SUB-TOTAL	2562	64.8	1345	34.0	44	1.1	64.8	84.0	3951
PROPERTY	OFFENSE									
	1ST DEG BURGLARY	30	100.0	.	.	.	.	79.8	105.4	30
	2ND DEG BURGLARY	76	53.5	66	46.5	.	.	16.0	19.5	142
	BREAKING/ENTE- RING	588	31.1	868	45.9	436	23.0	9.4	11.7	1892
	LARCENY	457	30.3	734	48.7	315	20.9	9.6	12.3	1506
	AUTOMOBILE THEFT	47	41.2	52	45.6	15	13.2	8.8	11.0	114
	1ST DEG ARSON	8	100.0	.	.	.	.	89.8	117.0	8
	2ND DEG ARSON	26	43.3	34	56.7	.	.	15.8	19.3	60
	OTHER ARSON/BURNING	44	39.6	51	45.9	16	14.4	16.8	22.1	111
	FORGERY	55	8.6	232	36.2	354	55.2	7.7	9.6	641
	FRAUD	26	8.0	93	28.7	205	63.3	6.9	8.8	324
	EMBEZZLEMENT	31	9.4	128	38.9	170	51.7	8.0	10.0	329
	ALL OTHER PROPERTY	656	32.3	932	45.9	441	21.7	9.5	11.9	2029
	SUB-TOTAL	2044	28.4	3190	44.4	1952	27.2	11.2	14.1	7186
DRUGS (Non- trafficking)	OFFENSE									
	SELL/DELIVER DRUGS	284	32.9	481	55.7	98	11.4	13.0	16.0	863
	POSSESSION WITH INTENT	614	25.2	1123	46.1	698	28.7	8.4	10.6	2435
	DRUG POSSESSION	210	6.8	1135	36.9	1735	56.3	7.3	9.2	3080
	OTHER DRUG FELONIES	271	21.9	544	44.0	421	34.1	12.9	16.1	1236

**Appendix D, Table 1: Type of Punishment by Crime Type and Offense (continued)
FY 1998/99 Felonies**

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									
DRUGS (CONT)	SUB-TOTAL	1379	18.1	3283	43.1	2952	38.8	10.1	12.6	7614
OTHER FELONY	OFFENSE									
	WEAPON OFFENSE	214	40.7	291	55.3	21	4.0	17.9	23.8	526
	HABITUAL FELON	391	100.0	.	.	.	.	91.3	118.8	391
	HABITUAL MISDEMEANOR ASSAULT	45	45.5	47	47.5	7	7.1	10.4	12.9	99
	HABITUAL IMPAIRED DRIVING	64	79.0	17	21.0	.	.	14.8	18.3	81
	ALL OTHER FELONIES	229	33.3	308	44.8	151	21.9	16.4	21.0	688
	SUB-TOTAL	943	52.8	663	37.1	179	10.0	47.4	61.6	1785
TOTAL		6928	33.7	8481	41.3	5127	25.0	35.4	45.7	20536

**Appendix D, Table 2: Sentence Location by Crime Type and Offense
FY 1998/99 Felonies**

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							
PERSON	2ND DEG MURDER	49	19.2	144	56.5	62	24.3	255
	ATTEMPTED MURDER	1	50.0	1	50.0	.	.	2
	VOLUNTARY MANSLAUGHTER	21	19.3	72	66.1	16	14.7	109
	INVOLUNTARY MANSLAUGHTER	6	15.4	27	69.2	6	15.4	39
	ARMED ROBBERY	147	30.2	306	62.8	34	7.0	487
	COMMON LAW ROBBERY	57	12.3	360	77.6	47	10.1	464
	AWDWIKISI	7	11.5	44	72.1	10	16.4	61
	AWDW INTENT TO KILL	5	26.3	13	68.4	1	5.3	19
	AWDW SERIOUS INJURY	39	15.8	176	71.3	32	13.0	247
	ASSAULT OFFCL, GOVT OFFCL, EMRG PERSNL, OTHER	8	15.4	36	69.2	8	15.4	52
	OTHER FELONY ASSAULTS	10	14.1	57	80.3	4	5.6	71
	1ST DEG RAPE, SEX OFFENSE	14	21.5	46	70.8	5	7.7	65
	ATT 1ST DEG RAPE, S.O.	7	29.2	13	54.2	4	16.7	24
	2ND DEG RAPE, S.O.	11	13.4	62	75.6	9	11.0	82
	ATT 2ND DEG RAPE, S.O.	15	41.7	16	44.4	5	13.9	36
	INDECENT LIBERTIES W/ CHILD	28	12.0	167	71.7	38	16.3	233
	CHILD ABUSE	3	18.8	8	50.0	5	31.3	16
	OTHER SEX CRIMES	29	32.6	48	53.9	12	13.5	89

**Appendix D, Table 2: Sentence Location by Crime Type and Offense (continued)
FY 1998/99 Felonies**

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							
PERSON (CONT)	KIDNAP, ABDUCTION	11	11.7	73	77.7	10	10.6	94
	ALL OTHER PERSON	3	7.9	33	86.8	2	5.3	38
	SUB-TOTAL	471	19.0	1702	68.5	310	12.5	2483
PROPERTY	OFFENSES							
	1ST DEG BURGLARY	8	26.7	18	60.0	4	13.3	30
	2ND DEG BURGLARY	6	7.9	61	80.3	9	11.8	76
	BREAKING/ENTERING	45	7.7	508	86.4	35	6.0	588
	LARCENY	45	9.8	379	82.9	33	7.2	457
	AUTOMOBILE THEFT	7	14.9	40	85.1	.	.	47
	1ST DEG ARSON	2	25.0	4	50.0	2	25.0	8
	2ND DEG ARSON	.	.	22	84.6	4	15.4	26
	OTHER ARSON/BURNING	3	6.8	33	75.0	8	18.2	44
	FORGERY	3	5.5	49	89.1	3	5.5	55
	FRAUD	6	23.1	19	73.1	1	3.8	26
	EMBEZZLEMENT	7	22.6	20	64.5	4	12.9	31
	ALL OTHER PROPERTY	67	10.2	543	82.8	46	7.0	656
	SUB-TOTAL	199	9.7	1696	83.0	149	7.3	2044
	DRUGS (Non-trafficking)	OFFENSES						
SELL/DELIVER DRUGS		33	11.6	247	87.0	4	1.4	284
POSSESSION WITH INTENT		60	9.8	518	84.4	36	5.9	614
DRUG POSSESSION		24	11.4	180	85.7	6	2.9	210

**Appendix D, Table 2: Sentence Location by Crime Type and Offense (continued)
FY 1998/99 Felonies**

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							
DRUGS (CONT)	OTHER DRUG FELONIES	40	14.8	212	78.2	19	7.0	271
	SUB-TOTAL	157	11.4	1157	83.9	65	4.7	1379
OTHER FELONY	OFFENSES							
	WEAPON OFFENSE	29	13.6	175	81.8	10	4.7	214
	HABITUAL FELON	7	1.8	378	96.7	6	1.5	391
	HABITUAL MISDEMEANOR ASSAULT	4	8.9	36	80.0	5	11.1	45
	HABITUAL IMPAIRED DRIVING	7	10.9	49	76.6	8	12.5	64
	ALL OTHER FELONIES	32	14.0	182	79.5	15	6.6	229
	SUB-TOTAL	79	8.4	820	87.0	44	4.7	943
TOTAL		906	13.2	5375	78.5	568	8.3	6849

APPENDIX E

**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 residential program (although, it was a form of Special Probation for offenses committed before December 1, 1998). Requires offenders to live at the camp for 90 days and participate in a strictly regimented paramilitary 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, offenders return to their community to serve the rest of their 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. **House Arrest with 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.¹

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).

¹ Beginning January 1, 2000, the Community Penalties Program became known as the Sentencing Services Program and the General Assembly amended Sentencing Services so that the plans themselves are no longer considered an intermediate punishment.

APPENDIX F

SPECIAL PROBATION FOR FELONIES

**Appendix F, Table 1: Special Probation by Offense Class and Location
FY 1998/99 Felonies**

Offense Class	Prison		Jail		Total Special Probation Length (Days)	Total
	No.	Mean Special Probation Length (Days)	No.	Mean Special Probation Length (Days)		
E	41	161.7	134	119.6	129.4	175
F	40	121.8	188	108.1	110.5	228
G	54	111.6	259	77.7	83.6	313
H	97	80.2	837	49.8	53.0	934
I	49	68.8	384	43.4	46.3	433
TOTAL	281	102.0	1,802	63.7	68.9	2,083

**Appendix F, Table 2: Special Probation by Crime Type and Location
FY 1998/99 Felonies**

Offense Class	Prison		Jail		Total Special Probation Length (Days)	Total
	No.	Mean Special Probation Length (Days)	No.	Mean Special Probation Length (Days)		
Person	88	135.6	404	103.9	109.6	492
Property	93	85.3	628	51.8	56.1	721
Non-Traff. Drug	72	83.9	606	48.0	51.9	678
Other Felony	28	98.7	164	68.4	72.8	192
TOTAL	281	102.0	1,802	63.7	68.9	2,083

APPENDIX G

**COMMUNITY SERVICE AND RESTITUTION
FOR FELONIES**

**Appendix G, Table 1: Community Service by Offense Class
FY 1998/99 Felonies**

Offense Class	Mean Number of Hours Ordered	Number of Convictions	% of Convictions
B1	50.0	1	1.0
B2	100.0	1	0.3
C	50.0	1	0.2
D	72.7	3	0.5
E	77.9	140	14.1
F	69.6	181	16.4
G	70.6	284	13.1
H	68.0	1,669	20.0
I	62.8	1,557	25.0
TOTAL	66.5	3,837	18.7

**Appendix G, Table 2: Community Service by Crime Type
FY 1998/99 Felonies**

Offense Class	Mean Number of Hours Ordered	Number of Convictions	% of Convictions
Person	73.4	404	10.2
Property	68.5	1,456	20.3
Non-Traff. Drug	63.1	1,734	22.8
Other Felony	68.2	243	13.6
TOTAL	66.5	3,837	18.7

**Appendix G, Table 3: Restitution Ordered by Offense Class¹
FY 1998/99 Felonies**

Offense Class	Mean Restitution Ordered (\$)²	Median Restitution Ordered (\$)	Number of Convictions	% of Convictions
B1	1,190	1,190	2	2.0
B2	7,104	5,500	27	9.3
C	2,288	951	26	4.3
D	4,149	2,392	50	7.9
E	4,285	1,452	341	34.3
F	3,872	788	238	21.6
G	914	240	778	35.9
H	2,923	655	3,992	47.8
I	1,215	175	2,658	42.7
TOTAL	2,275	390	8,112	39.5

¹ Appendix G, 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 G, 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 convictions for which payment of restitution was ordered. 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 G, Table 4: Restitution Ordered by Crime Type
FY 1998/99 Felonies**

Offense Class	Mean Restitution Ordered (\$)	Median Restitution Ordered (\$)	Number of Convictions	% of Convictions
Person	2,916	861	879	22.2
Property	3,502	975	4,161	57.9
Non-Traff. Drug	218	100	2,774	36.4
Other Felony	2,396	395	298	16.7
TOTAL	2,275	390	8,112	39.5

**Appendix G, Table 5: Restitution Ordered by Type of Punishment
FY 1998/99 Felonies**

Offense Class	Mean Restitution Ordered (\$)	Median Restitution Ordered (\$)	Number of Convictions	% of Convictions
Active	3,877	905	864	12.5
Intermediate	2,077	400	4,662	55.0
Community	2,097	270	2,586	50.4
TOTAL	2,275	390	8,112	39.5

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

MISDEMEANOR PUNISHMENT CHART

CLASS	PRIOR CONVICTION LEVELS		
	I	II	III
	No Prior Convictions	One to Four Prior Convictions	Five or More Prior Convictions
A1	1 - 60 days C/I/A	1 - 75 days C/I/A	1 - 150 days C/I/A
1	1 - 45 days C	1 - 45 days C/I/A	1 - 120 days C/I/A
2	1 - 30 days C	1 - 45 days C/I	1 - 60 days C/I/A
3	1 - 10 days C	1 - 15 days C/I	1 - 20 days C/I/A

A - Active Punishment I - Intermediate Punishment C - Community Punishment

Cells with slash allow either disposition at the discretion of the judge.

*****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.