

North Carolina
Sentencing and Policy Advisory Commission



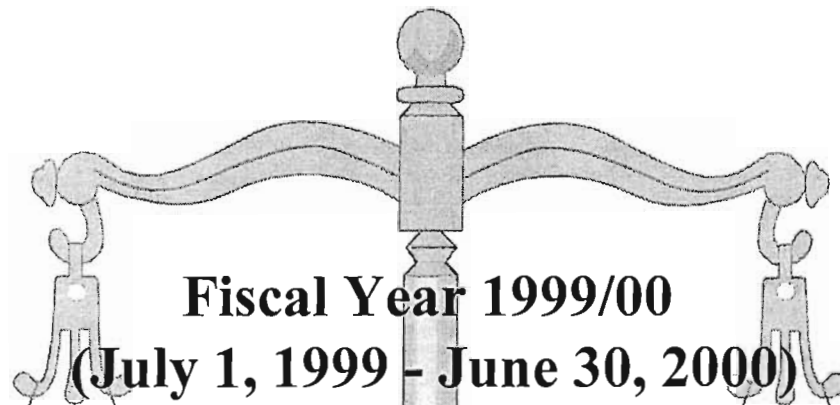
**Structured Sentencing Statistical Report
for Felonies and Misdemeanors**

**Fiscal Year 1999/00
(July 1, 1999 - June 30, 2000)**

May 2001

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Structured Sentencing Statistical Report for Felonies and Misdemeanors



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INTRODUCTION

INTRODUCTION

This report provides detailed information about felony and misdemeanor convictions under Structured Sentencing during Fiscal Year 1999/00 (July 1, 1999 through June 30, 2000). 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."

The Sentencing Commission's processing of court data was developed with the implementation of Structured Sentencing. Since Structured Sentencing has been in place for more than five years, the Commission decided to re-examine the data process based on a more detailed knowledge of Structured Sentencing and how it is applied by judges, prosecutors, defense attorneys, and other court officials across North Carolina. The changes to the data process that were implemented allow the Commission to recover more cases from the AOC's Criminal Information System. These changes, in addition to improvements made by the AOC (such as CourtFlow), will increase the

accuracy of information reported. The Sentencing Commission will continue to work with the AOC to improve the information available on Structured Sentencing convictions and sentences.

SUMMARY OF FINDINGS

FELONY AND MISDEMEANOR CONVICTIONS

IN FISCAL YEAR 1999/00

SUMMARY OF FINDINGS FISCAL YEAR 1999/00 CONVICTIONS

Felony Convictions

- During Fiscal Year 1999/00, sentences for 27,737 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 I with Prior Record Level II.
- The majority of felony convictions (63%) were for offenders with Prior Record Levels I and II. About 5% of convictions were for offenders with serious prior criminal histories (Prior Record Levels V and VI).
- Eighty-seven percent of all offenders were male; 44% of all offenders were under the age of 26; and 60% of all offenders were Black.
- Thirty-three percent of felony convictions resulted in an Active punishment, 44% resulted in an Intermediate punishment, and 23% 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 (36%). Person offenses represented 18% of convictions and other felonies accounted for 9% of convictions.
- Seventy-five percent of all Active sentences fell within the presumptive range; 17% fell within the mitigated range; and 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=5,459). Intensive Supervision Probation was the most frequently imposed sanction.
- Other information of interest includes: 21 death sentences and 54 life without parole sentences were imposed; there were 552 convictions for drug trafficking offenses; performance of community service was ordered for 14% of all convictions; and payment of restitution was ordered for almost 34% of all convictions.

Misdemeanor Convictions

- During Fiscal Year 1999/00, sentences for 170,027 misdemeanor convictions were imposed under Structured Sentencing. (This number excludes Driving While Impaired convictions, cases disposed of by magistrates, Class 2 and Class 3 criminal traffic offenses, and Class 3 local ordinance offenses.)
- Ten percent of misdemeanor convictions fell into Offense Class A1, 54% fell into Offense Class 1, almost 21% 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; 40% were under the age of 26; and 48% were Black.
- Fifteen percent of misdemeanor convictions resulted in an Active punishment, 1% resulted in an Intermediate punishment, and 84% resulted in a Community punishment.
- Public order offenses accounted for the majority of misdemeanor convictions (47%), while misdemeanor person offenses accounted for the lowest proportion (13%). Convictions for person and property offenses were most likely to result in an Active punishment (16%). Person offenses resulted in the longest average sentences.
- Where a specific intermediate sanction was indicated in the AOC database, Intensive Supervision Probation was the most frequently invoked punishment. Offenders convicted of a Class 1 offense with Prior Conviction Level III most frequently received Intensive Supervision Probation.
- Of all misdemeanor offenders who received a Community punishment, 50% received unsupervised probation; 28% received supervised probation; and 12% were ordered to perform community service, pay restitution and/or a fine as their most serious punishment. The remainder had no sanction specified.
- Approximately 9% of all misdemeanor offenders were ordered to perform community service and 16% were ordered to pay restitution. On average, offenders were ordered to perform 36 hours of community service. The mean amount of restitution ordered was \$587. The median amount of restitution ordered was \$169.

SECTION I

**FELONY CONVICTIONS
IN FISCAL YEAR 1999/00**

I. FELONY CONVICTIONS IN FY 1999/00

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 1999/00. Overall, sentences for 27,737 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 3,591 convictions (or 13%) 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=9,653 or 40%) and into Prior Record Level II (n=8,701 or 36%). Relative to other grid cells, the greatest number of convictions fell into Offense Class I with Prior Record Level II (n=3,147 or 13%). Sentences imposed for Offense Classes A-E accounted for 11% of felony convictions during FY 1999/00. Seventy percent of sentences imposed were for Class H and I felony convictions.

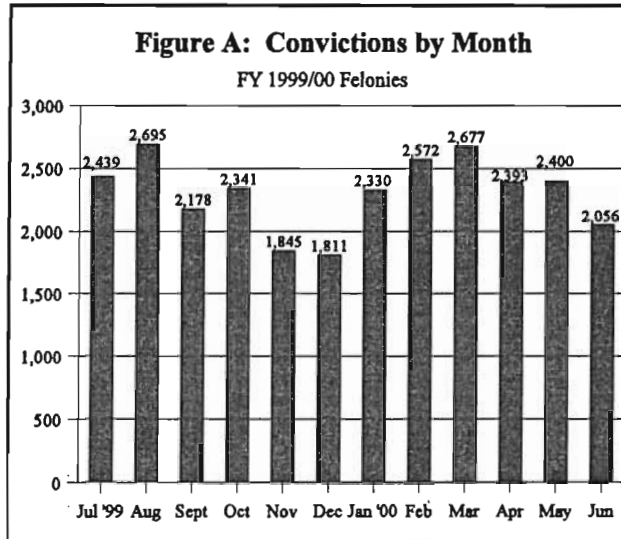
**Table 1: Distribution of Convictions within the Felony Structured Sentencing Grid
FY 1999/00 Felonies**

| 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 | 47 (0.2%) | 11 (0.0%) | 5 (0.0%) | 7 (0.0%) | 0 (0.0%) | 1 (0.0%) | 71 (0.2%) |
| B1 | 51 (0.2) | 36 (0.2%) | 11 (0.0%) | 14 (0.1%) | 3 (0.0%) | 2 (0.0%) | 117 (0.5%) |
| B2 | 81 (0.3%) | 101 (0.4%) | 42 (0.2%) | 18 (0.1%) | 6 (0.0%) | 3 (0.0%) | 251 (1.0%) |
| C | 73 (0.3%) | 141 (0.6%) | 159 (0.7%) | 164 (0.6%) | 43 (0.2%) | 38 (0.2%) | 618 (2.6%) |
| D | 213 (0.9%) | 246 (1.0%) | 133 (0.5%) | 89 (0.4%) | 18 (0.1%) | 17 (0.1%) | 716 (3.0%) |
| E | 362 (1.5%) | 408 (1.7%) | 112 (0.5%) | 73 (0.3%) | 17 (0.1%) | 13 (0.0%) | 985 (4.1%) |
| F | 589 (2.4%) | 541 (2.2%) | 334 (1.4%) | 148 (0.6%) | 25 (0.1%) | 25 (0.1%) | 1,662 (6.8%) |
| G | 552 (2.3%) | 963 (4.0%) | 700 (2.9%) | 457 (1.9%) | 73 (0.3%) | 40 (0.2%) | 2,785 (11.6%) |
| H | 2,683 (11.1%) | 3,107 (12.9%) | 2,087 (8.6%) | 1,323 (5.5%) | 312 (1.3%) | 141 (0.6%) | 9,653 (40.0%) |
| I | 1,955 (8.1%) | 3,147 (13.0%) | 1,126 (4.7%) | 739 (3.1%) | 197 (0.8%) | 124 (0.5%) | 7,288 (30.2%) |
| TOTAL | 6,606 (27.3%) | 8,701 (36.0%) | 4,709 (19.5%) | 3,032 (12.6%) | 694 (2.9%) | 404 (1.7%) | 24,146 (100%) |

Note: Of the 27,737 felony convictions in FY 1999/00, 3,591 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).

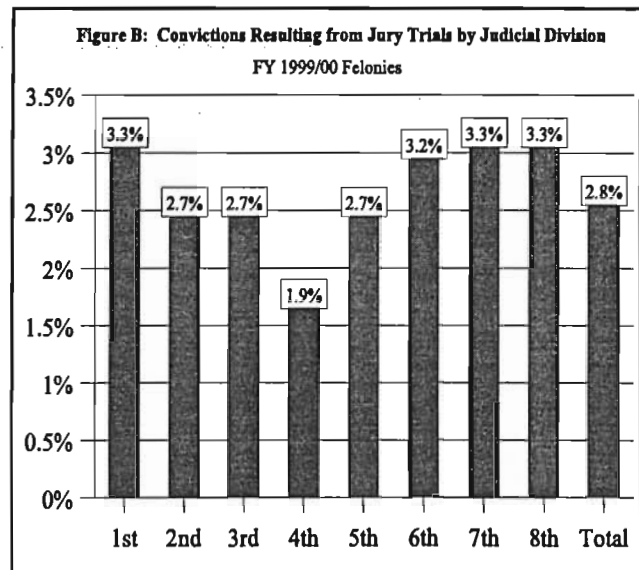
D. Convictions by Month of Sentencing

Figure A shows the total number of felony convictions by month of sentencing during Fiscal Year 1999/00 (N=27,737). Convictions peaked in August and 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.) The distribution of convictions by judicial division ranged from 10% each in the first and sixth judicial divisions to 19% in the fifth judicial division. This table also indicates whether the conviction resulted from a guilty plea or jury trial. Overall, 2.8% of all convictions statewide resulted from jury trials (see Figure B). The percentage of jury trials varied slightly by judicial division with a low of 1.9% in the fourth division and a high of 3.3% in the first, seventh, and eighth divisions.



**Table 2: Convictions by Judicial Division, Judicial District,
County, and Mode of Disposition
FY 1999/00 Felonies**

| Judicial Division, Judicial District, and County | | Mode of Disposition | | Total |
|---|--------------|---------------------|------------|--------------|
| | | Guilty Plea | Jury Trial | |
| First Judicial Division | | 2,762 | 95 | 2,857 |
| District 1 | Camden | 6 | 0 | 6 |
| | Chowan | 57 | 0 | 57 |
| | Currituck | 38 | 1 | 39 |
| | Dare | 85 | 9 | 94 |
| | Gates | 10 | 1 | 11 |
| | Pasquotank | 178 | 9 | 187 |
| | Perquimans | 20 | 0 | 20 |
| | Total | 394 | 20 | 414 |
| District 2 | Beaufort | 246 | 6 | 252 |
| | Hyde | 24 | 8 | 32 |
| | Martin | 72 | 8 | 80 |
| | Tyrrell | 11 | 0 | 11 |
| | Washington | 46 | 7 | 53 |
| | Total | 399 | 29 | 428 |
| District 3A | Pitt | 640 | 12 | 652 |
| Total | 640 | 12 | 652 | |
| District 6A | Halifax | 117 | 5 | 122 |
| Total | 117 | 5 | 122 | |
| District 6B | Bertie | 99 | 3 | 102 |
| | Hertford | 151 | 5 | 156 |
| | Northampton | 106 | 1 | 107 |
| | Total | 356 | 9 | 365 |
| District 7A | Nash | 302 | 5 | 307 |
| Total | 302 | 5 | 307 | |
| District 7B,C | Edgecombe | 193 | 5 | 198 |
| | Wilson | 361 | 10 | 371 |
| | Total | 554 | 15 | 569 |
| Second Judicial Division | | 3,209 | 89 | 3,298 |
| District 3B | Carteret | 192 | 5 | 197 |
| | Craven | 369 | 3 | 372 |
| | Pamlico | 63 | 0 | 63 |
| | Total | 624 | 8 | 632 |

**Table 2: Convictions by Judicial Division, Judicial District,
County, and Mode of Disposition (continued)
FY 1999/00 Felonies**

| Judicial Division, Judicial District, and County | | Mode of Disposition | | Total |
|---|--------------|---------------------|------------|--------------|
| | | Guilty Plea | Jury Trial | |
| District 4A | Duplin | 181 | 1 | 182 |
| | Jones | 19 | 0 | 19 |
| | Sampson | 214 | 8 | 222 |
| | Total | 414 | 9 | 423 |
| District 4B | Onslow | 381 | 4 | 385 |
| | Total | 381 | 4 | 385 |
| District 5 | New Hanover | 744 | 26 | 770 |
| | Pender | 114 | 4 | 118 |
| | Total | 858 | 30 | 888 |
| District 8A | Greene | 71 | 5 | 76 |
| | Lenoir | 367 | 9 | 376 |
| | Total | 438 | 14 | 452 |
| District 8B | Wayne | 494 | 24 | 518 |
| | Total | 494 | 24 | 518 |
| Third Judicial Division | | 4,747 | 132 | 4,879 |
| District 9 | Franklin | 211 | 2 | 213 |
| | Granville | 189 | 2 | 191 |
| | Vance | 280 | 0 | 280 |
| | Warren | 57 | 1 | 58 |
| | Total | 737 | 5 | 742 |
| District 9A | Caswell | 113 | 2 | 115 |
| | Person | 194 | 5 | 199 |
| | Total | 307 | 7 | 314 |
| District 10 | Wake | 1,981 | 59 | 2,040 |
| | Total | 1,981 | 59 | 2,040 |
| District 14 | Durham | 616 | 33 | 649 |
| | Total | 616 | 33 | 649 |
| District 15A | Alamance | 717 | 18 | 735 |
| | Total | 717 | 18 | 735 |
| District 15B | Chatham | 87 | 3 | 90 |
| | Orange | 302 | 7 | 309 |
| | Total | 389 | 10 | 399 |

**Table 2: Convictions by Judicial Division, Judicial District,
County, and Mode of Disposition (continued)
FY 1999/00 Felonies**

| Judicial Division, Judicial District, and County | | Mode of Disposition | | Total |
|---|--------------|---------------------|------------|--------------|
| | | Guilty Plea | Jury Trial | |
| <i>Fourth Judicial Division</i> | | 3,020 | 58 | 3,078 |
| District 11A | Harnett | 329 | 12 | 341 |
| | Lee | 282 | 8 | 290 |
| | Total | 611 | 20 | 631 |
| District 11B | Johnston | 338 | 2 | 340 |
| | Total | 338 | 2 | 340 |
| District 12 | Cumberland | 999 | 15 | 1,014 |
| | Total | 999 | 15 | 1,014 |
| District 13 | Bladen | 94 | 2 | 96 |
| | Brunswick | 121 | 4 | 125 |
| | Columbus | 165 | 5 | 170 |
| | Total | 380 | 11 | 391 |
| District 16A | Hoke | 139 | 0 | 139 |
| | Scotland | 205 | 2 | 207 |
| | Total | 344 | 2 | 346 |
| District 16B | Robeson | 348 | 8 | 356 |
| | Total | 348 | 8 | 356 |
| <i>Fifth Judicial Division</i> | | 5,017 | 137 | 5,154 |
| District 17A | Rockingham | 403 | 10 | 413 |
| | Total | 403 | 10 | 413 |
| District 17B | Stokes | 130 | 0 | 130 |
| | Surry | 200 | 1 | 201 |
| | Total | 330 | 1 | 331 |
| District 18 | Guilford | 1,886 | 57 | 1,943 |
| | Total | 1,886 | 57 | 1,943 |
| District 19B | Montgomery | 87 | 0 | 87 |
| | Moore | 262 | 7 | 269 |
| | Randolph | 251 | 13 | 264 |
| | Total | 600 | 20 | 620 |
| District 21 | Forsyth | 1,440 | 39 | 1,479 |
| | Total | 1,440 | 39 | 1,479 |

**Table 2: Convictions by Judicial Division, Judicial District,
County, and Mode of Disposition (continued)
FY 1999/00 Felonies**

| Judicial Division, Judicial District, and County | | Mode of Disposition | | Total |
|---|--------------|---------------------|------------|--------------|
| | | Guilty Plea | Jury Trial | |
| District 23 | Alleghany | 31 | 1 | 32 |
| | Ashe | 27 | 2 | 29 |
| | Wilkes | 230 | 6 | 236 |
| | Yadkin | 70 | 1 | 71 |
| | Total | 358 | 10 | 368 |
| <i>Sixth Judicial Division</i> | | 2,736 | 91 | 2,827 |
| District 19A | Cabarrus | 491 | 17 | 508 |
| | Total | 491 | 17 | 508 |
| District 19C | Rowan | 563 | 17 | 580 |
| | Total | 563 | 17 | 580 |
| District 20A | Anson | 99 | 3 | 102 |
| | Richmond | 233 | 5 | 238 |
| | Total | 332 | 8 | 340 |
| District 20B | Stanly | 167 | 5 | 172 |
| | Union | 315 | 11 | 326 |
| | Total | 482 | 16 | 498 |
| District 22 | Alexander | 51 | 3 | 54 |
| | Davidson | 386 | 16 | 402 |
| | Davie | 105 | 4 | 109 |
| | Iredell | 326 | 10 | 336 |
| | Total | 868 | 33 | 901 |
| <i>Seventh Judicial Division</i> | | 3,628 | 124 | 3,752 |
| District 25A | Burke | 163 | 5 | 168 |
| | Caldwell | 144 | 2 | 146 |
| | Total | 307 | 7 | 314 |
| District 25B | Catawba | 373 | 7 | 380 |
| | Total | 373 | 7 | 380 |
| District 26 | Mecklenburg | 2,021 | 60 | 2,081 |
| | Total | 2,021 | 60 | 2,081 |
| District 27A | Gaston | 538 | 37 | 575 |
| | Total | 538 | 37 | 575 |

**Table 2: Convictions by Judicial Division, Judicial District,
County, and Mode of Disposition (continued)
FY 1999/00 Felonies**

| Judicial Division, Judicial District, and County | | Mode of Disposition | | Total |
|---|--------------|----------------------|-------------------|----------------------|
| | | Guilty Plea | Jury Trial | |
| District 27B | Cleveland | 223 | 6 | 229 |
| | Lincoln | 166 | 7 | 173 |
| | Total | 389 | 13 | 402 |
| <i>Eighth Judicial Division</i> | | <i>1,830</i> | <i>62</i> | <i>1,892</i> |
| District 24 | Avery | 23 | 0 | 23 |
| | Madison | 32 | 3 | 35 |
| | Mitchell | 28 | 1 | 29 |
| | Watauga | 45 | 3 | 48 |
| | Yancey | 21 | 0 | 21 |
| | Total | 149 | 7 | 156 |
| District 28 | Buncombe | 760 | 25 | 785 |
| | Total | 760 | 25 | 785 |
| District 29 | Henderson | 195 | 5 | 200 |
| | McDowell | 139 | 4 | 143 |
| | Polk | 34 | 1 | 35 |
| | Rutherford | 231 | 8 | 239 |
| | Transylvania | 54 | 3 | 57 |
| | Total | 653 | 21 | 674 |
| District 30A | Cherokee | 50 | 0 | 50 |
| | Clay | 36 | 0 | 36 |
| | Graham | 18 | 3 | 21 |
| | Macon | 40 | 0 | 40 |
| | Swain | 22 | 1 | 23 |
| | Total | 166 | 4 | 170 |
| District 30B | Haywood | 77 | 4 | 81 |
| | Jackson | 25 | 1 | 26 |
| | Total | 102 | 5 | 107 |
| <i>STATE TOTAL</i> | | <i>26,949</i> | <i>788</i> | <i>27,737</i> |

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 1999/00, 1,648 Class H (or 14% of Class H convictions) and 1,070 Class I (or 13% of Class I convictions) felony pleas were accepted in District Court for a total of 2,718 pleas (14% 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 27,737 felony convictions, 87% were for males (see *Figure C*).

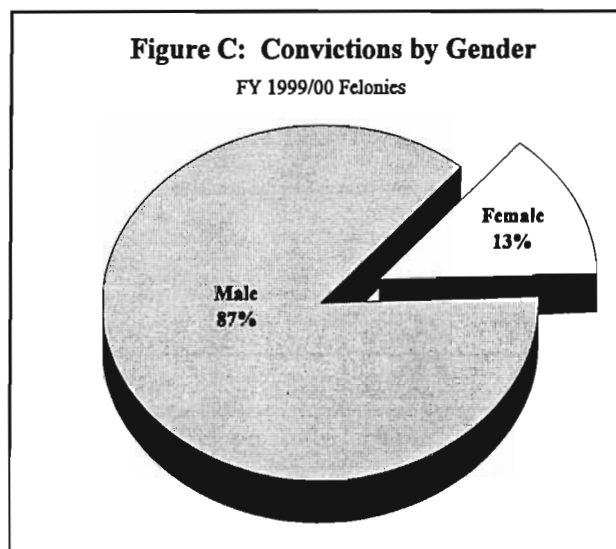
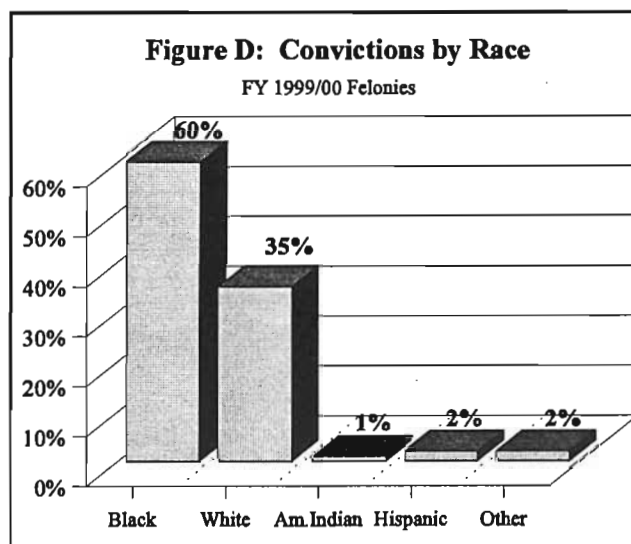
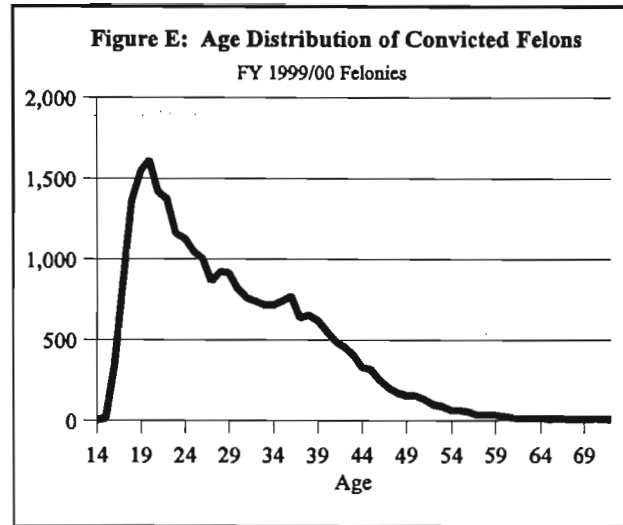


Figure D shows that 60% of all felony offenders were Black, 35% were White, and a small percentage were American Indian (1%), Hispanic (2%), or Other (2%).



Twenty-one percent of felony convictions were for offenders under the age of 21, 23% were 21-25 years of age, 14% were 26-29 years of age, 26% were 30-39 years of age, 12% were 40-49 years of age, and 4% 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 1999/00 Felonies**

| Gender and Race | | Age | | | | | | Total |
|-----------------|-----------------|--------------|--------------|--------------|--------------|--------------|------------|---------------|
| | | <21 | 21-25 | 26-29 | 30-39 | 40-49 | >49 | |
| Male | White | 1,787 | 1,573 | 1,017 | 2,101 | 1,020 | 359 | 7,857 |
| | Black | 3,375 | 3,595 | 1,972 | 3,590 | 1,683 | 451 | 14,666 |
| | Hispanic | 92 | 160 | 99 | 98 | 25 | 9 | 483 |
| | Amer. Indian | 56 | 57 | 39 | 58 | 36 | 7 | 253 |
| | Other | 68 | 51 | 40 | 36 | 17 | 5 | 217 |
| | Subtotal | 5,378 | 5,436 | 3,167 | 5,883 | 2,781 | 831 | 23,476 |
| Female | White | 199 | 290 | 252 | 630 | 272 | 64 | 1,707 |
| | Black | 186 | 379 | 268 | 628 | 280 | 56 | 1,797 |
| | Hispanic | 4 | 5 | 4 | 4 | 1 | 1 | 19 |
| | Amer. Indian | 3 | 14 | 11 | 20 | 11 | 3 | 62 |
| | Other | 7 | 6 | 4 | 8 | 7 | 0 | 32 |
| | Subtotal | 399 | 694 | 539 | 1,290 | 571 | 124 | 3,617 |
| TOTAL | | 5,777 | 6,130 | 3,706 | 7,173 | 3,352 | 955 | 27,093 |

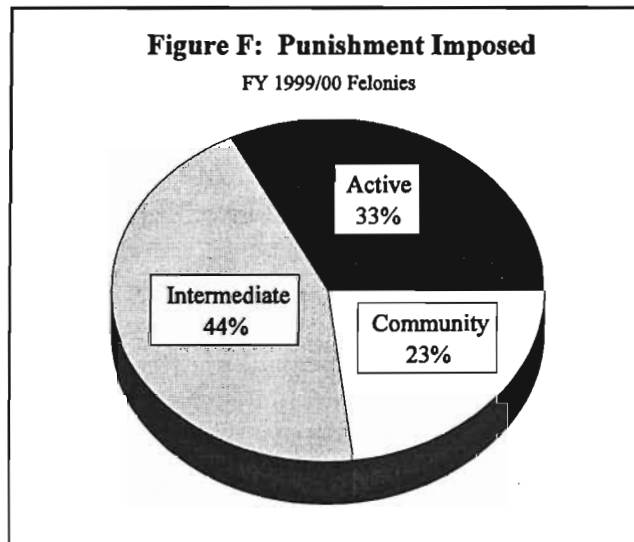
Note: Of the 27,737 felony convictions in FY 1999/00, 644 convictions with missing values for offenders' age were excluded from this table.

III. PUNISHMENT IMPOSED FOR FELONIES

This section details the type of punishment imposed (Active, Intermediate, or Community) for convictions and sentences during Fiscal Year 1999/00. 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 information is based on the most serious sentence an offender received.*¹

A. Overall Punishment

An Active punishment was imposed for 33% of felony convictions, an Intermediate punishment was imposed for 44% of felony convictions, and a Community punishment was imposed for 23% 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 (63%) were for offenders with Prior Record Levels I and II, indicating little or no prior criminal record. About 5% 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=3,591 or 13%). 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).

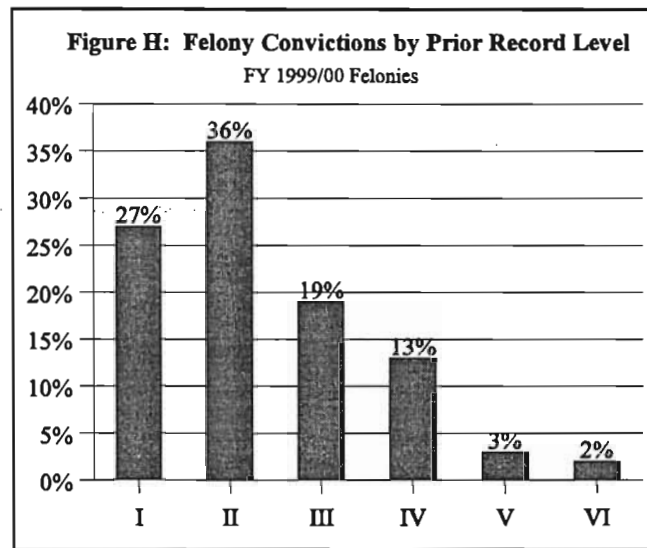
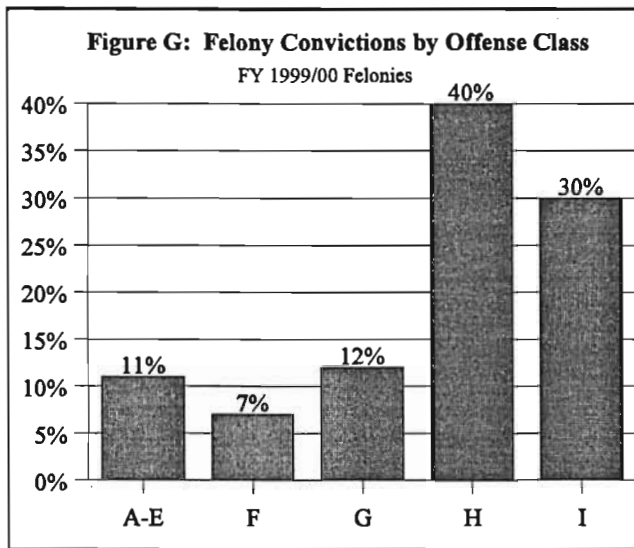


Table 4 presents felony convictions and sentences imposed within the context of the felony sentencing grid (see also Table 1). The table also includes the average minimum and maximum sentences for convictions for which an Active sentence was imposed.² The majority of convictions fell within Offense Class I with Prior Record Level II (n=3,147 or 13%), followed closely by convictions within Offense Class H with Prior Record Level II (n=3,107 or 13%). 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 (7%).

The data presented in Table 4 indicate that the percentage of offenders receiving an Active sentence increases as the offense class increases. As shown in the vertical "Total" column in Table 4, the average minimum and maximum sentences imposed increase as offense class increases. The average minimum sentence for all convictions resulting in an Active punishment (n=7,874) was 34 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 (261 months).

Convictions for offenders falling into Prior Record Levels I, II, and VI resulted in the highest average minimum sentences (46 months, 36 months, and 41 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 1999/00 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 = 47 (100%) (n=47) Life/Death | A A = 11 (100%) (n=11) Life/Death | A A = 5 (100%) (n=5) Life/Death | A A = 7 (100%) (n=7) Life/Death | A A = 0 (0%) (n=0) Life/Death | A A = 1 (100%) (n=1) Life/Death | A A = 71 (100%) (n=71) Life/Death |
| B1 | A A = 51 (100%) (n=51) 217 min 268 max | A A = 36 (100%) (n=36) 259 min 320 max | A A = 11 (100%) (n=11) 325 min 400 max | A A = 14 (100%) (n=14) 348 min 423 max | A A = 3 (100%) (n=3) 317 min 389 max | A A = 2 (100%) (n=2) 480 min 585 max | A A = 117 (100%) (n=117) 261 min 322 max |
| B2 | A A = 81 (100%) (n=81) 141 min 179 max | A A = 101 (100%) (n=101) 175 min 219 max | A A = 42 (100%) (n=42) 217 min 270 max | A A = 18 (100%) (n=18) 238 min 295 max | A A = 6 (100%) (n=6) 251 min 311 max | A A = 3 (100%) (n=3) 309 min 380 max | A A = 251 (100%) (n=251) 179 min 224 max |
| C | A A = 73 (100%) (n=73) 66 min 88 max | A A = 141 (100%) (n=141) 81 min 106 max | A A = 159 (100%) (n=159) 90 min 118 max | A A = 164 (100%) (n=164) 105 min 135 max | A A = 43 (100%) (n=43) 117 min 149 max | A A = 38 (100%) (n=38) 131 min 167 max | A A = 618 (100%) (n=618) 93 min 121 max |
| D | A A = 213 (100%) (n=213) 52 min 71 max | A A = 246 (100%) (n=246) 63 min 85 max | A A = 133 (100%) (n=133) 86 min 113 max | A A = 89 (100%) (n=89) 102 min 132 max | A A = 18 (100%) (n=18) 119 min 152 max | A A = 17 (100%) (n=17) 131 min 166 max | A A = 716 (100%) (n=716) 72 min 96 max |
| E | I/A I = 270 (75%) A = 92 (25%) (n=362) 24 min 37 max | I/A I = 252 (62%) A = 156 (38%) (n=408) 26 min 40 max | A A = 112 (100%) (n=112) 31 min 46 max | A A = 73 (100%) (n=73) 40 min 57 max | A A = 17 (100%) (n=17) 46 min 65 max | A A = 13 (100%) (n=13) 53 min 72 max | I/A I = 522 (53%) A = 463 (47%) (n=985) 30 min 45 max |
| F | I/A I = 412 (70%) A = 177 (30%) (n=589) 15 min 18 max | I/A I = 325 (60%) A = 216 (40%) (n=541) 16 min 20 max | I/A I = 157 (47%) A = 177 (53%) (n=334) 19 min 23 max | A A = 148 (100%) (n=148) 22 min 27 max | A A = 25 (100%) (n=25) 30 min 36 max | A A = 25 (100%) (n=25) 35 min 43 max | I/A I = 894 (54%) A = 768 (46%) (n=1,662) 19 min 23 max |

**Table 4: Convictions and Sentences by Offense Class and Prior Record Level (continued)
FY 1999/00 Felonies**

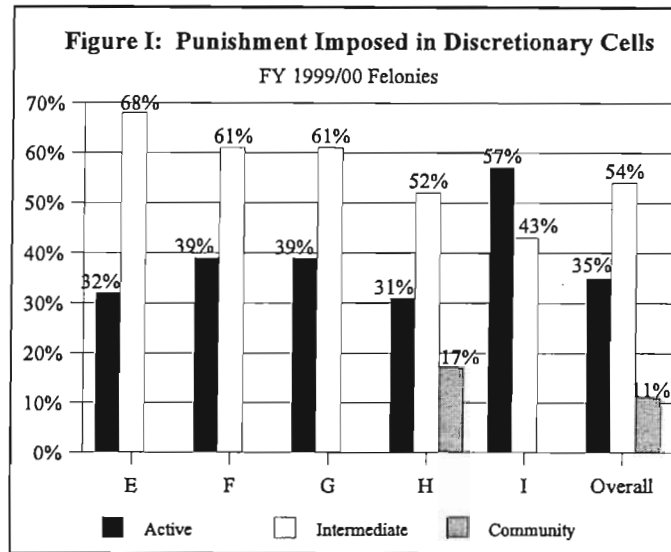
| Offense Class | Prior Record Level | | | | | | Total |
|---------------|---|---|--|--|--|---|---|
| | I 0 Pts | II 1-4 Pts | III 5-8 Pts | IV 9-14 Pts | V 15-18 Pts | VI 19+ Pts | |
| G | I/A I = 454 (82%) A = 98 (18%) (n=552) 12 min 14 max | I/A I = 689 (72%) A = 274 (28%) (n=963) 13 min 16 max | I/A I = 328 (47%) A = 372 (53%) (n=700) 14 min 17 max | I/A I = 155 (34%) A = 302 (66%) (n=457) 17 min 21 max | A A = 73 (100%) (n=73) 19 min 23 max | A A = 40 (100%) (n=40) 26 min 32 max | I/A I = 1,626 (58%) A = 1,159 (42%) (n=2,785) 15 min 19 max |
| H | C/I/A C = 1,646 (61%) I = 842 (32%) A = 195 (7%) (n=2,683) 6 min 7 max | I/A I = 2,311 (74%) A = 796 (26%) (n=3,107) 7 min 9 max | I/A I = 1,145 (55%) A = 942 (45%) (n=2,087) 9 min 11 max | I/A I = 497 (38%) A = 826 (62%) (n=1,323) 10 min 13 max | I/A I = 102 (33%) A = 210 (67%) (n=312) 13 min 16 max | A A = 141 (100%) (n=141) 18 min 22 max | C/I/A C = 1,646 (17%) I = 4,897 (51%) A = 3,110 (32%) (n=9,653) 9 min 11 max |
| I | C C = 1,955 (100%) (n=1,955) N/A | C/I C = 2,087 (66%) I = 1,060 (34%) (n=3,147) N/A | I I = 1,126 (100%) (n=1,126) N/A | I/A I = 351 (47%) A = 388 (53%) (n=739) 7 min 9 max | I/A I = 65 (33%) A = 132 (67%) (n=197) 8 min 10 max | I/A I = 43 (35%) A = 81 (65%) (n=124) 9 min 11 max | C/I/A C = 4,042 (56%) I = 2,645 (36%) A = 601 (8%) (n=7,288) 7 min 9 max |
| TOTAL | C/I/A C = 3,601 (55%) I = 1,978 (30%) A = 1,027 (15%) (n=6,606) 46 min 60 max | C/I/A C = 2,087 (24%) I = 4,637 (53%) A = 1,977 (23%) (n=8,701) 36 min 47 max | I/A I = 2,756 (59%) A = 1,953 (41%) (n=4,709) 30 min 39 max | I/A I = 1,003 (33%) A = 2,029 (67%) (n=3,032) 29 min 36 max | I/A I = 167 (24%) A = 527 (76%) (n=694) 31 min 39 max | I/A I = 43 (11%) A = 361 (89%) (n=404) 41 min 51 max | C/I/A C = 5,688 (23%) I = 10,584 (44%) A = 7,874 (33%) (n=24,146) 34 min 43 max |

Note: Of the 27,737 felony convictions in FY 1999/00, 3,591 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

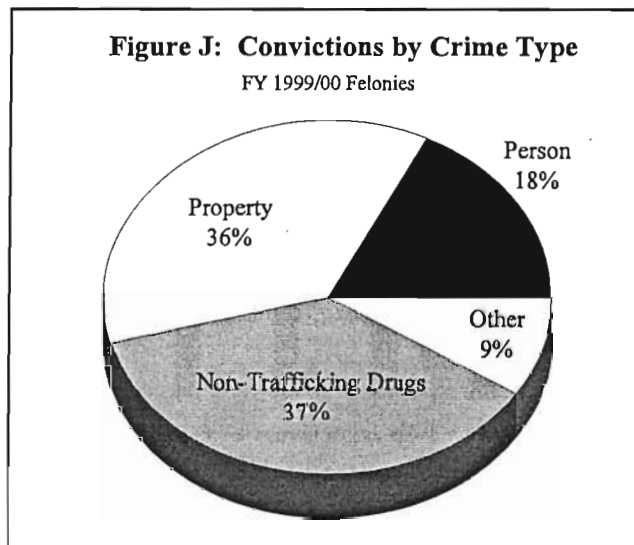
As shown in *Table 4*, where the judge had the option of imposing either an Active or community-based punishment (*i.e.*, either an Intermediate or Community punishment), an Intermediate punishment was most likely to be imposed for convictions falling within Offense Class G with Prior Record Level I (82%), while an Active sentence was most likely to be imposed for convictions falling within Offense Classes H and I with Prior Record Level V (both 67%).

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



D. Punishment Imposed by Crime Type

During Fiscal Year 1999/00, non-trafficking drug offenses accounted for 37% of convictions, followed closely by convictions for property offenses (36%). (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 (60%), while convictions for non-trafficking drug offenses were least likely to result in the imposition of an Active punishment (19%). Of the four crime types, property and non-trafficking drug convictions had the highest percentage of Intermediate punishment sentences (both 46%) and non-trafficking drug convictions had the highest percentage of Community punishment sentences (35%).

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 1999/00 Felonies**

| Crime Type | Type of Punishment | | | | | | Minimum Active Sentence (months) | Maximum Active Sentence (months) | Total |
|----------------------|--------------------|-----------|---------------|-----------|--------------|-----------|----------------------------------|----------------------------------|---------------|
| | Active | | Intermediate | | Community | | | | |
| | # | % | # | % | # | % | | | |
| Person | 2,628 | 60 | 1,662 | 38 | 60 | 2 | 67 | 86 | 4,350 |
| Property | 2,393 | 28 | 3,993 | 46 | 2,226 | 26 | 12 | 15 | 8,612 |
| Non-Trafficking Drug | 1,714 | 19 | 4,156 | 46 | 3,159 | 35 | 11 | 13 | 9,029 |
| Other Felony | 1,139 | 53 | 773 | 36 | 243 | 11 | 41 | 53 | 2,155 |
| TOTAL | 7,874 | 33 | 10,584 | 44 | 5,688 | 23 | 34 | 43 | 24,146 |

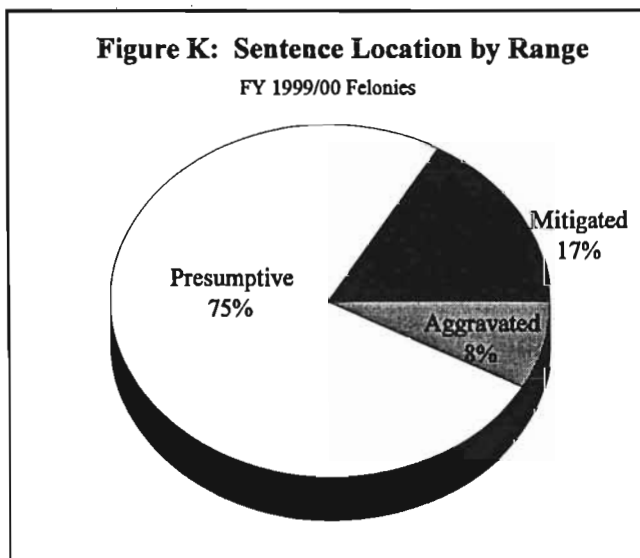
Note: Of the 27,737 felony convictions in FY 1999/00, 3,591 convictions were excluded from this table. These convictions did not fit within the sentencing grid due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing or extraordinary mitigation).

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=7,874). Class A convictions, which are subject to mandatory life or death sentences, are excluded from this section (n=71), 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).

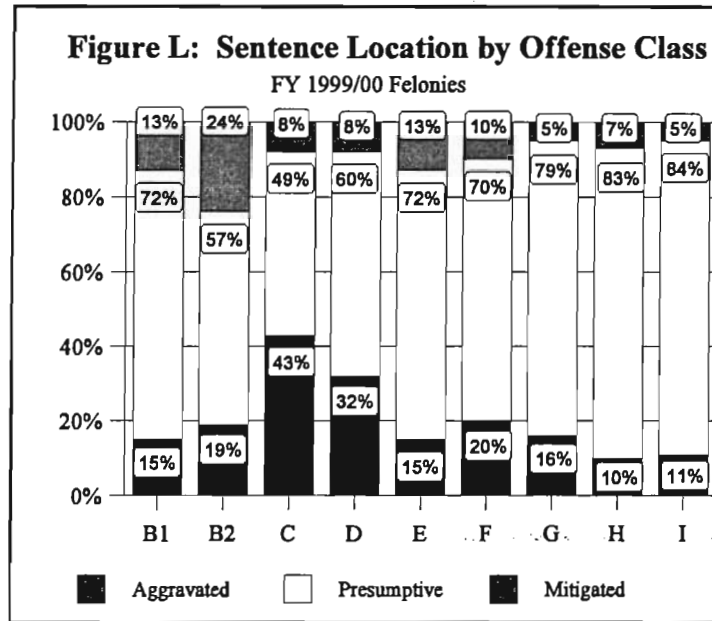
A. Sentence Location

Figure K shows that 75% of all Active sentences fell within the presumptive range; 17% 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*. Convictions for Class H and Class I offenses had the highest percentage of Active sentences in the presumptive range (83% and 84% respectively), while convictions for Class C offenses had the lowest percentage of Active sentences in the presumptive range (49%). Convictions falling into Prior Record Level I had the highest percentage of Active sentences both in the mitigated range (20%) and in the aggravated range (12%).

**Table 6: Sentence Location by Offense Class and Prior Record Level
(Active Sentences Only)
FY 1999/00 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 (14%) | 7 (19%) | . | 3 (21%) | 1 (33%) | . | 18 (15%) |
| | Presumptive | 38 (74%) | 23 (64%) | 9 (82%) | 10 (72%) | 2 (67%) | 1 (100%) | 83 (72%) |
| | Aggravated | 6 (12%) | 6 (17%) | 2 (18%) | 1 (7%) | . | . | 15 (13%) |
| | Subtotal | 51 | 36 | 11 | 14 | 3 | 1 | 116 |
| B2 | Mitigated | 21 (26%) | 18 (18%) | 7 (17%) | 1 (6%) | 1 (17%) | . | 48 (19%) |
| | Presumptive | 45 (56%) | 60 (59%) | 17 (40%) | 15 (83%) | 4 (66%) | 3 (100%) | 144 (57%) |
| | Aggravated | 15 (18%) | 23 (23%) | 18 (43%) | 2 (11%) | 1 (17%) | . | 59 (24%) |
| | Subtotal | 81 | 101 | 42 | 18 | 6 | 3 | 251 |
| C | Mitigated | 11 (15%) | 55 (39%) | 80 (50%) | 80 (49%) | 22 (51%) | 15 (39%) | 263 (43%) |
| | Presumptive | 51 (70%) | 74 (53%) | 67 (42%) | 69 (42%) | 20 (47%) | 23 (61%) | 304 (49%) |
| | Aggravated | 11 (15%) | 12 (8%) | 12 (8%) | 15 (9%) | 1 (2%) | . | 51 (8%) |
| | Subtotal | 73 | 141 | 159 | 164 | 43 | 38 | 618 |
| D | Mitigated | 84 (39%) | 82 (33%) | 41 (31%) | 20 (23%) | 1 (6%) | 3 (18%) | 231 (32%) |
| | Presumptive | 117 (55%) | 146 (60%) | 80 (60%) | 60 (67%) | 15 (83%) | 13 (76%) | 431 (60%) |
| | Aggravated | 12 (6%) | 18 (7%) | 12 (9%) | 9 (10%) | 2 (11%) | 1 (6%) | 54 (8%) |
| | Subtotal | 213 | 246 | 133 | 89 | 18 | 17 | 716 |

Table 6: Sentence Location by Offense Class and Prior Record Level (continued)
(Active Sentences Only)
FY 1999/00 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 (11%) | 19 (12%) | 20 (18%) | 17 (23%) | 4 (23%) | . | 70 (15%) |
| | Presumptive | 63 (68%) | 120 (77%) | 73 (65%) | 53 (73%) | 11 (65%) | 12 (92%) | 332 (72%) |
| | Aggravated | 19 (21%) | 17 (11%) | 19 (17%) | 3 (4%) | 2 (12%) | 1 (8%) | 61 (13%) |
| | Subtotal | 92 | 156 | 112 | 73 | 17 | 13 | 463 |
| F | Mitigated | 31 (18%) | 50 (23%) | 31 (18%) | 29 (20%) | 5 (20%) | 4 (16%) | 150 (20%) |
| | Presumptive | 119 (67%) | 148 (69%) | 130 (73%) | 108 (73%) | 16 (64%) | 19 (76%) | 540 (70%) |
| | Aggravated | 27 (15%) | 18 (8%) | 16 (9%) | 11 (7%) | 4 (16%) | 2 (8%) | 78 (10%) |
| | Subtotal | 177 | 216 | 177 | 148 | 25 | 25 | 768 |
| G | Mitigated | 13 (13%) | 39 (14%) | 57 (15%) | 57 (19%) | 11 (15%) | 4 (10%) | 181 (16%) |
| | Presumptive | 76 (78%) | 222 (81%) | 296 (80%) | 229 (76%) | 56 (77%) | 34 (85%) | 913 (79%) |
| | Aggravated | 9 (9%) | 13 (5%) | 19 (5%) | 16 (5%) | 6 (8%) | 2 (5%) | 65 (5%) |
| | Subtotal | 98 | 274 | 372 | 302 | 73 | 40 | 1,159 |
| H | Mitigated | 20 (10%) | 78 (10%) | 99 (10%) | 72 (9%) | 20 (9%) | 16 (11%) | 305 (10%) |
| | Presumptive | 160 (82%) | 643 (81%) | 806 (86%) | 700 (85%) | 176 (84%) | 112 (80%) | 2,597 (83%) |
| | Aggravated | 15 (8%) | 75 (9%) | 37 (4%) | 54 (6%) | 14 (7%) | 13 (9%) | 208 (7%) |
| | Subtotal | 195 | 796 | 942 | 826 | 210 | 141 | 3,110 |

**Table 6: Sentence Location by Offense Class and Prior Record Level (continued)
(Active Sentences Only)
FY 1999/00 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 | | | | 42 (11%) | 14 (10%) | 11 (13%) | 67 (11%) |
| | Presumptive | | | | 326 (84%) | 113 (86%) | 67 (83%) | 506 (84%) |
| | Aggravated | | | | 20 (5%) | 5 (4%) | 3 (4%) | 28 (5%) |
| | Subtotal | N/A | N/A | N/A | 388 | 132 | 81 | 601 |
| TOTAL | Mitigated | 197 (20%) | 348 (18%) | 335 (17%) | 321 (16%) | 79 (15%) | 53 (15%) | 1,333 (17%) |
| | Presumptive | 669 (68%) | 1,436 (73%) | 1,478 (76%) | 1,570 (78%) | 413 (78%) | 284 (79%) | 5,850 (75%) |
| | Aggravated | 114 (12%) | 182 (9%) | 135 (7%) | 131 (6%) | 35 (7%) | 22 (6%) | 619 (8%) |
| | Subtotal | 980 | 1,966 | 1,948 | 2,022 | 527 | 359 | 7,802 |

Note: Convictions that 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) were excluded from this table. In addition, seventy-two 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 (13%). Convictions in the category of other felony offenses accounted for the lowest percentage of presumptive sentences (62%), the highest percentage of mitigated sentences (34%), and the lowest percentage of aggravated sentences (4%) relative to the other crime types. For additional information regarding convictions by crime type, see *Appendix D*.

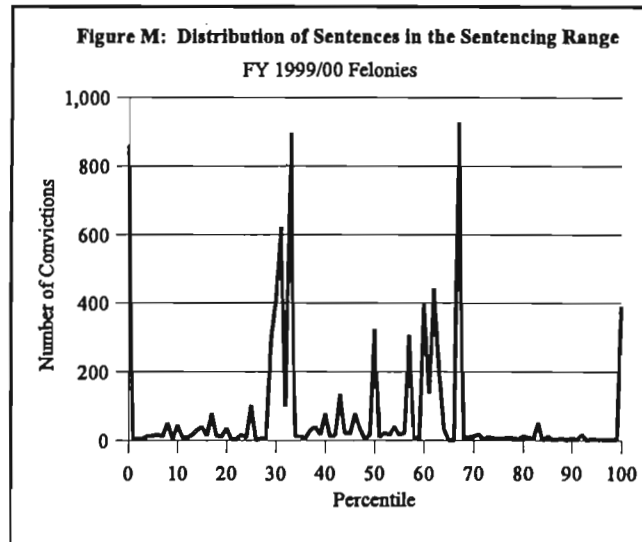
**Table 7: Sentence Location by Crime Type
(Active Sentences Only)
FY 1999/00 Felonies**

| Crime Type | Sentencing Range | | | | | | Total |
|----------------------|------------------|-----------|-------------------|-----------|------------------|----------|--------------|
| | Mitigated Range | | Presumptive Range | | Aggravated Range | | |
| | # | % | # | % | # | % | |
| Person | 478 | 19 | 1,751 | 68 | 327 | 13 | 2,556 |
| Property | 237 | 10 | 2,015 | 84 | 141 | 6 | 2,393 |
| Non-Trafficking Drug | 230 | 13 | 1,382 | 81 | 102 | 6 | 1,714 |
| Other Felony | 388 | 34 | 702 | 62 | 49 | 4 | 1,139 |
| TOTAL | 1,333 | 17 | 5,850 | 75 | 619 | 8 | 7,802 |

Note: Convictions that 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) were excluded from this table. In addition, seventy-two convictions requiring a mandatory life or death sentence were excluded from this table.

D. Length of Active Sentence Relative to the Sentencing Range

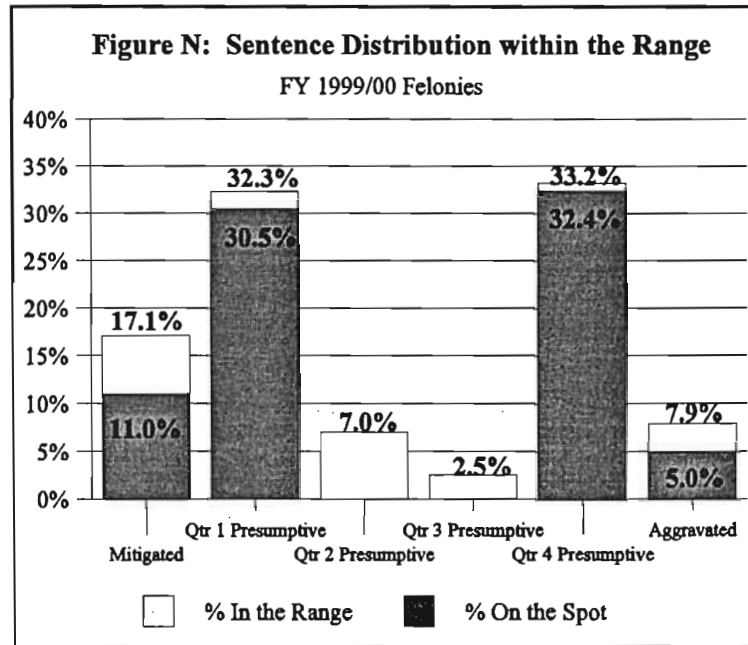
Viewing the entire sentencing range as a continuum from the lowest possible sentence imposed in the mitigated range to the highest possible sentence imposed in the aggravated range, on average the 7,802 Active sentences imposed (excluding the 72 convictions with mandatory life or death sentences) fell near the midpoint of the range (at the 43rd 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 (32.3% and 33.2% of all cases, respectively) (see *Figure M* and *Table 8*).



Further analysis indicates that over three-quarters (78.9%) 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*, 11% of Active sentences fell on the lowest point of the mitigated range; 30.5% fell on the lowest point of the presumptive range; 32.4% fell on the highest point of the presumptive range; and 5% fell on the highest point of the aggravated range.

A similar pattern is evident by crime type, especially for property and drug offenses, with 85.6% and 85.5% of all Active sentences, respectively, located on four specific spots of the range. This pattern is less apparent for person offenses, with only 69.9% of all sentences on the four spots, and with a considerably higher rate of sentences outside the presumptive range.



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

**Table 8: Sentencing Range by Crime Type
FY 1999/00 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 | 18.7 (10.6) | 27.7 (23.6) | 6.3 | 4.9 | 29.6 (27.7) | 12.8 (8.0) | 69.9 |
| Property | 9.9 (6.8) | 36.2 (35.8) | 8.1 | 0.7 | 39.2 (39.1) | 5.9 (3.9) | 85.6 |
| Non-Traff. Drugs | 13.4 (10.2) | 35.1 (34.9) | 7.2 | 1.6 | 36.7 (36.5) | 6.0 (3.9) | 85.5 |
| Other Felonies | 34.1 (21.9) | 30.0 (27.9) | 6.0 | 2.1 | 23.5 (22.4) | 4.3 (2.5) | 74.7 |
| TOTAL | 17.1 (11.0) | 32.3 (30.5) | 7.0 | 2.5 | 33.2 (32.4) | 7.9 (5.0) | 78.9 |

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

V. INTERMEDIATE PUNISHMENTS

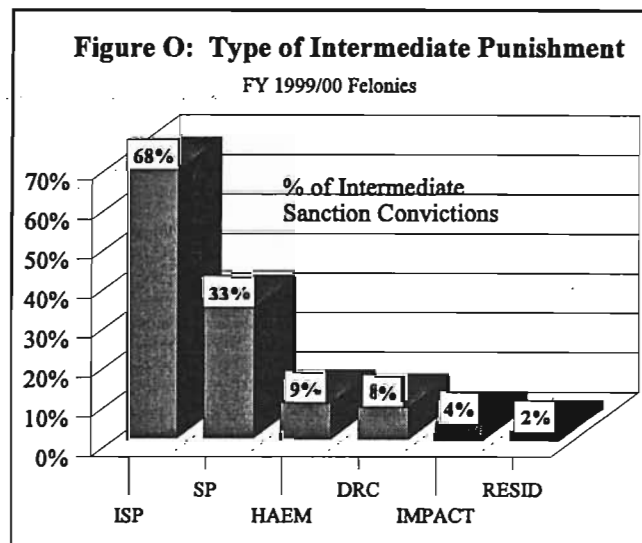
This section summarizes the types of intermediate sanctions imposed. *It only includes convictions for which an Intermediate punishment was imposed.* Under Structured Sentencing, all offenders who receive an Intermediate punishment must receive a term of supervised probation plus at least one additional 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), 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 1999/00, Intermediate punishments were imposed for 10,584 convictions, with an average supervised probation sentence length of 35 months. The specific type(s) of intermediate sanction(s) imposed was reported in the AOC database for 9,718 convictions -- a reporting rate of 92%.³ As a result, these figures may not fully 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 Intensive Supervision (68%) 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 (2%).



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

³ It is not clear why the specific types of intermediate sanctions are not always reported. In some cases, a sanction may not have been specified in court. In other instances the information may not have been entered into the appropriate data field in the AOC's Criminal Information System. The reporting rate for intermediate sanctions has improved since the implementation of CourtFlow in superior court by the Administrative Office of the Courts. The Sentencing Commission and the AOC are continuing to work together to improve the data collected for intermediate sanctions.

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=5,459). For Class H, Intensive Supervision Probation was the most frequently invoked sanction (n=3,032). Overall, the least frequently invoked sanction was Residential Treatment Facility (n=142).

**Table 9: Type of Intermediate Punishment by Offense Class and Prior Record Level
FY 1999/00 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. | |
| E | I | 112 | 19 | 3 | 19 | 167 | 19 | 339 |
| | II | 106 | 12 | 3 | 10 | 154 | 28 | 313 |
| | Subtotal | 218 | 31 | 6 | 29 | 321 | 47 | 652 |
| F | I | 144 | 14 | 1 | 7 | 258 | 39 | 463 |
| | II | 121 | 6 | 2 | 12 | 203 | 25 | 369 |
| | III | 71 | 1 | 1 | 3 | 98 | 10 | 184 |
| | Subtotal | 336 | 21 | 4 | 22 | 559 | 74 | 1,016 |
| G | I | 120 | 38 | 6 | 47 | 281 | 46 | 538 |
| | II | 245 | 51 | 10 | 82 | 417 | 50 | 855 |
| | III | 152 | 8 | 6 | 32 | 213 | 20 | 431 |
| | IV | 76 | 3 | 8 | 11 | 100 | 16 | 214 |
| | Subtotal | 593 | 100 | 30 | 172 | 1,011 | 132 | 2,038 |
| H | I | 208 | 63 | 7 | 95 | 485 | 76 | 934 |
| | II | 603 | 82 | 18 | 170 | 1,454 | 185 | 2,512 |
| | III | 353 | 31 | 23 | 71 | 731 | 95 | 1,304 |
| | IV | 178 | 7 | 19 | 37 | 305 | 48 | 594 |
| | V | 41 | 0 | 5 | 4 | 57 | 8 | 115 |
| | Subtotal | 1,383 | 183 | 72 | 377 | 3,032 | 412 | 5,459 |

**Table 9: Type of Intermediate Punishment by Offense Class and Prior Record Level (continued)
FY 1999/00 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. | |
| I | II | 218 | 29 | 7 | 92 | 682 | 80 | 1,108 |
| | III | 288 | 17 | 9 | 82 | 720 | 79 | 1,195 |
| | IV | 104 | 2 | 10 | 24 | 226 | 20 | 386 |
| | V | 23 | 0 | 2 | 6 | 37 | 5 | 73 |
| | VI | 18 | 0 | 2 | 1 | 19 | 6 | 46 |
| | Subtotal | 651 | 48 | 30 | 205 | 1,684 | 190 | 2,808 |
| TOTAL | 3,181 | 383 | 142 | 805 | 6,607 | 855 | 11,973 | |

Note: Convictions that 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) 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 non-trafficking drug offenses (n=4,674), followed closely by property offenses (n=4,432).

**Table 10: Type of Intermediate Punishment by Crime Type
FY 1999/00 Felonies**

| Crime Type | Type of Intermediate Punishment | | | | | | Total |
|----------------------|---------------------------------|------------|----------------------|----------------------|---------------------------------|-----------------------------|---------------|
| | Special Probation | IMPACT | Residential Facility | Day Reporting Center | Intensive Supervision Probation | House Arrest w/ Elect. Mon. | |
| Person | 669 | 78 | 20 | 68 | 1,052 | 136 | 2,023 |
| Property | 1,164 | 162 | 72 | 307 | 2,383 | 344 | 4,432 |
| Non-Trafficking Drug | 1,087 | 120 | 43 | 394 | 2,722 | 308 | 4,674 |
| Other Felony | 261 | 23 | 7 | 36 | 450 | 67 | 844 |
| TOTAL | 3,181 | 383 | 142 | 805 | 6,607 | 855 | 11,973 |

Note: Convictions that 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) were excluded from this table.

VI. COMMUNITY PUNISHMENTS

This section includes only those convictions for which a Community punishment was imposed. During Fiscal Year 1999/00, there were 5,688 convictions for which a Community punishment was imposed. The specific type(s) of Community punishment(s) imposed was reported in the AOC database for 5,599 convictions. Of these 5,599 convictions, 5,384 were for supervised probation; 196 were for unsupervised probation; and 19 were for restitution, fines, and/or community service 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, Restitution/Fine/Community Service, or Sanction Not Specified -- 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=4,042). Convictions for Class H felonies resulted in the longest average probation sentences for Community punishments (31 months). Overall, convictions for which a Community punishment was imposed resulted in an average probation sentence of 28 months.

**Table 11: Type of Community Punishment by Offense Class
FY 1999/00 Felonies**

| Offense Class | Type of Community Punishment (Number and Average Probation Length) | | | | Total |
|---------------|---|-------------------------|--|------------------------------|---------------------------|
| | Supervised | Unsupervised | Restitution/Fine/ Community Service Only | Sanction Not Specified | |
| H | 1,578 <i>31 months</i> | 43 <i>28 months</i> | 4 <i>N/A</i> | 21 <i>N/A</i> | 1,646 <i>31 months</i> |
| I | 3,806 <i>27 months</i> | 153 <i>21 months</i> | 15 <i>N/A</i> | 68 <i>N/A</i> | 4,042 <i>27 months</i> |
| TOTAL | 5,384 <i>28 months</i> | 196 <i>23 months</i> | 19 <i>N/A</i> | 89 <i>N/A</i> | 5,688 <i>28 months</i> |

Note: Convictions that 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) 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=3,159). Convictions for property offenses resulting in a Community punishment had the longest average probation sentences (31 months).

**Table 12: Type of Community Punishment by Crime Type
FY 1999/00 Felonies**

| Crime Type | Type of Community Punishment (Number and Average Probation Length) | | | | Total |
|-------------------------|---|-------------------------|--|------------------------------|---------------------------|
| | Supervised | Unsupervised | Restitution/Fine/ Community Service Only | Sanction Not Specified | |
| Person | 56 <i>29 months</i> | 4 <i>14 months</i> | 0 <i>N/A</i> | 0 <i>N/A</i> | 60 <i>28 months</i> |
| Property | 2,115 <i>31 months</i> | 75 <i>24 months</i> | 5 <i>N/A</i> | 31 <i>N/A</i> | 2,226 <i>31 months</i> |
| Non-Trafficking Drug | 2,993 <i>26 months</i> | 103 <i>21 months</i> | 12 <i>N/A</i> | 51 <i>N/A</i> | 3,159 <i>26 months</i> |
| Other Felony | 220 <i>29 months</i> | 14 <i>32 months</i> | 2 <i>N/A</i> | 7 <i>N/A</i> | 243 <i>29 months</i> |
| TOTAL | 5,384 <i>28 months</i> | 196 <i>23 months</i> | 19 <i>N/A</i> | 89 <i>N/A</i> | 5,688 <i>28 months</i> |

Note: Convictions that 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) 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 560 habitual felon convictions during Fiscal Year 1999/00. Almost one-half (44% or n=245) of habitual felons had a conviction for a Class H offense as their underlying conviction. Felony Breaking and/or Entering was the most frequently occurring most serious crime associated with habitual felon convictions (n=92).

**Table 13: Most Serious Crime Associated with Habitual Felon Convictions
by Offense Class and Offense
FY 1999/00 Felonies**

| Offense Class | Offense | Total |
|-----------------|-----------------------------------|-----------|
| Class B2 | Attempted Murder | 1 |
| | Subtotal | 1 |
| Class C | 1 st Degree Kidnapping | 1 |
| | Other Robbery Offense | 1 |
| | AWDWIKISI | 2 |
| | Other Assault Offense | 1 |
| | Other Drug Offense | 3 |
| | Habitual Felon* | 29 |
| | Other Offense | 4 |
| | Subtotal | 41 |
| Class D | Voluntary Manslaughter | 1 |
| | Att. Robbery - Dangerous Weapon | 4 |
| | Robbery - Dangerous Weapon | 17 |
| | Other Robbery Offense | 1 |
| | 1 st Degree Burglary | 9 |
| Subtotal | 32 | |
| Class E | 2 nd Degree Kidnapping | 2 |
| | AWDW Intent to Kill | 1 |
| | AWDW Serious Injury | 7 |
| | Discharge Weapon - Occ. Property | 3 |
| Subtotal | 13 | |
| Class F | Involuntary Manslaughter | 2 |
| | Indecent Liberties with Child | 2 |
| | Fail to Register as Sex Offender | 2 |
| | AWDW - Government Official | 8 |
| | Assault LEO/PO/Other Ser. Injury | 1 |
| | Burning Unoccupied Building | 1 |
| | Trafficking in Cocaine | 1 |
| | Other Drug Offense | 1 |
| | Habitual Impaired Driving | 5 |
| | Subtotal | 23 |

| Offense Class | Offense | Total |
|------------------------------|------------------------------------|-------|
| Class G | Common Law Robbery | 26 |
| | 2 nd Degree Burglary | 7 |
| | Sell Cocaine | 26 |
| | Sell Heroin | 3 |
| | Sell Schedule I Controlled Subst. | 1 |
| | Sell Schedule II Controlled Subst. | 10 |
| | Conspire Sell Cocaine | 2 |
| | Trafficking in Cocaine | 3 |
| | Other Drug Offense | 11 |
| | Possession of Firearm by Felon | 20 |
| | Habitual Impaired Driving | 2 |
| Subtotal | 111 | |
| Class H | Habitual Misdemeanor Assault | 4 |
| | Breaking and/or Entering | 92 |
| | Felony Larceny | 16 |
| | Larceny of a Firearm | 1 |
| | Larceny by Employee | 1 |
| | Larceny from the Person | 5 |
| | Receiving Stolen Goods | 1 |
| | Possession of Stolen Goods | 13 |
| | Larceny after Break/Enter | 4 |
| | Larceny of Motor Vehicle | 9 |
| | Obtain Property by False Pretenses | 19 |
| | Other Fraud | 2 |
| | Possess C.S. Prison/Jail Premises | 1 |
| | Sell or Deliver Sch. II C.S. | 1 |
| | PWIMSD Sch. I Contr. Subst. | 2 |
| PWIMSD Sch. II Contr. Subst. | 5 | |
| Manufacture Cocaine | 2 | |
| Sell or Deliver Cocaine | 1 | |
| PWISD Cocaine | 31 | |

**Table 13: Most Serious Crime Associated with Habitual Felon Convictions
by Offense Class and Offense (continued)
FY 1999/00 Felonies**

| Offense Class | Offense | Total |
|--------------------|---------------------------------|------------|
| Class H (cont.) | PWIMSD Cocaine | 15 |
| | PWIMSD Heroin | 1 |
| | Other Drug Offense | 4 |
| | Escape from State Prison | 2 |
| | Possess Stolen Automobile | 5 |
| | Flee/Elude Arrest W/ Motor Veh. | 7 |
| | Other Offense | 1 |
| | Subtotal | 245 |
| Class I | Break/Enter Motor Vehicle | 17 |
| | Break/Enter Trailer/Aircraft | 1 |
| | Forgery of Instrument | 8 |
| | Uttering Forged Instrument | 9 |
| | Uttering Forged Endorsement | 1 |
| | Financial Card Theft | 1 |
| | Felony Worthless Check | 1 |

| Offense Class | Offense | Total |
|--------------------|-----------------------------------|------------|
| Class I (cont.) | Sell/Deliver Counterfeit C.S. | 2 |
| | PWICSD Counterfeit Contr. Subst. | 1 |
| | Possess Schedule I Contr. Subst. | 2 |
| | Possess Schedule II Contr. Subst. | 14 |
| | PWISD Marijuana | 7 |
| | PWIMSD Marijuana | 2 |
| | Felony Possession of Marijuana | 1 |
| | Felony Possession of Cocaine | 24 |
| | Other Drug Offense | 1 |
| | Maintain Place Contr. Substance | 1 |
| Subtotal | 93 | |
| Class 1 Misd. | Possession of Stolen Goods | 1 |
| | Subtotal | 1 |
| TOTAL | | 560 |

* Of the 560 habitual felon convictions, the most serious associated conviction could not be determined for 29 convictions. These 29 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, nor can it be applied to non-active sentences. (N.C. Gen. Stat. § 15A-1340.16A) The firearm enhancement was applied to one conviction during Fiscal Year 1999/00.

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

Offenders convicted of first degree murder may receive either a death sentence or life without parole. The sentence of life without parole is also required for 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 1999/00, 21 death sentences and 54 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 54 life without parole sentences imposed during Fiscal Year 1999/00, three were imposed for violent habitual felon convictions. The most serious offenses associated with these violent habitual felon convictions were conspiracy to commit robbery with a dangerous weapon, first degree murder, and assault with a deadly weapon with intent to kill inflicting serious injury.

D. Drug Trafficking Convictions

As shown in *Table 14*, there were 552 convictions for drug trafficking offenses.⁴ Trafficking Cocaine (Offense Class G) was the most frequently occurring drug trafficking offense (n=230).

**Table 14: Drug Trafficking Convictions
FY 1999/00 Felonies**

| Offense Class and Trafficking Offense | | Type of Punishment | | | | | | Minimum Active Sentence (months) | Maximum Active Sentence (months) | Total |
|---------------------------------------|-----------------------|--------------------|--------------|--------------|----------|-----------|----------|----------------------------------|----------------------------------|----------|
| | | Active | | Intermediate | | Community | | | | |
| | | # | % | # | % | # | % | | | |
| A | Traffic Cocaine | 1 | 100.0 | . | . | . | . | 35.0 | 42.0 | 1 |
| | Subtotal | 1 | 100.0 | . | . | . | . | 35.0 | 42.0 | 1 |
| B1 | Traffic Cocaine | 1 | 100.0 | . | . | . | . | 24.0 | 38.0 | 1 |
| | Subtotal | 1 | 100.0 | . | . | . | . | 24.0 | 38.0 | 1 |
| C | Traffic Cocaine | 1 | 100.0 | . | . | . | . | 90.0 | 117.0 | 1 |
| | Traffic Heroin | 1 | 100.0 | . | . | . | . | 225.0 | 279.0 | 1 |
| | Consp. Traffic Heroin | 1 | 100.0 | . | . | . | . | 95.0 | 123.0 | 1 |
| | Other Trafficking | 3 | 100.0 | . | . | . | . | 225.0 | 279.0 | 3 |
| | Subtotal | 6 | 100.0 | . | . | . | . | 180.8 | 226.0 | 6 |

⁴ In FY 1999/00 a change was made in the way the Sentencing Commission reports the number of drug trafficking convictions and the sentences imposed for these convictions. The reporting change allows the Commission to capture a larger number of drug trafficking convictions by examining the sentences imposed for convictions with the AOC offense code for "Dangerous Drugs – Free Text" (i.e., offense code 3599). Convictions with sentences that meet the criteria for drug trafficking sentences are counted as such and are represented in the "Other Trafficking" category. These convictions would have previously been counted as non-trafficking drug convictions.

**Table 14: Drug Trafficking Convictions (continued)
FY 1999/00 Felonies**

| Offense Class and Trafficking Offense | | Type of Punishment | | | | | | Minimum Active Sentence (months) | Maximum Active Sentence (months) | Total |
|---------------------------------------|--------------------------|--------------------|-------------|--------------|-------------|-----------|------------|----------------------------------|----------------------------------|-----------|
| | | Active | | Intermediate | | Community | | | | |
| | | # | % | # | % | # | % | | | |
| D | Traffic Cocaine | 6 | 66.7 | 2 | 22.2 | 1 | 11.1 | 101.7 | 126.5 | 9 |
| | Consp. Traffic Cocaine | 3 | 75.0 | 1 | 25.0 | . | . | 73.3 | 94.0 | 4 |
| | Other Trafficking | 2 | 100.0 | . | . | . | . | 175.0 | 219.0 | 2 |
| | Subtotal | 11 | 73.3 | 3 | 20.0 | 1 | 6.7 | 107.3 | 134.5 | 15 |
| E | Traffic Cocaine | . | . | 1 | 100.0 | . | . | . | . | 1 |
| | Traffic Heroin | 2 | 100.0 | . | . | . | . | 90.0 | 117.0 | 2 |
| | Consp. Traffic Heroin | 1 | 100.0 | . | . | . | . | 23.0 | 37.0 | 1 |
| | Subtotal | 3 | 75.0 | 1 | 25.0 | . | . | 67.7 | 90.3 | 4 |
| F | Traffic Methamphetamine | 1 | 50.0 | 1 | 50.0 | . | . | 60.0 | 81.0 | 2 |
| | Traffic LSD | 1 | 100.0 | . | . | . | . | 35.0 | 42.0 | 1 |
| | Consp. Traffic LSD | 1 | 100.0 | . | . | . | . | 70.0 | 84.0 | 1 |
| | Traffic Cocaine | 25 | 96.2 | 1 | 3.8 | . | . | 60.4 | 72.8 | 26 |
| | Traffic Heroin | 3 | 100.0 | . | . | . | . | 70.0 | 84.0 | 3 |
| | Consp. Traffic Cocaine | 3 | 60.0 | 2 | 40.0 | . | . | 65.0 | 81.0 | 5 |
| | Consp. Traffic Heroin | . | . | 1 | 100.0 | . | . | . | . | 1 |
| | Other Trafficking | 25 | 100.0 | . | . | . | . | 70.0 | 84.0 | 25 |
| | Subtotal | 59 | 92.2 | 5 | 7.8 | . | . | 64.9 | 78.4 | 64 |
| G | Traffic Amphetamine | 1 | 100.0 | . | . | . | . | 35.0 | 42.0 | 1 |
| | Traffic Methamphetamine | 3 | 100.0 | . | . | . | . | 35.0 | 42.0 | 3 |
| | Traffic LSD | 3 | 42.9 | 3 | 42.9 | 1 | 14.3 | 26.0 | 31.3 | 7 |
| | Consp. Traffic Methamph. | . | . | 1 | 50.0 | 1 | 50.0 | . | . | 2 |
| | Traffic MDA/MDMA | 1 | 50.0 | . | . | 1 | 50.0 | 35.0 | 42.0 | 2 |
| | Traffic Marijuana | 8 | 66.7 | 4 | 33.3 | . | . | 27.5 | 33.0 | 12 |
| | Traffic Methaqualone | . | . | 1 | 100.0 | . | . | . | . | 1 |
| | Traffic Cocaine | 190 | 82.6 | 32 | 13.9 | 8 | 3.5 | 34.2 | 41.2 | 230 |
| | Traffic Heroin | 1 | 100.0 | . | . | . | . | 35.0 | 42.0 | 1 |

**Table 14: Drug Trafficking Convictions (continued)
FY 1999/00 Felonies**

| Offense Class and Trafficking Offense | | Type of Punishment | | | | | | Minimum Active Sentence (months) | Maximum Active Sentence (months) | Total |
|---------------------------------------|--------------------------|--------------------|-------------|--------------|-------------|------------|-------------|----------------------------------|----------------------------------|------------|
| | | Active | | Intermediate | | Community | | | | |
| | | # | % | # | % | # | % | | | |
| G (cont.) | Consp. Traffic Marijuana | 1 | 100.0 | . | . | . | . | 35.0 | 42.0 | 1 |
| | Consp. Traffic Cocaine | 19 | 67.9 | 8 | 28.6 | 1 | 3.6 | 30.4 | 36.6 | 28 |
| | Other Trafficking | 68 | 85.0 | 10 | 12.5 | 2 | 2.5 | 35.0 | 42.0 | 80 |
| | Subtotal | 295 | 80.2 | 59 | 16.0 | 14 | 3.8 | 33.9 | 40.8 | 368 |
| H | Traffic LSD | . | . | . | . | 2 | 100.0 | . | . | 2 |
| | Traffic Marijuana | 39 | 70.9 | 14 | 25.5 | 2 | 3.6 | 23.7 | 28.5 | 55 |
| | Traffic Cocaine | 5 | 83.3 | . | . | 1 | 16.7 | 18.6 | 22.6 | 6 |
| | Consp. Traffic Marijuana | 5 | 71.4 | 2 | 28.6 | . | . | 25.0 | 30.0 | 7 |
| | Consp. Traffic Cocaine | 1 | 100.0 | . | . | . | . | 12.0 | 15.0 | 1 |
| | Other Trafficking | 11 | 73.3 | 3 | 20.0 | 1 | 6.7 | 25.0 | 30.0 | 15 |
| | Subtotal | 61 | 70.9 | 19 | 22.1 | 6 | 7.0 | 23.4 | 28.2 | 86 |
| I | Traffic Marijuana | 3 | 100.0 | . | . | . | . | 25.0 | 30.0 | 3 |
| | Traffic Cocaine | . | . | . | . | 2 | 100.0 | . | . | 2 |
| | Consp. Traffic Marijuana | . | . | . | . | 1 | 100.0 | . | . | 1 |
| | Consp. Traffic Cocaine | . | . | . | . | 1 | 100.0 | . | . | 1 |
| | Subtotal | 3 | 42.9 | . | . | 4 | 57.1 | 25.0 | 30.0 | 7 |
| TOTAL | 440 | 79.7 | 87 | 15.8 | 25 | 4.5 | 40.6 | 49.2 | 552 | |

Note: This table reflects all drug trafficking convictions regardless of whether the offense classes are correct or whether the sentences are consistent with the minimum and maximum sentences set forth in N.C. Gen. Stat. §90-95(h). For example, according to statute, an offender can only be convicted of trafficking cocaine in Classes D, F, and G; however, in the table, there are Class A, B1, E, and I convictions for trafficking cocaine. 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 1999/00**

I. MISDEMEANOR CONVICTIONS IN FY 1999/00

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 1999/00 (July 1, 1999 through June 30, 2000). Overall, sentences for 170,027 misdemeanor convictions were imposed. For many of the tables, information on 6,384 convictions (4%) 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.

The following categories of misdemeanor convictions are excluded from this report: 1) misdemeanor Driving While Impaired offenses (since they are not governed by Structured Sentencing laws); 2) cases disposed of by a magistrate; 3) Class 2 and 3 criminal traffic offenses; and 4) Class 3 local ordinance offenses.

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=38,299 or 23%).

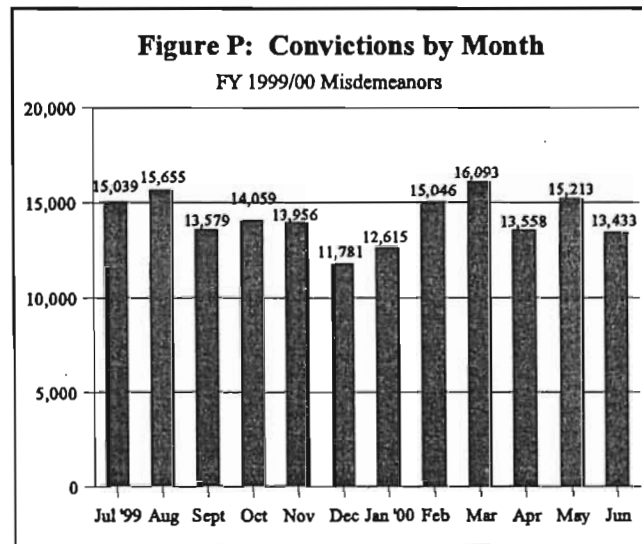
**Table 15: Distribution of Convictions within the Misdemeanor Structured Sentencing Grid
FY 1999/00 Misdemeanors**

| Offense Class | Prior Conviction Level | | | Total |
|---------------|---------------------------|---------------------------|---------------------------|---------------------------|
| | I 0 Pts | II 1-4 Pts | III 5+ Pts | |
| A1 | 5,483 (3.4%) | 7,179 (4.4%) | 3,183 (2.0%) | 15,845 (9.8%) |
| 1 | 37,183 (22.7%) | 38,299 (23.4%) | 12,493 (7.6%) | 87,975 (53.7%) |
| 2 | 17,811 (10.9%) | 12,723 (7.8%) | 3,180 (1.9%) | 33,714 (20.6%) |
| 3 | 14,264 (8.7%) | 9,155 (5.6%) | 2,690 (1.6%) | 26,109 (15.9%) |
| TOTAL | 74,741 (45.7%) | 67,356 (41.2%) | 21,546 (13.1%) | 163,643 (100%) |

Note: Of the 170,027 misdemeanor convictions in FY 1999/00, 6,384 (4%) 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=170,027) by month of sentencing during Fiscal Year 1999/00. Convictions peaked in August and March, and were lowest in December and January.



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 170,027 convictions in FY 1999/00, 12% (n=19,452) occurred in the first judicial division, 12% (n=19,839) in the second judicial division, 17% (n=28,900) in the third judicial division, 11% (n=18,925) in the fourth judicial division, 14% (n=23,920) in the fifth judicial division, 11% (n=19,200) in the sixth judicial division, 15% (n=25,872) in the seventh judicial division, and 8% (n=13,919) in the eighth 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 1999/00 Misdemeanors**

| Judicial Division, Judicial District, and County | | District Court | Superior Court | | Total |
|---|--------------|-----------------------------|----------------|------------|---------------|
| | | Guilty Plea/ Bench Trial | Guilty Plea | Jury Trial | |
| First Judicial Division | | 18,019 | 1,403 | 30 | 19,452 |
| District 1 | Camden | 80 | 15 | 0 | 95 |
| | Chowan | 309 | 26 | 0 | 335 |
| | Currituck | 379 | 17 | 0 | 396 |
| | Dare | 913 | 77 | 2 | 992 |
| | Gates | 185 | 19 | 1 | 205 |
| | Pasquotank | 1,028 | 85 | 1 | 1,114 |
| | Perquimans | 139 | 11 | 0 | 150 |
| | Total | 3,033 | 250 | 4 | 3,287 |
| District 2 | Beaufort | 1,553 | 93 | 0 | 1,646 |
| | Hyde | 132 | 7 | 2 | 141 |
| | Martin | 662 | 33 | 3 | 698 |
| | Tyrrell | 85 | 7 | 0 | 92 |
| | Washington | 241 | 14 | 3 | 258 |
| | Total | 2,673 | 154 | 8 | 2,835 |
| District 3A | Pitt | 2,788 | 318 | 1 | 3,107 |
| | Total | 2,788 | 318 | 1 | 3,107 |
| District 6A | Halifax | 1,855 | 33 | 0 | 1,888 |
| | Total | 1,855 | 33 | 0 | 1,888 |

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 1999/00 Misdemeanors**

| Judicial Division, Judicial District, and County | | District Court | Superior Court | | Total |
|---|--------------|-----------------------------|----------------|------------|---------------|
| | | Guilty Plea/ Bench Trial | Guilty Plea | Jury Trial | |
| District 6B | Bertie | 524 | 15 | 2 | 541 |
| | Hertford | 782 | 28 | 2 | 812 |
| | Northampton | 524 | 51 | 2 | 577 |
| | Total | 1,830 | 94 | 6 | 1,930 |
| District 7 | Edgecombe | 1,549 | 139 | 7 | 1,695 |
| | Nash | 2,185 | 247 | 4 | 2,436 |
| | Wilson | 2,106 | 168 | 0 | 2,274 |
| | Total | 5,840 | 554 | 11 | 6,405 |
| Second Judicial Division | | 18,693 | 1,123 | 23 | 19,839 |
| District 3B | Carteret | 1,552 | 73 | 0 | 1,625 |
| | Craven | 2,351 | 117 | 6 | 2,474 |
| | Pamlico | 233 | 27 | 0 | 260 |
| | Total | 4,136 | 217 | 6 | 4,359 |
| District 4 | Duplin | 873 | 85 | 0 | 958 |
| | Jones | 220 | 1 | 0 | 221 |
| | Onslow | 2,440 | 208 | 2 | 2,650 |
| | Sampson | 1,612 | 33 | 0 | 1,645 |
| | Total | 5,145 | 327 | 2 | 5,474 |
| District 5 | New Hanover | 3,906 | 162 | 5 | 4,073 |
| | Pender | 542 | 52 | 0 | 594 |
| | Total | 4,448 | 214 | 5 | 4,667 |
| District 8 | Greene | 344 | 25 | 0 | 369 |
| | Lenoir | 1,934 | 135 | 2 | 2,071 |
| | Wayne | 2,686 | 205 | 8 | 2,899 |
| | Total | 4,964 | 365 | 10 | 5,339 |
| Third Judicial Division | | 27,575 | 1,284 | 41 | 28,900 |
| District 9 | Franklin | 911 | 76 | 1 | 988 |
| | Granville | 950 | 104 | 2 | 1,056 |
| | Vance | 1,775 | 126 | 0 | 1,901 |
| | Warren | 361 | 46 | 0 | 407 |
| | Total | 3,997 | 352 | 3 | 4,352 |

**Table 16: Convictions by Judicial Division, Judicial District, County,
and Mode of Disposition (continued)
FY 1999/00 Misdemeanors**

| Judicial Division, Judicial District, and County | | District Court | Superior Court | | Total |
|---|--------------|-----------------------------|----------------|------------|---------------|
| | | Guilty Plea/ Bench Trial | Guilty Plea | Jury Trial | |
| District 9A | Caswell | 463 | 48 | 4 | 515 |
| | Person | 999 | 119 | 0 | 1,118 |
| | Total | 1,462 | 167 | 4 | 1,633 |
| District 10 | Wake | 12,743 | 187 | 22 | 12,952 |
| | Total | 12,743 | 187 | 22 | 12,952 |
| District 14 | Durham | 4,872 | 94 | 6 | 4,972 |
| | Total | 4,872 | 94 | 6 | 4,972 |
| District 15A | Alamance | 3,134 | 421 | 4 | 3,559 |
| | Total | 3,134 | 421 | 4 | 3,559 |
| District 15B | Chatham | 435 | 24 | 0 | 459 |
| | Orange | 932 | 39 | 2 | 973 |
| | Total | 1,367 | 63 | 2 | 1,432 |
| Fourth Judicial Division | | 18,231 | 682 | 12 | 18,925 |
| District 11 | Harnett | 1,753 | 98 | 0 | 1,851 |
| | Johnston | 1,821 | 50 | 1 | 1,872 |
| | Lee | 1,143 | 91 | 1 | 1,235 |
| | Total | 4,717 | 239 | 2 | 4,958 |
| District 12 | Cumberland | 3,856 | 183 | 4 | 4,043 |
| | Total | 3,856 | 183 | 4 | 4,043 |
| District 13 | Bladen | 737 | 25 | 0 | 762 |
| | Brunswick | 1,122 | 60 | 2 | 1,184 |
| | Columbus | 1,086 | 45 | 1 | 1,132 |
| | Total | 2,945 | 130 | 3 | 3,078 |
| District 16A | Hoke | 667 | 38 | 0 | 705 |
| | Scotland | 1,393 | 62 | 3 | 1,458 |
| | Total | 2,060 | 100 | 3 | 2,163 |
| District 16B | Robeson | 4,653 | 30 | 0 | 4,683 |
| | Total | 4,653 | 30 | 0 | 4,683 |
| Fifth Judicial Division | | 22,964 | 932 | 24 | 23,920 |
| District 17A | Rockingham | 1,788 | 188 | 2 | 1,978 |
| | Total | 1,788 | 188 | 2 | 1,978 |

**Table 16: Convictions by Judicial Division, Judicial District, County,
and Mode of Disposition (continued)
FY 1999/00 Misdemeanors**

| Judicial Division, Judicial District, and County | | District Court | Superior Court | | Total |
|---|--------------|-----------------------------|----------------|------------|---------------|
| | | Guilty Plea/ Bench Trial | Guilty Plea | Jury Trial | |
| District 17B | Stokes | 702 | 36 | 0 | 738 |
| | Surry | 1,377 | 86 | 1 | 1,464 |
| | Total | 2,079 | 122 | 1 | 2,202 |
| District 18 | Guilford | 6,272 | 352 | 7 | 6,631 |
| | Total | 6,272 | 352 | 7 | 6,631 |
| District 19B | Montgomery | 784 | 34 | 1 | 819 |
| | Moore | 1,546 | 76 | 1 | 1,623 |
| | Randolph | 1,945 | 47 | 1 | 1,993 |
| | Total | 4,275 | 157 | 3 | 4,435 |
| District 21 | Forsyth | 6,265 | 70 | 5 | 6,340 |
| | Total | 6,265 | 70 | 5 | 6,340 |
| District 23 | Alleghany | 141 | 5 | 2 | 148 |
| | Ashe | 294 | 6 | 1 | 301 |
| | Wilkes | 1,336 | 27 | 1 | 1,364 |
| | Yadkin | 514 | 5 | 2 | 521 |
| | Total | 2,285 | 43 | 6 | 2,334 |
| Sixth Judicial Division | | 18,050 | 1,119 | 31 | 19,200 |
| District 19A | Cabarrus | 3,563 | 222 | 6 | 3,791 |
| | Total | 3,563 | 222 | 6 | 3,791 |
| District 19C | Rowan | 2,811 | 120 | 3 | 2,934 |
| | Total | 2,811 | 120 | 3 | 2,934 |
| District 20 | Anson | 804 | 69 | 2 | 875 |
| | Richmond | 1,343 | 162 | 3 | 1,508 |
| | Stanly | 987 | 111 | 2 | 1,100 |
| | Union | 2,063 | 253 | 7 | 2,323 |
| | Total | 5,197 | 595 | 14 | 5,806 |
| District 22 | Alexander | 553 | 7 | 0 | 560 |
| | Davidson | 2,532 | 76 | 1 | 2,609 |
| | Davie | 551 | 29 | 0 | 580 |
| | Iredell | 2,843 | 70 | 7 | 2,920 |
| | Total | 6,479 | 182 | 8 | 6,669 |

**Table 16: Convictions by Judicial Division, Judicial District, County,
and Mode of Disposition (continued)
FY 1999/00 Misdemeanors**

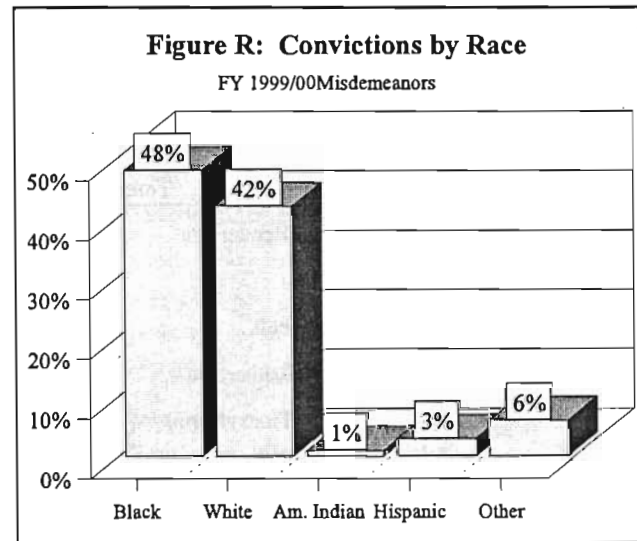
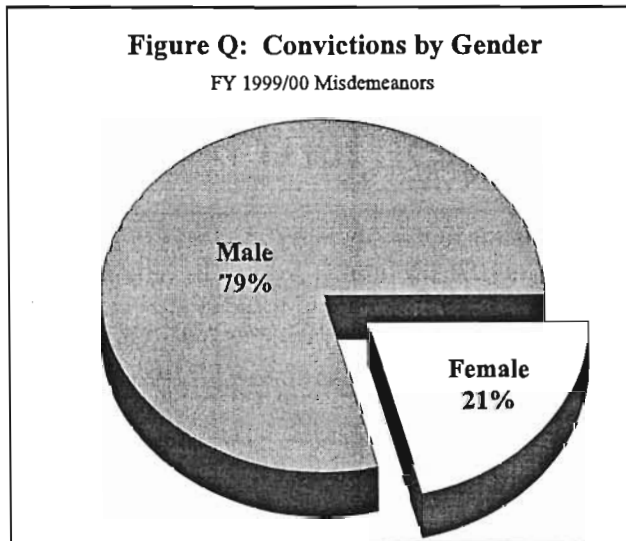
| Judicial Division, Judicial District, and County | | District Court | Superior Court | | Total |
|---|--------------|-----------------------------|----------------|--------------|---------------|
| | | Guilty Plea/ Bench Trial | Guilty Plea | Jury Trial | |
| <i>Seventh Judicial Division</i> | | 24,948 | 889 | 35 | 25,872 |
| District 25 | Burke | 1,464 | 99 | 2 | 1,565 |
| | Caldwell | 1,507 | 122 | 3 | 1,632 |
| | Catawba | 3,234 | 196 | 4 | 3,434 |
| | Total | 6,205 | 417 | 9 | 6,631 |
| District 26 | Mecklenburg | 10,537 | 237 | 10 | 10,784 |
| | Total | 10,537 | 237 | 10 | 10,784 |
| District 27A | Gaston | 4,671 | 142 | 8 | 4,821 |
| | Total | 4,671 | 142 | 8 | 4,821 |
| District 27B | Cleveland | 2,463 | 48 | 6 | 2,517 |
| | Lincoln | 1,072 | 45 | 2 | 1,119 |
| | Total | 3,535 | 93 | 8 | 3,636 |
| <i>Eighth Judicial Division</i> | | 13,485 | 416 | 18 | 13,919 |
| District 24 | Avery | 136 | 14 | 0 | 150 |
| | Madison | 231 | 11 | 0 | 242 |
| | Mitchell | 131 | 11 | 1 | 143 |
| | Watauga | 357 | 49 | 0 | 406 |
| | Yancey | 146 | 10 | 0 | 156 |
| | Total | 1,001 | 95 | 1 | 1,097 |
| District 28 | Buncombe | 4,784 | 63 | 5 | 4,852 |
| | Total | 4,784 | 63 | 5 | 4,852 |
| District 29 | Henderson | 1,518 | 32 | 0 | 1,550 |
| | McDowell | 938 | 35 | 1 | 974 |
| | Polk | 530 | 5 | 1 | 536 |
| | Rutherford | 1,754 | 67 | 3 | 1,824 |
| | Transylvania | 555 | 11 | 1 | 567 |
| Total | 5,295 | 150 | 6 | 5,451 | |

**Table 16: Convictions by Judicial Division, Judicial District, County,
and Mode of Disposition (continued)
FY 1999/00 Misdemeanors**

| Judicial Division, Judicial District, and County | | District Court | Superior Court | | Total |
|---|--------------|-----------------------------|----------------|------------|----------------|
| | | Guilty Plea/ Bench Trial | Guilty Plea | Jury Trial | |
| District 30 | Cherokee | 325 | 15 | 0 | 340 |
| | Clay | 63 | 2 | 0 | 65 |
| | Graham | 148 | 13 | 0 | 161 |
| | Haywood | 860 | 43 | 3 | 906 |
| | Jackson | 420 | 7 | 0 | 427 |
| | Macon | 330 | 17 | 1 | 348 |
| | Swain | 259 | 11 | 2 | 272 |
| | Total | 2,405 | 108 | 6 | 2,519 |
| STATE TOTAL | | 161,965 | 7,848 | 214 | 170,027 |

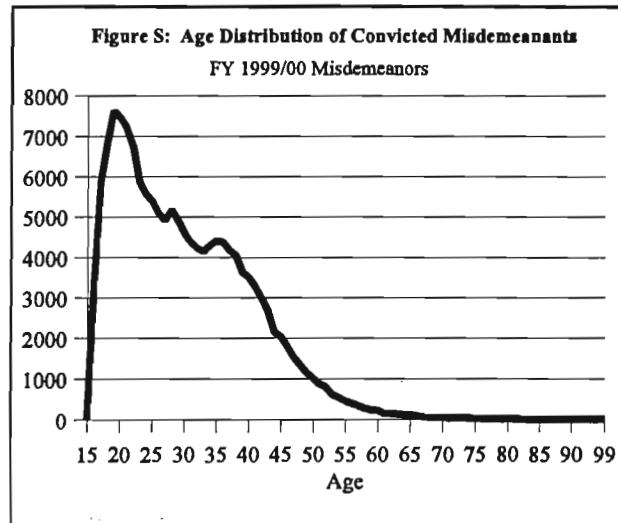
II. CHARACTERISTICS OF OFFENDERS

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 (3%), or Other (6%).⁶



⁶ Only 2% of felony offenders fell in the "Other" category for race compared to 6% of misdemeanor offenders. Errors in reporting racial composition may account for the unusually large percentage of misdemeanor offenders represented in the "Other" category.

Twenty 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, 27% were 30-39 years of age, 15% were 40-49 years of age, and 5% 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 1999/00 Misdemeanors**

| Gender and Race | | Age | | | | | | Total |
|-----------------|-----------------|---------------|---------------|---------------|---------------|---------------|--------------|----------------|
| | | <21 | 21-25 | 26-29 | 30-39 | 40-49 | >49 | |
| Male | White | 12,738 | 10,436 | 6,465 | 13,534 | 7,541 | 2,838 | 53,552 |
| | Black | 10,996 | 11,862 | 7,778 | 17,165 | 10,009 | 3,079 | 60,889 |
| | Hispanic | 737 | 1,499 | 797 | 1,025 | 257 | 60 | 4,375 |
| | Amer. Indian | 433 | 416 | 252 | 422 | 209 | 77 | 1,809 |
| | Other | 450 | 634 | 392 | 602 | 215 | 82 | 2,375 |
| | Subtotal | 25,354 | 24,847 | 15,684 | 32,748 | 18,231 | 6,136 | 123,000 |
| Female | White | 2,791 | 2,540 | 1,855 | 4,412 | 1,918 | 535 | 14,051 |
| | Black | 2,836 | 3,114 | 2,331 | 4,833 | 2,140 | 423 | 15,677 |
| | Hispanic | 59 | 109 | 43 | 80 | 37 | 6 | 334 |
| | Amer. Indian | 110 | 118 | 88 | 154 | 98 | 12 | 580 |
| | Other | 85 | 93 | 65 | 102 | 65 | 16 | 426 |
| | Subtotal | 5,881 | 5,974 | 4,382 | 9,581 | 4,258 | 992 | 31,068 |
| TOTAL | | 31,235 | 30,821 | 20,066 | 42,329 | 22,489 | 7,128 | 154,068 |

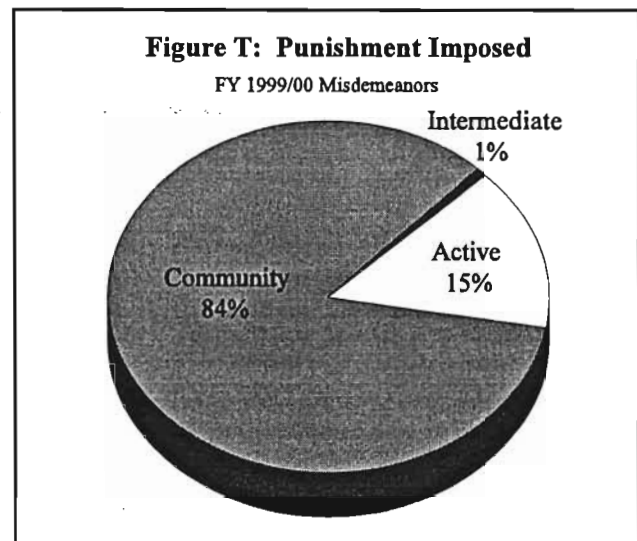
Note: Of the 170,027 misdemeanor convictions in FY 1999/00, 15,959 convictions with missing values for offenders' age were excluded from this table.

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 may not be consistently reported in the AOC database. Therefore, the following tables may 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 15% of misdemeanor convictions; an Intermediate punishment was imposed for 1% of misdemeanor convictions; and a Community punishment was imposed for 84% 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. Ten percent of misdemeanor convictions fell into Offense Class A1, 54% fell into Offense Class 1, 20% fell into Offense Class 2, and 16% 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 (19%). The majority of convictions fell into Offense Class 1 with Prior Conviction Level II (n=38,299). In general, the likelihood of receiving an Active punishment increased as prior conviction level increased, with the exception of Class 3.

**Table 18: Convictions and Sentences by Offense Class and Prior Conviction Level
FY 1999/00 Misdemeanors**

| Offense Class | Prior Conviction Level | | | Total |
|---------------|--|---|---|---|
| | I 0 Pts | II 1-4 Pts | III 5+ Pts | |
| A1 | C/A C = 4,883 (89%) I = 91 (2%) A = 509 (9%) (n=5,483) 32.5 days | C/A C = 5,742 (80%) I = 227 (3%) A = 1,210 (17%) (n=7,179) | C/A C = 1,755 (55%) I = 190 (6%) A = 1,238 (39%) (n=3,183) | C/A C = 12,380 (78%) I = 508 (3%) A = 2,957 (19%) (n=15,845) 69.3 days |
| 1 | C C = 33,792 (91%) I = 90 (0%) A = 3,301 (9%) (n=37,183) 21.4 days | C/A C = 32,235 (84%) I = 625 (2%) A = 5,439 (14%) (n=38,299) | C/A C = 7,124 (57%) I = 653 (5%) A = 4,716 (38%) (n=12,493) | C/A C = 73,151 (83%) I = 1,368 (2%) A = 13,456 (15%) (n=87,975) 45.1 days |
| 2 | C C = 16,537 (93%) I = 22 (0%) A = 1,252 (7%) (n=17,811) 14.0 days | C/I C = 11,160 (88%) I = 139 (1%) A = 1,424 (11%) (n=12,723) | C/A C = 1,958 (62%) I = 74 (2%) A = 1,148 (36%) (n=3,180) | C/A C = 29,655 (88%) I = 235 (1%) A = 3,824 (11%) (n=33,714) 24.0 days |
| 3 | C C = 12,210 (86%) I = 5 (0%) A = 2,049 (14%) (n=14,264) 4.9 days | C/I C = 7,941 (87%) I = 50 (0%) A = 1,164 (13%) (n=9,155) | C/A C = 1,509 (56%) I = 17 (1%) A = 1,164 (43%) (n=2,690) | C/A C = 21,660 (83%) I = 72 (0%) A = 4,377 (17%) (n=26,109) 8.2 days |
| TOTAL | C/A C = 67,422 (90%) I = 208 (0%) A = 7,111 (10%) (n=74,741) 16.2 days | C/A C = 57,078 (85%) I = 1,041 (1%) A = 9,237 (14%) (n=67,356) | C/A C = 12,346 (57%) I = 934 (4%) A = 8,266 (39%) (n=21,546) | C/A C = 136,846 (84%) I = 2,183 (1%) A = 24,614 (15%) (n=163,643) 38.2 days |

Note: Of the 170,027 misdemeanor convictions in FY 1999/00, 6,384 (4%) 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 were found to increase as offense class and prior conviction level increased. The longest average time to be served was for Class A1 misdemeanors (almost 62 days). Overall, the average time served for misdemeanor convictions was about 33 days. Twenty-nine percent of offenders with Active sentences received credit for time served.

**Table 19: Average Length of Active Sentences by Offense Class and Prior Conviction Level
FY 1999/00 Misdemeanors**

| Offense Class | | Prior Conviction Level | | | Overall |
|---------------|---------------------------------------|------------------------|---------------|---------------|---------|
| | | I 0 Pts | II 1-4 Pts | III 5+ Pts | |
| A1 | Average Active Sentence (Days) | 32.5 | 49.4 | 103.9 | 69.3 |
| | Average Credit for Time Served (Days) | 7.0 | 6.2 | 9.1 | 7.6 |
| | Average Time to be Served (Days) | 25.4 | 43.2 | 94.8 | 61.8 |
| | No. of Active Sentences | 509 | 1,210 | 1,238 | 2,957 |
| 1 | Average Active Sentence (Days) | 21.4 | 30.3 | 78.7 | 45.1 |
| | Average Credit for Time Served (Days) | 7.3 | 3.5 | 6.2 | 5.4 |
| | Average Time to be Served (Days) | 14.1 | 26.8 | 72.5 | 39.7 |
| | No. of Active Sentences | 3,301 | 5,439 | 4,716 | 13,456 |
| 2 | Average Active Sentence (Days) | 14.0 | 23.1 | 36.0 | 24.0 |
| | Average Credit for Time Served (Days) | 7.1 | 3.5 | 3.3 | 4.6 |
| | Average Time to be Served (Days) | 6.9 | 19.7 | 32.7 | 19.4 |
| | No. of Active Sentences | 1,252 | 1,424 | 1,148 | 3,824 |
| 3 | Average Active Sentence (Days) | 4.9 | 7.8 | 14.3 | 8.2 |
| | Average Credit for Time Served (Days) | 3.7 | 1.6 | 1.7 | 2.6 |
| | Average Time to be Served (Days) | 1.2 | 6.1 | 12.6 | 5.6 |
| | No. of Active Sentences | 2,049 | 1,164 | 1,164 | 4,377 |
| TOTAL | Average Active Sentence (Days) | 16.2 | 28.9 | 67.5 | 38.2 |
| | Average Credit for Time Served (Days) | 6.2 | 3.6 | 5.6 | 5.0 |
| | Average Time to be Served (Days) | 9.9 | 25.3 | 61.8 | 33.1 |
| | No. of Active Sentences | 7,111 | 9,237 | 8,266 | 24,614 |

Note: Convictions that did not fit within the sentencing grid due to discrepant offense classes, prior record levels, or for other reasons were excluded from this table. Since credit for time served may not be consistently reported in the AOC database, this table may 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 (47%) accounted for the majority of misdemeanor convictions, while misdemeanor person offenses accounted for the lowest proportion (13%).

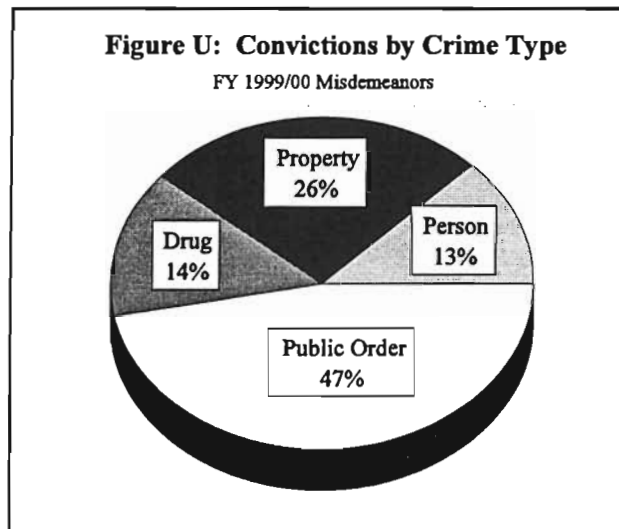


Table 20 contains information about the type of punishment imposed by crime type for misdemeanor convictions, as well as the average minimum sentence imposed and average time to be served for offenders who received an Active punishment. Of the convictions for the four crime types, those for drug offenses were least likely to result in an Active punishment (12%). Close to 16% 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 1999/00 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 | 3,362 | 16 | 554 | 2 | 17,547 | 82 | 61.1 | 6.8 | 54.3 | 21,463 |
| Property | 6,747 | 16 | 596 | 1 | 34,983 | 83 | 42.2 | 6.2 | 36.0 | 42,326 |
| Drug | 2,822 | 12 | 254 | 1 | 20,218 | 87 | 33.3 | 6.1 | 27.2 | 23,294 |
| Public Order | 11,683 | 15 | 779 | 1 | 64,098 | 84 | 30.4 | 3.6 | 26.8 | 76,560 |
| TOTAL | 24,614 | 15 | 2,183 | 1 | 136,846 | 84 | 38.2 | 5.0 | 33.1 | 163,643 |

Note: Of the 170,027 misdemeanor convictions in FY 1999/00, 6,384 (4%) 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 may not be consistently reported in the AOC database, this table may not indicate the full impact of the use of credit for time served.

IV. INTERMEDIATE PUNISHMENTS

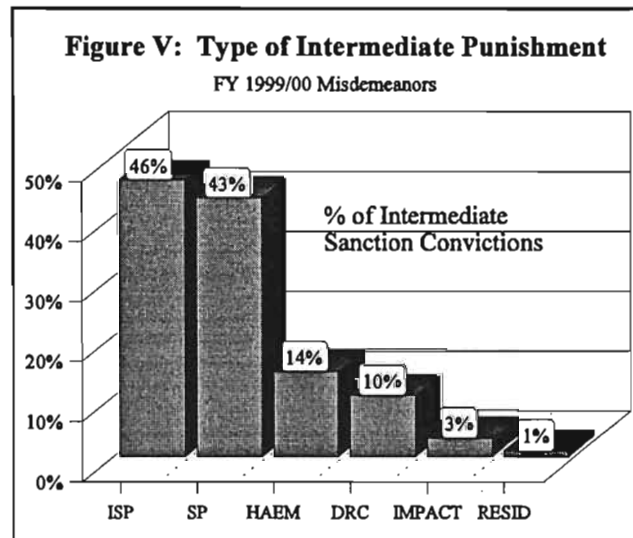
This section provides a summary of the types of intermediate sanctions imposed. *It only includes convictions for which an Intermediate punishment was imposed.* The types of intermediate sanctions include Special Probation (SP), House Arrest with Electronic Monitoring (HAEM), Intensive Supervision Probation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

During Fiscal Year 1999/00, there were 2,183 convictions for which an Intermediate punishment was imposed. However, one or more specific intermediate sanction was reported for only 1,816 of these convictions (a reporting rate of 83%).⁸ As a result, these figures may not fully 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 Intensive Supervision accounted for the highest percentage of convictions (46%). 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. Therefore, information on Community Penalties Plans is no longer provided in this report.

⁸ It is not clear why the specific types of intermediate sanctions are not always reported. In some cases, a sanction may not have been specified in court. In other instances the information may not have been entered into the appropriate data field in the AOC's Criminal Information System. The Sentencing Commission and the AOC are continuing to work together to improve the data collected for intermediate sanctions in an effort to increase the reporting rate.

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 III (n=668). Overall, intermediate sanctions were most frequently imposed for Class 1 convictions (n=1,313).

**Table 21: Type of Intermediate Punishment by Offense Class and Prior Conviction Level
FY 1999/00 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. | |
| A1 | I | 35 | 7 | 0 | 6 | 29 | 9 | 86 |
| | II | 110 | 5 | 3 | 15 | 71 | 20 | 224 |
| | III | 87 | 0 | 1 | 21 | 82 | 15 | 206 |
| | Subtotal | 232 | 12 | 4 | 42 | 182 | 44 | 516 |
| 1 | I | 18 | 10 | 0 | 11 | 34 | 2 | 75 |
| | II | 195 | 14 | 3 | 58 | 247 | 53 | 570 |
| | III | 235 | 2 | 2 | 30 | 277 | 122 | 668 |
| | Subtotal | 448 | 26 | 5 | 99 | 558 | 177 | 1,313 |
| 2 | I | 4 | 1 | 0 | 3 | 4 | 3 | 15 |
| | II | 53 | 5 | 1 | 12 | 37 | 22 | 130 |
| | III | 26 | 2 | 2 | 6 | 33 | 4 | 73 |
| | Subtotal | 83 | 8 | 3 | 21 | 74 | 29 | 218 |
| 3 | I | 1 | 1 | 0 | 1 | 1 | 1 | 5 |
| | II | 11 | 0 | 0 | 8 | 17 | 6 | 42 |
| | III | 2 | 0 | 0 | 2 | 11 | 3 | 18 |
| | Subtotal | 14 | 1 | 0 | 11 | 29 | 10 | 65 |
| TOTAL | | 777 | 47 | 12 | 173 | 843 | 260 | 2,112 |

Note: Convictions that did not fit within the sentencing grid due to discrepant offense classes, prior record levels, or for other reasons 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=721).

**Table 22: Type of Intermediate Punishment by Crime Type
FY 1999/00 Misdemeanors**

| Crime Type | Type of Intermediate Punishment | | | | | | Total |
|--------------|---------------------------------|-----------|----------------------|----------------------|---------------------------------|-----------------------------|--------------|
| | Special Probation | IMPACT | Residential Facility | Day Reporting Center | Intensive Supervision Probation | House Arrest w/ Elect. Mon. | |
| Person | 248 | 14 | 6 | 46 | 188 | 53 | 555 |
| Property | 158 | 20 | 0 | 56 | 277 | 71 | 582 |
| Drug | 51 | 2 | 2 | 36 | 140 | 23 | 254 |
| Public Order | 320 | 11 | 4 | 35 | 238 | 113 | 721 |
| TOTAL | 777 | 47 | 12 | 173 | 843 | 260 | 2,112 |

Note: Convictions that did not fit within the sentencing grid due to discrepant offense classes, prior record levels, or for other reasons 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 777 convictions. All but five of these convictions resulted in a sentence to jail to serve the time for the split sentence. The largest category of Special Probation cases was Class 1 misdemeanors (n=448). Class 1 misdemeanors also received the longest average Special Probation sentences (15 days).

**Table 23: Special Probation by Offense Class
FY 1999/00 Misdemeanors**

| Offense Class | Number | Mean Special Probation Length (Days) ⁹ |
|---------------|------------|---|
| Class A1 | 232 | 14.3 |
| Class 1 | 448 | 15.4 |
| Class 2 | 83 | 7.7 |
| Class 3 | 14 | 7.8 |
| TOTAL | 777 | 14.1 |

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=320) and the least number were for drug offenses (n=51). Relative to the other crime types, property convictions resulted in the longest Special Probation length (20.4 days).

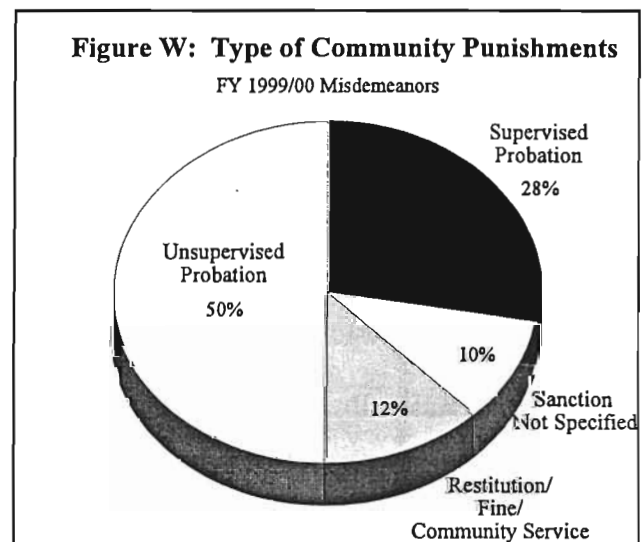
**Table 24: Special Probation by Crime Type
FY 1999/00 Misdemeanors**

| Offense Class | Number | Mean Special Probation Length (Days) ¹⁰ |
|---------------|------------|--|
| Person | 248 | 13.4 |
| Property | 158 | 20.4 |
| Drug | 51 | 14.4 |
| Public Order | 320 | 11.6 |
| TOTAL | 777 | 14.1 |

V. COMMUNITY PUNISHMENTS

A. Community Punishments by Offense Class

*This section includes only those convictions for which a Community punishment was imposed. Of the 136,846 convictions for which a Community punishment was imposed, the specific type of Community punishment imposed was reported for 123,163 convictions. Overall, 50% received Unsupervised Probation; 28% received Supervised Probation; 12% received only Restitution/Fine/Community Service without probation; and 10% had no specific sanction given (see *Figure W*).¹¹*



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

¹¹ It is not clear why a specific Community Punishment was not reported for 10% of the convictions in which a Community punishment was imposed. In some cases, the court may not have specified a sanction. In other instances, the court may have imposed a sanction for which there is no specific data field in the Administrative Office of the Courts' Criminal Information System (e.g., outpatient drug/alcohol treatment or referral to TASC).

Table 25 shows the type of Community punishment imposed -- either Supervised Probation, Unsupervised Probation, Restitution/Fine/Community Service, or Sanction Not Specified -- 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=73,151) 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 1999/00 Misdemeanors**

| Offense Class | Type of Community Punishment (Number and Average Probation Length) | | | | Total |
|-----------------|---|----------------------------|--|------------------------------|-----------------------------|
| | Supervised | Unsupervised | Restitution/Fine/ Community Service Only | Sanction Not Specified | |
| Class A1 | 6,078 <i>20 months</i> | 5,061 <i>19 months</i> | 415 <i>N/A</i> | 826 <i>N/A</i> | 12,380 <i>20 months</i> |
| Class 1 | 23,829 <i>19 months</i> | 33,906 <i>16 months</i> | 8,399 <i>N/A</i> | 7,017 <i>N/A</i> | 73,151 <i>17 months</i> |
| Class 2 | 5,469 <i>17 months</i> | 17,290 <i>15 months</i> | 4,157 <i>N/A</i> | 2,739 <i>N/A</i> | 29,655 <i>15 months</i> |
| Class 3 | 2,118 <i>15 months</i> | 12,453 <i>15 months</i> | 3,988 <i>N/A</i> | 3,101 <i>N/A</i> | 21,660 <i>15 months</i> |
| TOTAL | 37,494 <i>18 months</i> | 68,710 <i>16 months</i> | 16,959 <i>N/A</i> | 13,683 <i>N/A</i> | 136,843 <i>17 months</i> |

Note: Convictions that did not fit within the sentencing grid due to discrepant offense classes, prior record levels, or for other reasons 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 are provided in Table 26. Property offenses were the largest offense category for which Supervised Probation was imposed (n=13,388). The largest number sentenced to Unsupervised Probation were convicted of public order offenses (n=33,325).

**Table 26: Type of Community Punishment by Crime Type
FY 1999/00 Misdemeanors**

| Crime Type | Type of Community Punishment (Number and Average Probation Length) | | | | Total |
|-------------------------|---|----------------------------|--|------------------------------|-----------------------------|
| | Supervised | Unsupervised | Restitution/Fine/ Community Service Only | Sanction Not Specified | |
| Person | 6,989 <i>19 months</i> | 8,452 <i>18 months</i> | 901 <i>N/A</i> | 1,205 <i>N/A</i> | 17,547 <i>18 months</i> |
| Property | 13,388 <i>19 months</i> | 16,147 <i>15 months</i> | 3,104 <i>N/A</i> | 2,344 <i>N/A</i> | 34,983 <i>17 months</i> |
| Drug | 4,783 <i>17 months</i> | 10,786 <i>15 months</i> | 2,963 <i>N/A</i> | 1,686 <i>N/A</i> | 20,218 <i>16 months</i> |
| Public Order | 12,334 <i>18 months</i> | 33,325 <i>16 months</i> | 9,991 <i>N/A</i> | 8,448 <i>N/A</i> | 64,098 <i>16 months</i> |
| TOTAL | 37,494 <i>18 months</i> | 68,710 <i>16 months</i> | 16,959 <i>N/A</i> | 13,683 <i>N/A</i> | 136,846 <i>17 months</i> |

Note: Convictions that did not fit within the sentencing grid due to discrepant offense classes, prior record levels, or for other reasons 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 1999/00, almost 9% of all misdemeanor convictions were sentenced to perform Community Service, with an average of almost 36 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=8,569). Of the four offense classes, convictions for Class 1 offenses were most likely to result in a Community Service sentence (9.7%), while convictions for Class A1 offenses had the highest average hours of Community Service ordered (42.3 hours).

**Table 27: Community Service by Offense Class
FY 1999/00 Misdemeanors**

| Offense Class | Mean Number of Hours Ordered | Number of Convictions | % of Convictions |
|----------------------|-------------------------------------|------------------------------|-------------------------|
| Class A1 | 42.3 | 1,138 | 7.2 |
| Class 1 | 37.0 | 8,569 | 9.7 |
| Class 2 | 33.5 | 2,591 | 7.7 |
| Class 3 | 28.4 | 2,212 | 8.5 |
| TOTAL | 35.5 | 14,510 | 8.9 |

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=6,236). 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 almost 39 hours).

**Table 28: Community Service by Crime Type
FY 1999/00 Misdemeanors**

| Crime Type | Mean Number of Hours Ordered | Number of Convictions | % of Convictions |
|---------------------|-------------------------------------|------------------------------|-------------------------|
| Person | 38.9 | 1,900 | 8.9 |
| Property | 36.0 | 6,236 | 14.7 |
| Drug | 31.6 | 1,648 | 7.1 |
| Public Order | 34.8 | 4,726 | 6.2 |
| TOTAL | 35.5 | 14,510 | 8.9 |

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 16% of all misdemeanor convictions during Fiscal Year 1999/00.

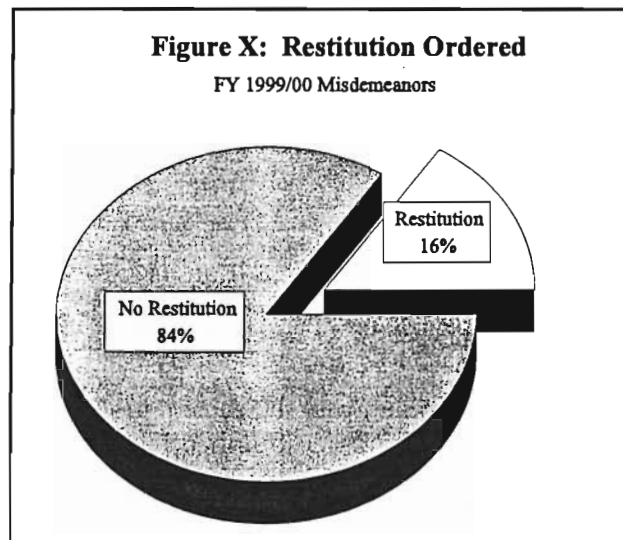


Table 29 provides information on the mean and median dollar amounts of Restitution ordered and the total number of convictions for which payment of Restitution was ordered by offense class. The table also includes the percentage of convictions for which payment of Restitution was ordered relative to the total number of convictions in each offense class. The average (mean) amount of Restitution ordered was \$587, while the median amount was \$169. The highest amount of Restitution, on average, was ordered for Class 1 convictions (a mean of \$871 and a median of \$250). Convictions for Class 1 misdemeanors also comprised the largest group with a Restitution sentence (n=11,574), followed closely by Class 2 Misdemeanors (n=11,503). Thirty-four percent of all convictions for Class 2 offenses were ordered to pay Restitution -- the largest percentage of any offense class.

**Table 29: Restitution Ordered by Offense Class
FY 1999/00 Misdemeanors**

| Offense Class | Mean Restitution Ordered (\$) | Median Restitution Ordered (\$) | Number of Convictions | % of Convictions |
|----------------------|--------------------------------------|--|------------------------------|-------------------------|
| Class A1 | 771 | 257 | 2,045 | 12.9 |
| Class 1 | 871 | 250 | 11,574 | 13.2 |
| Class 2 | 295 | 112 | 11,503 | 34.1 |
| Class 3 | 236 | 100 | 831 | 3.2 |
| TOTAL | 587 | 169 | 25,953 | 15.9 |

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 public order convictions (\$729). The highest median Restitution amount was ordered for convictions for person offenses (\$250). Property offense convictions accounted for the majority of convictions for which payment of Restitution was ordered (n=20,009). Forty-seven percent of all convictions for a property offense were ordered to pay Restitution -- the largest percentage of any crime type.

**Table 30: Restitution Ordered by Crime Type
FY 1999/00 Misdemeanors**

| Crime Type | Mean Restitution Ordered (\$) | Median Restitution Ordered (\$) | Number of Convictions | % of Convictions |
|---------------------|--------------------------------------|--|------------------------------|-------------------------|
| Person | 696 | 250 | 2,777 | 12.9 |
| Property | 575 | 165 | 20,009 | 47.3 |
| Drugs | 165 | 100 | 866 | 3.7 |
| Public Order | 729 | 150 | 2,301 | 3.0 |
| TOTAL | 587 | 169 | 25,953 | 15.9 |

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 (\$814). Almost twenty-six percent of all convictions resulting in the imposition of an Intermediate punishment were ordered to pay Restitution – the largest percentage of any punishment type. The vast majority of convictions sentenced to pay Restitution received a Community punishment (n=25,202).

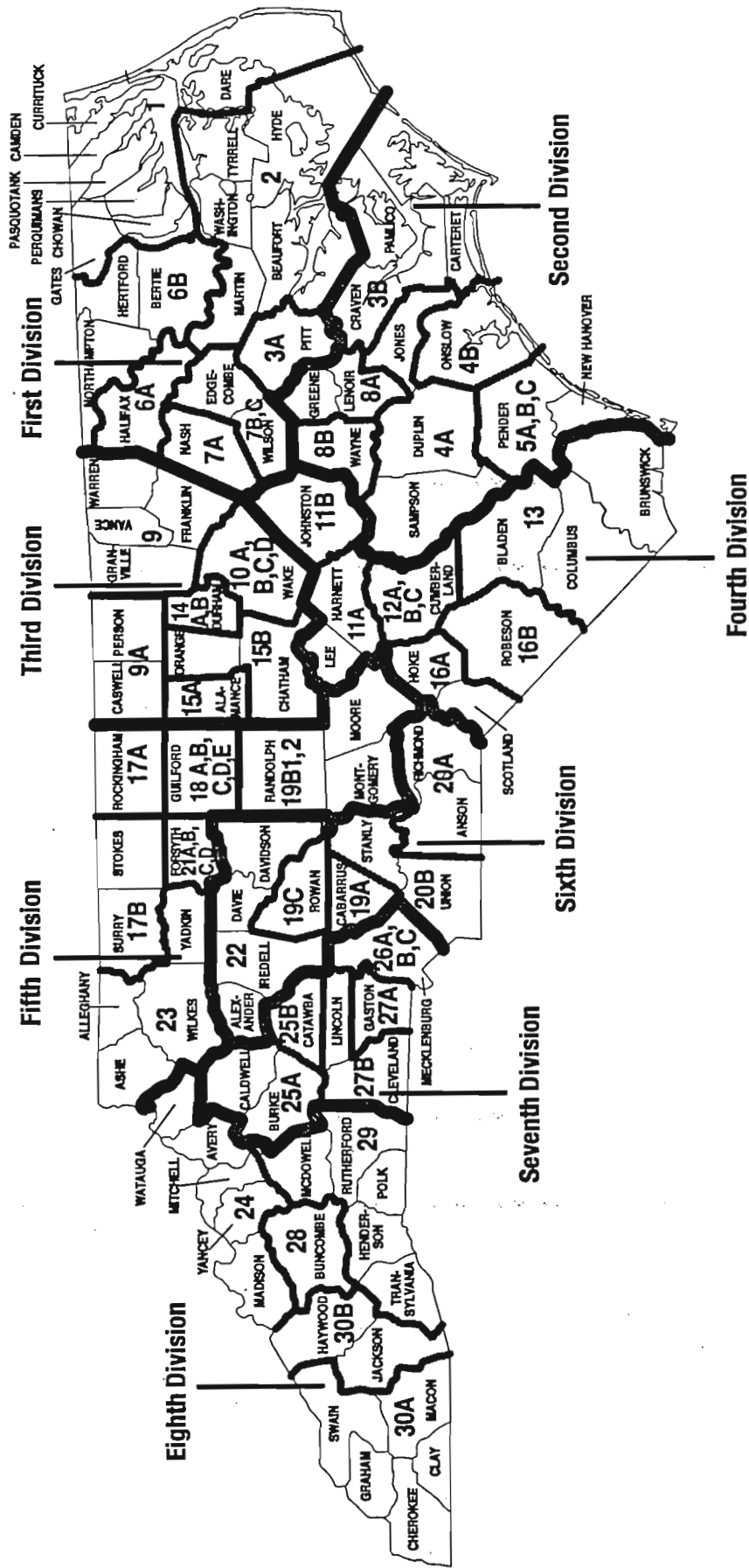
**Table 31: Restitution Ordered by Punishment Imposed
FY 1999/00 Misdemeanors**

| Type of Punishment | Mean Restitution Ordered (\$) | Median Restitution Ordered (\$) | Number of Convictions | % of Convictions |
|--------------------|-------------------------------|---------------------------------|-----------------------|------------------|
| Active | 349 | 177 | 190 | 0.8 |
| Intermediate | 814 | 270 | 561 | 25.7 |
| Community | 584 | 165 | 25,202 | 18.4 |
| TOTAL | 587 | 169 | 25,953 | 15.9 |

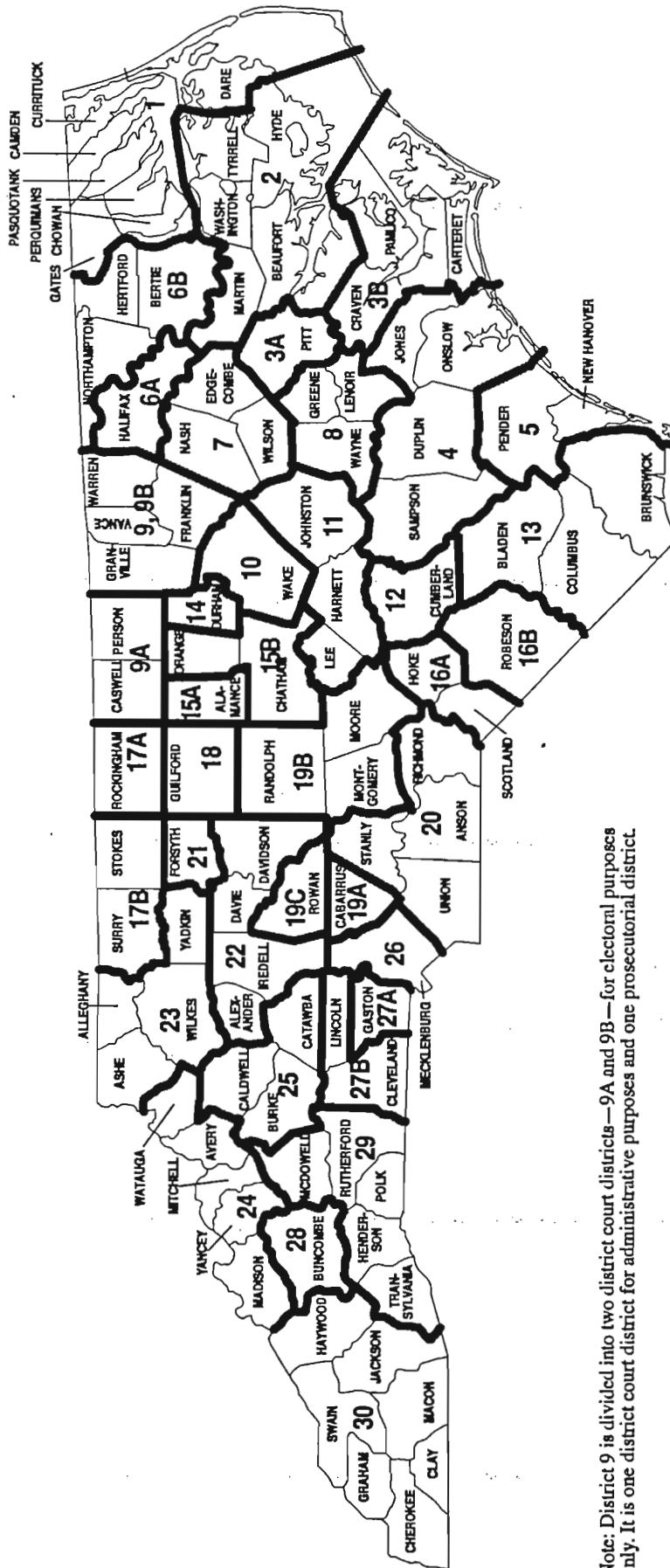
APPENDIX A

MAP OF JUDICIAL DIVISIONS AND DISTRICTS

North Carolina Superior Court Districts and Divisions as of June 30, 2000



North Carolina District Court Districts as of June 30, 2000



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.

APPENDIX B

SAMPLE OFFENSES

**SAMPLE OFFENSES
AS OF 12/1/00**

| | | |
|--|---|---|
| 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 1999/00 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 | 111 | 32.7 | 127 | 37.5 | 101 | 29.8 | 31.7 | 40.8 | 339 |
| | 2 | 120 | 31.4 | 178 | 46.6 | 84 | 22.0 | 45.1 | 57.1 | 382 |
| | 3A | 168 | 27.1 | 258 | 41.6 | 194 | 31.3 | 28.3 | 36.4 | 620 |
| | 6A | 42 | 36.8 | 50 | 43.9 | 22 | 19.3 | 45.3 | 56.9 | 114 |
| | 6B | 131 | 41.3 | 135 | 42.6 | 51 | 16.1 | 29.2 | 37.3 | 317 |
| | 7A | 121 | 43.2 | 118 | 42.1 | 41 | 14.6 | 21.6 | 27.7 | 280 |
| | 7B,C | 188 | 40.7 | 135 | 29.2 | 139 | 30.1 | 23.5 | 30.3 | 462 |
| | SUB-TOTAL | 881 | 35.0 | 1001 | 39.8 | 632 | 25.1 | 30.0 | 38.3 | 2514 |
| SECOND | JUDICIAL DISTRICT | | | | | | | | | |
| | 3B | 167 | 31.5 | 208 | 39.2 | 155 | 29.2 | 27.9 | 36.0 | 530 |
| | 4A | 106 | 29.9 | 137 | 38.7 | 111 | 31.4 | 35.8 | 46.8 | 354 |
| | 4B | 73 | 20.4 | 165 | 46.1 | 120 | 33.5 | 36.2 | 45.9 | 358 |
| | 5 | 256 | 33.6 | 339 | 44.5 | 167 | 21.9 | 28.4 | 36.4 | 762 |
| | 8A | 137 | 36.0 | 150 | 39.4 | 94 | 24.7 | 20.1 | 26.2 | 381 |
| | 8B | 132 | 30.3 | 184 | 42.3 | 119 | 27.4 | 28.8 | 37.1 | 435 |
| | SUB-TOTAL | 871 | 30.9 | 1183 | 42.0 | 766 | 27.2 | 28.6 | 36.9 | 2820 |
| THIRD | JUDICIAL DISTRICT | | | | | | | | | |
| | 9 | 210 | 29.9 | 372 | 53.0 | 120 | 17.1 | 21.1 | 26.6 | 702 |
| | 9A | 66 | 22.6 | 158 | 54.1 | 68 | 23.3 | 30.2 | 38.4 | 292 |
| | 10 | 579 | 45.9 | 350 | 27.8 | 332 | 26.3 | 35.0 | 44.8 | 1261 |
| | 14 | 195 | 34.3 | 312 | 54.9 | 61 | 10.7 | 55.7 | 72.0 | 568 |
| | 15A | 213 | 30.9 | 327 | 47.4 | 150 | 21.7 | 24.9 | 32.0 | 690 |
| | 15B | 129 | 35.1 | 182 | 49.5 | 57 | 15.5 | 31.1 | 39.9 | 368 |

**Appendix C, Table 1: Convictions and Sentences by Judicial Division and District (continued)
FY 1999/00 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 | | | | | | | | | | |
| THIRD (CONT) | SUB-TOTAL | 1392 | 35.9 | 1701 | 43.8 | 788 | 20.3 | 33.7 | 43.2 | 3881 |
| FOURTH | JUDICIAL DISTRICT | | | | | | | | | |
| | 11A | 148 | 26.2 | 320 | 56.6 | 97 | 17.2 | 38.3 | 48.7 | 565 |
| | 11B | 115 | 39.5 | 122 | 41.9 | 54 | 18.6 | 23.1 | 29.6 | 291 |
| | 12 | 271 | 28.6 | 493 | 52.0 | 184 | 19.4 | 35.2 | 45.9 | 948 |
| | 13 | 129 | 38.4 | 147 | 43.8 | 60 | 17.9 | 32.9 | 42.1 | 336 |
| | 16A | 105 | 32.2 | 148 | 45.4 | 73 | 22.4 | 35.3 | 45.1 | 326 |
| | 16B | 98 | 29.5 | 156 | 47.0 | 78 | 23.5 | 33.5 | 43.4 | 332 |
| | SUB-TOTAL | 866 | 31.0 | 1386 | 49.5 | 546 | 19.5 | 33.6 | 43.3 | 2798 |
| FIFTH | JUDICIAL DISTRICT | | | | | | | | | |
| | 17A | 77 | 20.6 | 206 | 55.1 | 91 | 24.3 | 52.7 | 66.9 | 374 |
| | 17B | 113 | 38.8 | 105 | 36.1 | 73 | 25.1 | 25.9 | 33.2 | 291 |
| | 18 | 585 | 32.4 | 797 | 44.2 | 422 | 23.4 | 35.8 | 46.4 | 1804 |
| | 19B | 145 | 27.9 | 245 | 47.2 | 129 | 24.9 | 29.1 | 37.4 | 519 |
| | 21 | 376 | 29.8 | 621 | 49.2 | 266 | 21.1 | 41.8 | 54.0 | 1263 |
| | 23 | 94 | 31.8 | 106 | 35.8 | 96 | 32.4 | 28.7 | 36.6 | 296 |
| | SUB-TOTAL | 1390 | 30.6 | 2080 | 45.7 | 1077 | 23.7 | 36.4 | 46.9 | 4547 |
| SIXTH | JUDICIAL DISTRICT | | | | | | | | | |
| | 19A | 134 | 28.0 | 242 | 50.5 | 103 | 21.5 | 34.4 | 44.4 | 479 |
| | 19C | 161 | 31.3 | 234 | 45.4 | 120 | 23.3 | 37.5 | 48.6 | 515 |
| | 20A | 123 | 43.5 | 102 | 36.0 | 58 | 20.5 | 31.5 | 40.4 | 283 |
| | 20B | 151 | 34.8 | 170 | 39.2 | 113 | 26.0 | 42.0 | 53.7 | 434 |
| | 22 | 281 | 33.3 | 425 | 50.4 | 137 | 16.3 | 46.3 | 58.8 | 843 |

**Appendix C, Table 1: Convictions and Sentences by Judicial Division and District (continued)
FY 1999/00 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 | | | | | | | | | | |
| SIXTH (CONT) | SUB-TOTAL | 850 | 33.3 | 1173 | 45.9 | 531 | 20.8 | 39.8 | 51.0 | 2554 |
| SEVENTH | JUDICIAL DISTRICT | | | | | | | | | |
| | 25A | 101 | 36.7 | 109 | 39.6 | 65 | 23.6 | 35.4 | 45.0 | 275 |
| | 258 | 79 | 23.7 | 149 | 44.6 | 106 | 31.7 | 28.9 | 37.2 | 334 |
| | 26 | 594 | 31.4 | 763 | 40.4 | 532 | 28.2 | 32.3 | 41.6 | 1889 |
| | 27A | 163 | 29.9 | 237 | 43.4 | 146 | 26.7 | 46.4 | 59.2 | 546 |
| | 27B | 108 | 28.7 | 185 | 49.2 | 83 | 22.1 | 32.9 | 42.7 | 376 |
| | SUB-TOTAL | 1045 | 30.6 | 1443 | 42.2 | 932 | 27.3 | 34.6 | 44.5 | 3420 |
| EIGHTH | JUDICIAL DISTRICT | | | | | | | | | |
| | 24 | 41 | 30.6 | 54 | 40.3 | 39 | 29.1 | 45.3 | 57.4 | 134 |
| | 28 | 306 | 44.9 | 269 | 39.4 | 107 | 15.7 | 27.1 | 34.9 | 682 |
| | 29 | 155 | 28.2 | 200 | 36.4 | 195 | 35.5 | 30.3 | 38.8 | 550 |
| | 30A | 38 | 25.2 | 61 | 40.4 | 52 | 34.4 | 44.6 | 56.2 | 151 |
| | 30B | 39 | 41.1 | 33 | 34.7 | 23 | 24.2 | 31.7 | 40.6 | 95 |
| | SUB-TOTAL | 579 | 35.9 | 617 | 38.3 | 416 | 25.8 | 30.7 | 39.3 | 1612 |
| TOTAL | | 7874 | 32.6 | 10584 | 43.8 | 5688 | 23.6 | 33.7 | 43.3 | 24146 |

**Appendix C, Table 2: Sentence Location by Judicial Division and District
(Active Sentences Only)
FY 1999/00 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 | | | | | | | |
| FIRST | 1 | 8 | 7.3 | 92 | 83.6 | 10 | 9.1 | 110 |
| | 2 | 8 | 6.7 | 96 | 80.7 | 15 | 12.6 | 119 |
| | 3A | 27 | 16.2 | 128 | 76.6 | 12 | 7.2 | 167 |
| | 6A | 2 | 5.0 | 28 | 70.0 | 10 | 25.0 | 40 |
| | 6B | 17 | 13.2 | 95 | 73.6 | 17 | 13.2 | 129 |
| | 7A | 7 | 5.8 | 109 | 90.1 | 5 | 4.1 | 121 |
| | 7B,C | 14 | 7.6 | 158 | 85.4 | 13 | 7.0 | 185 |
| | SUB-TOTAL | | 83 | 9.5 | 706 | 81.1 | 82 | 9.4 |
| SECOND | JUDICIAL DISTRICT | | | | | | | |
| | 3B | 25 | 15.2 | 132 | 80.0 | 8 | 4.8 | 165 |
| | 4A | 34 | 32.4 | 64 | 61.0 | 7 | 6.7 | 105 |
| | 4B | 8 | 11.0 | 63 | 86.3 | 2 | 2.7 | 73 |
| | 5 | 70 | 27.6 | 172 | 67.7 | 12 | 4.7 | 254 |
| | 8A | 19 | 13.9 | 106 | 77.4 | 12 | 8.8 | 137 |
| | 8B | 48 | 36.4 | 73 | 55.3 | 11 | 8.3 | 132 |
| | SUB-TOTAL | | 204 | 23.6 | 610 | 70.4 | 52 | 6.0 |
| THIRD | JUDICIAL DISTRICT | | | | | | | |
| | 9 | 39 | 18.7 | 158 | 75.6 | 12 | 5.7 | 209 |
| | 9A | 10 | 15.2 | 47 | 71.2 | 9 | 13.6 | 66 |
| | 10 | 49 | 8.6 | 441 | 77.0 | 83 | 14.5 | 573 |
| | 14 | 51 | 26.2 | 126 | 64.6 | 18 | 9.2 | 195 |
| | 15A | 30 | 14.2 | 174 | 82.5 | 7 | 3.3 | 211 |
| | 15B | 25 | 19.4 | 94 | 72.9 | 10 | 7.8 | 129 |
| | SUB-TOTAL | | 204 | 14.8 | 1040 | 75.2 | 139 | 10.1 |

Appendix C, Table 2: Sentence Location by Judicial Division and District (continued)
(Active Sentences Only)
FY 1999/00 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 | | | | | | | |
| FOURTH | 11A | 13 | 9.0 | 125 | 86.8 | 6 | 4.2 | 144 |
| | 11B | 32 | 28.1 | 75 | 65.8 | 7 | 6.1 | 114 |
| | 12 | 51 | 19.2 | 193 | 72.6 | 22 | 8.3 | 266 |
| | 13 | 12 | 9.4 | 97 | 76.4 | 18 | 14.2 | 127 |
| | 16A | 7 | 6.7 | 92 | 87.6 | 6 | 5.7 | 105 |
| | 16B | 11 | 11.7 | 79 | 84.0 | 4 | 4.3 | 94 |
| | SUB-TOTAL | | 126 | 14.8 | 661 | 77.8 | 63 | 7.4 |
| FIFTH | JUDICIAL DISTRICT | | | | | | | |
| | 17A | 7 | 9.1 | 56 | 72.7 | 14 | 18.2 | 77 |
| | 17B | 23 | 20.4 | 81 | 71.7 | 9 | 8.0 | 113 |
| | 18 | 113 | 19.5 | 403 | 69.5 | 64 | 11.0 | 580 |
| | 19B | 32 | 22.4 | 94 | 65.7 | 17 | 11.9 | 143 |
| | 21 | 153 | 41.4 | 191 | 51.6 | 26 | 7.0 | 370 |
| | 23 | 3 | 3.3 | 84 | 92.3 | 4 | 4.4 | 91 |
| | SUB-TOTAL | | 331 | 24.1 | 909 | 66.2 | 134 | 9.8 |
| SIXTH | JUDICIAL DISTRICT | | | | | | | |
| | 19A | 10 | 7.5 | 118 | 88.1 | 6 | 4.5 | 134 |
| | 19C | 35 | 21.9 | 117 | 73.1 | 8 | 5.0 | 160 |
| | 20A | 9 | 7.3 | 109 | 88.6 | 5 | 4.1 | 123 |
| | 20B | 12 | 8.0 | 125 | 83.3 | 13 | 8.7 | 150 |
| | 22 | 33 | 11.9 | 218 | 78.7 | 26 | 9.4 | 277 |
| | SUB-TOTAL | | 99 | 11.7 | 687 | 81.4 | 58 | 6.9 |

Appendix C, Table 2: Sentence Location by Judicial Division and District (continued)
(Active Sentences Only)
FY 1999/00 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 | | | | | | | |
| SEVENTH | 25A | 7 | 7.1 | 87 | 87.9 | 5 | 5.1 | 99 |
| | 25B | 2 | 2.5 | 67 | 84.8 | 10 | 12.7 | 79 |
| | 26 | 142 | 24.0 | 425 | 71.9 | 24 | 4.1 | 591 |
| | 27A | 22 | 13.6 | 124 | 76.5 | 16 | 9.9 | 162 |
| | 27B | 8 | 7.5 | 90 | 84.1 | 9 | 8.4 | 107 |
| | SUB-TOTAL | 181 | 17.4 | 793 | 76.4 | 64 | 6.2 | 1038 |
| | EIGHTH | JUDICIAL DISTRICT | | | | | | |
| 24 | | 8 | 19.5 | 25 | 61.0 | 8 | 19.5 | 41 |
| 28 | | 68 | 22.3 | 225 | 73.8 | 12 | 3.9 | 305 |
| 29 | | 24 | 15.5 | 128 | 82.6 | 3 | 1.9 | 155 |
| 30A | | 3 | 8.1 | 30 | 81.1 | 4 | 10.8 | 37 |
| 30B | | 2 | 5.3 | 36 | 94.7 | . | . | 38 |
| SUB-TOTAL | | 105 | 18.2 | 444 | 77.1 | 27 | 4.7 | 576 |
| TOTAL | | 1333 | 17.1 | 5850 | 75.0 | 619 | 7.9 | 7802 |

APPENDIX D

ADDITIONAL FELONY DATA BY CRIME TYPE AND OFFENSE

**Appendix D, Table 1: Type of Punishment by Crime Type and Offense
FY 1999/00 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 | 71 | 100.0 | . | . | . | . | . | . | 71 |
| | 2ND DEG MURDER | 215 | 100.0 | . | . | . | . | 182.6 | 228.3 | 215 |
| | ATTEMPTED MURDER | 1 | 100.0 | . | . | . | . | 73.0 | 97.0 | 1 |
| | VOLUNTARY MANSLAUGHTER | 76 | 93.8 | 4 | 4.9 | 1 | 1.2 | 65.6 | 87.9 | 81 |
| | INVOLUNTARY MANSLAUGHTER | 51 | 58.6 | 36 | 41.4 | . | . | 19.7 | 24.3 | 87 |
| | ARMED ROBBERY | 508 | 100.0 | . | . | . | . | 72.1 | 96.0 | 508 |
| | COMMON LAW ROBBERY | 441 | 50.0 | 430 | 48.8 | 11 | 1.2 | 17.0 | 21.3 | 882 |
| | AWDWIKISI | 73 | 100.0 | . | . | . | . | 101.0 | 130.1 | 73 |
| | AWDW INTENT TO KILL | 20 | 57.1 | 15 | 42.9 | . | . | 31.2 | 46.4 | 35 |
| | AWDW SERIOUS INJURY | 210 | 46.0 | 247 | 54.0 | . | . | 31.1 | 46.5 | 457 |
| | ASSAULT OFFCL, GOVT OFFCL, EMRG PERSNL, OTHER | 55 | 52.4 | 50 | 47.6 | . | . | 23.9 | 30.5 | 105 |
| | OTHER FELONY ASSAULTS | 79 | 35.9 | 139 | 63.2 | 2 | 0.9 | 19.6 | 24.4 | 220 |
| | 1ST DEG RAPE, SEX OFFENSE | 92 | 100.0 | . | . | . | . | 262.0 | 323.5 | 92 |
| | ATT 1ST DEG RAPE, S.O. | 23 | 100.0 | . | . | . | . | 154.5 | 194.8 | 23 |
| | 2ND DEG RAPE, S.O. | 122 | 100.0 | . | . | . | . | 92.5 | 120.3 | 122 |
| | ATT 2ND DEG RAPE, S.O. | 34 | 100.0 | . | . | . | . | 61.6 | 83.5 | 34 |
| | INDECENT LIBERTIES W/ CHILD | 282 | 37.3 | 475 | 62.7 | . | . | 18.8 | 23.1 | 757 |

**Appendix D, Table 1: Type of Punishment by Crime Type and Offense (continued)
FY 1999/00 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) | CHILD ABUSE | 19 | 35.8 | 34 | 64.2 | . | . | 28.7 | 43.8 | 53 |
| | OTHER SEX CRIMES | 113 | 46.9 | 86 | 35.7 | 42 | 17.4 | 91.9 | 116.1 | 241 |
| | KIDNAP,ABDUCT- ION | 95 | 66.4 | 48 | 33.6 | . | . | 62.5 | 83.9 | 143 |
| | ATTEMPTED KIDNAPPING | 1 | 100.0 | . | . | . | . | 80.0 | 105.0 | 1 |
| | ALL OTHER PERSON | 47 | 31.5 | 98 | 65.8 | 4 | 2.7 | 22.9 | 31.6 | 149 |
| | SUB-TOTAL | 2628 | 60.4 | 1662 | 38.2 | 60 | 1.4 | 66.9 | 86.3 | 4350 |
| PROPERTY | OFFENSE | | | | | | | | | |
| | 1ST DEG BURGLARY | 63 | 100.0 | . | . | . | . | 77.5 | 102.6 | 63 |
| | 2ND DEG BURGLARY | 63 | 39.6 | 96 | 60.4 | . | . | 16.4 | 20.1 | 159 |
| | BREAKING/ENTE- RING | 948 | 32.4 | 1382 | 47.2 | 595 | 20.3 | 9.3 | 11.6 | 2925 |
| | LARCENY | 458 | 30.6 | 751 | 50.2 | 286 | 19.1 | 9.5 | 11.7 | 1495 |
| | AUTOMOBILE THEFT | 51 | 28.5 | 96 | 53.6 | 32 | 17.9 | 8.5 | 10.5 | 179 |
| | 1ST DEG ARSON | 5 | 100.0 | . | . | . | . | 77.6 | 102.6 | 5 |
| | 2ND DEG ARSON | 19 | 44.2 | 24 | 55.8 | . | . | 14.8 | 18.2 | 43 |
| | OTHER ARSON/BURNING | 29 | 33.0 | 35 | 39.8 | 24 | 27.3 | 19.1 | 24.8 | 88 |
| | FORGERY | 97 | 10.6 | 361 | 39.5 | 456 | 49.9 | 7.7 | 9.7 | 914 |
| | FRAUD | 15 | 4.4 | 113 | 33.3 | 211 | 62.2 | 9.1 | 11.2 | 339 |
| | EMBEZZLEMENT | 32 | 8.8 | 148 | 40.5 | 185 | 50.7 | 7.9 | 9.9 | 365 |
| | ALL OTHER PROPERTY | 613 | 30.1 | 987 | 48.5 | 437 | 21.5 | 9.6 | 12.1 | 2037 |
| SUB-TOTAL | 2393 | 27.8 | 3993 | 46.4 | 2226 | 25.8 | 11.6 | 14.6 | 8612 | |

**Appendix D, Table 1: Type of Punishment by Crime Type and Offense (continued)
FY 1999/00 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 (Non- trafficking) | SELL/DELIVER DRUGS | 430 | 32.5 | 802 | 60.5 | 93 | 7.0 | 13.6 | 16.8 | 1325 |
| | POSSESSION WITH INTENT | 727 | 25.1 | 1388 | 47.9 | 780 | 26.9 | 8.7 | 10.8 | 2895 |
| | DRUG POSSESSION | 280 | 8.1 | 1309 | 38.1 | 1849 | 53.8 | 7.3 | 9.2 | 3438 |
| | OTHER DRUG FELONIES | 277 | 20.2 | 657 | 47.9 | 437 | 31.9 | 14.3 | 18.0 | 1371 |
| | SUB-TOTAL | 1714 | 19.0 | 4156 | 46.0 | 3159 | 35.0 | 10.6 | 13.2 | 9029 |
| OTHER FELONY | OFFENSE | | | | | | | | | |
| | WEAPON OFFENSE | 205 | 37.8 | 297 | 54.8 | 40 | 7.4 | 18.3 | 24.0 | 542 |
| | HABITUAL FELON | 347 | 100.0 | . | . | . | . | 91.9 | 119.5 | 347 |
| | HABITUAL MISDEMEANOR ASSAULT | 43 | 45.3 | 49 | 51.6 | 3 | 3.2 | 10.0 | 12.3 | 95 |
| | HABITUAL IMPAIRED DRIVING | 221 | 96.5 | 8 | 3.5 | . | . | 17.4 | 21.3 | 229 |
| | ALL OTHER FELONIES | 323 | 34.3 | 419 | 44.5 | 200 | 21.2 | 19.7 | 25.6 | 942 |
| | SUB-TOTAL | 1139 | 52.9 | 773 | 35.9 | 243 | 11.3 | 40.6 | 52.6 | 2155 |
| TOTAL | | 7874 | 32.6 | 10584 | 43.8 | 5688 | 23.6 | 33.7 | 43.3 | 24146 |

**Appendix D, Table 2: Sentence Location by Crime Type and Offense
FY 1999/00 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 | OFFENSE | | | | | | | |
| PERSON | 2ND DEG MURDER | 33 | 15.3 | 126 | 58.6 | 56 | 26.0 | 215 |
| | ATTEMPTED MURDER | . | . | 1 | 100.0 | . | . | 1 |
| | VOLUNTARY MANSLAUGHTER | 17 | 22.4 | 45 | 59.2 | 14 | 18.4 | 76 |
| | INVOLUNTARY MANSLAUGHTER | 7 | 13.7 | 30 | 58.8 | 14 | 27.5 | 51 |
| | ARMED ROBBERY | 156 | 30.7 | 315 | 62.0 | 37 | 7.3 | 508 |
| | COMMON LAW ROBBERY | 53 | 12.0 | 342 | 77.6 | 46 | 10.4 | 441 |
| | AWDWIKISI | 13 | 17.8 | 45 | 61.6 | 15 | 20.5 | 73 |
| | AWDW INTENT TO KILL | 4 | 20.0 | 13 | 65.0 | 3 | 15.0 | 20 |
| | AWDW SERIOUS INJURY | 35 | 16.7 | 150 | 71.4 | 25 | 11.9 | 210 |
| | ASSAULT OFFCL, GOVT OFFCL, EMRG PERSNL, OTHER | 7 | 12.7 | 40 | 72.7 | 8 | 14.5 | 55 |
| | OTHER FELONY ASSAULTS | 15 | 19.0 | 59 | 74.7 | 5 | 6.3 | 79 |
| | 1ST DEG RAPE, SEX OFFENSE | 13 | 14.3 | 67 | 73.6 | 11 | 12.1 | 91 |
| | ATT 1ST DEG RAPE, S.O. | 8 | 34.8 | 13 | 56.5 | 2 | 8.7 | 23 |
| | 2ND DEG RAPE, S.O. | 16 | 13.1 | 86 | 70.5 | 20 | 16.4 | 122 |
| | ATT 2ND DEG RAPE, S.O. | 21 | 61.8 | 12 | 35.3 | 1 | 2.9 | 34 |
| | INDECENT LIBERTIES W/ CHILD | 26 | 9.2 | 213 | 75.5 | 43 | 15.2 | 282 |
| | CHILD ABUSE | 1 | 5.3 | 13 | 68.4 | 5 | 26.3 | 19 |
| | OTHER SEX CRIMES | 35 | 31.0 | 70 | 61.9 | 8 | 7.1 | 113 |

**Appendix D, Table 2: Sentence Location by Crime Type and Offense (continued)
FY 1999/00 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 | OFFENSE | | | | | | | |
| PERSON (CONT) | KIDNAP, ABDUCTION | 7 | 7.4 | 78 | 82.1 | 10 | 10.5 | 95 |
| | ATTEMPTED KIDNAPPING | 1 | 100.0 | . | . | . | . | 1 |
| | ALL OTHER PERSON | 10 | 21.3 | 33 | 70.2 | 4 | 8.5 | 47 |
| | SUB-TOTAL | 478 | 18.7 | 1751 | 68.5 | 327 | 12.8 | 2556 |
| PROPERTY | OFFENSE | | | | | | | |
| | 1ST DEG BURGLARY | 18 | 28.6 | 41 | 65.1 | 4 | 6.3 | 63 |
| | 2ND DEG BURGLARY | 5 | 7.9 | 53 | 84.1 | 5 | 7.9 | 63 |
| | BREAKING/ENTERING | 76 | 8.0 | 813 | 85.8 | 59 | 6.2 | 948 |
| | LARCENY | 50 | 10.9 | 383 | 83.6 | 25 | 5.5 | 458 |
| | AUTOMOBILE THEFT | 5 | 9.8 | 44 | 86.3 | 2 | 3.9 | 51 |
| | 1ST DEG ARSON | . | . | 5 | 100.0 | . | . | 5 |
| | 2ND DEG ARSON | 4 | 21.1 | 13 | 68.4 | 2 | 10.5 | 19 |
| | OTHER ARSON/BURNING | 4 | 13.8 | 21 | 72.4 | 4 | 13.8 | 29 |
| | FORGERY | 4 | 4.1 | 88 | 90.7 | 5 | 5.2 | 97 |
| | FRAUD | 1 | 6.7 | 13 | 86.7 | 1 | 6.7 | 15 |
| | EMBEZZLEMENT | 4 | 12.5 | 28 | 87.5 | . | . | 32 |
| | ALL OTHER PROPERTY | 66 | 10.8 | 513 | 83.7 | 34 | 5.5 | 613 |
| | SUB-TOTAL | 237 | 9.9 | 2015 | 84.2 | 141 | 5.9 | 2393 |
| DRUGS (Non-trafficking) | OFFENSE | | | | | | | |
| | SELL/DELIVER DRUGS | 89 | 20.7 | 329 | 76.5 | 12 | 2.8 | 430 |
| | POSSESSION WITH INTENT | 71 | 9.8 | 591 | 81.3 | 65 | 8.9 | 727 |
| | DRUG POSSESSION | 36 | 12.9 | 235 | 83.9 | 9 | 3.2 | 280 |

**Appendix D, Table 2: Sentence Location by Crime Type and Offense (continued)
FY 1999/00 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 | OFFENSE | | | | | | | |
| DRUGS (CONT) | OTHER DRUG FELONIES | 34 | 12.3 | 227 | 81.9 | 16 | 5.8 | 277 |
| | SUB-TOTAL | 230 | 13.4 | 1382 | 80.6 | 102 | 6.0 | 1714 |
| OTHER FELONY | OFFENSE | | | | | | | |
| | WEAPON OFFENSE | 38 | 18.5 | 160 | 78.0 | 7 | 3.4 | 205 |
| | HABITUAL FELON | 218 | 62.8 | 119 | 34.3 | 10 | 2.9 | 347 |
| | HABITUAL MISDEMEANOR ASSAULT | 7 | 16.3 | 36 | 83.7 | . | . | 43 |
| | HABITUAL IMPAIRED DRIVING | 69 | 31.2 | 146 | 66.1 | 6 | 2.7 | 221 |
| | ALL OTHER FELONIES | 56 | 17.3 | 241 | 74.6 | 26 | 8.0 | 323 |
| | SUB-TOTAL | 388 | 34.1 | 702 | 61.6 | 49 | 4.3 | 1139 |
| TOTAL | | 1333 | 17.1 | 5850 | 75.0 | 619 | 7.9 | 7802 |

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.

COMMUNITY PUNISHMENTS

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

APPENDIX F

SPECIAL PROBATION FOR FELONIES

**Appendix F, Table 1: Special Probation by Offense Class and Location
FY 1999/00 Felonies**

| Offense Class | Prison | | Jail | | Total Special Probation Length (Days) | Total |
|---------------|--------|--------------------------------------|-------|--------------------------------------|---------------------------------------|-------|
| | No. | Mean Special Probation Length (Days) | No. | Mean Special Probation Length (Days) | | |
| E | 52 | 158.6 | 166 | 146.9 | 149.7 | 218 |
| F | 63 | 138.1 | 273 | 93.9 | 102.2 | 336 |
| G | 98 | 117.2 | 495 | 71.4 | 79.0 | 593 |
| H | 109 | 109.1 | 1,274 | 49.6 | 54.3 | 1,383 |
| I | 71 | 62.2 | 580 | 40.4 | 42.8 | 651 |
| TOTAL | 393 | 113.8 | 2,788 | 61.7 | 68.1 | 3,181 |

**Appendix F, Table 2: Special Probation by Crime Type and Location
FY 1999/00 Felonies**

| Offense Class | Prison | | Jail | | Total Special Probation Length (Days) | Total |
|------------------------|--------|--------------------------------------|-------|--------------------------------------|---------------------------------------|-------|
| | No. | Mean Special Probation Length (Days) | No. | Mean Special Probation Length (Days) | | |
| Person | 120 | 142.6 | 549 | 98.0 | 106.0 | 669 |
| Property | 114 | 82.9 | 1,050 | 52.3 | 55.3 | 1,164 |
| Non-Traff. Drug | 119 | 91.6 | 968 | 48.7 | 53.4 | 1,087 |
| Other Felony | 40 | 181.9 | 221 | 73.0 | 89.7 | 261 |
| TOTAL | 393 | 113.8 | 2,788 | 61.7 | 68.1 | 3,181 |

APPENDIX G

**COMMUNITY SERVICE AND RESTITUTION
FOR FELONIES**

**Appendix G, Table 1: Community Service by Offense Class
FY 1999/00 Felonies**

| Offense Class | Mean Number of Hours Ordered | Number of Convictions | % of Convictions |
|----------------------|-------------------------------------|------------------------------|-------------------------|
| E | 82.3 | 81 | 8.2 |
| F | 81.4 | 172 | 10.4 |
| G | 76.2 | 266 | 10.0 |
| H | 67.4 | 1,415 | 14.7 |
| I | 61.1 | 1,492 | 20.5 |
| TOTAL | 66.4 | 3,426 | 14.2 |

**Appendix G, Table 2: Community Service by Crime Type
FY 1999/00 Felonies**

| Offense Class | Mean Number of Hours Ordered | Number of Convictions | % of Convictions |
|------------------------|-------------------------------------|------------------------------|-------------------------|
| Person | 77.9 | 304 | 7.0 |
| Property | 66.5 | 1,363 | 15.8 |
| Non-Traff. Drug | 63.5 | 1,582 | 17.5 |
| Other Felony | 71.2 | 177 | 8.2 |
| TOTAL | 66.4 | 3,426 | 14.2 |

**Appendix G, Table 3: Restitution Ordered by Offense Class¹
FY 1999/00 Felonies**

| Offense Class | Mean Restitution Ordered (\$)² | Median Restitution Ordered (\$) | Number of Convictions | % of Convictions |
|----------------------|--|--|------------------------------|-------------------------|
| B1 | 579 | 579 | 2 | 1.7 |
| B2 | 5,982 | 5,730 | 19 | 7.6 |
| C | 3,089 | 847 | 49 | 7.9 |
| D | 3,663 | 809 | 92 | 12.9 |
| E | 3,981 | 1,476 | 321 | 32.6 |
| F | 3,735 | 1,083 | 282 | 17.0 |
| G | 940 | 188 | 968 | 34.8 |
| H | 3,080 | 742 | 4,104 | 42.5 |
| I | 1,043 | 275 | 2,264 | 31.1 |
| TOTAL | 2,326 | 500 | 8,101 | 33.6 |

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 1999/00 Felonies**

| Offense Class | Mean Restitution Ordered (\$) | Median Restitution Ordered (\$) | Number of Convictions | % of Convictions |
|------------------------|--------------------------------------|--|------------------------------|-------------------------|
| Person | 3,028 | 819 | 979 | 22.5 |
| Property | 3,113 | 871 | 4,667 | 54.2 |
| Non-Traff. Drug | 266 | 100 | 2,116 | 23.4 |
| Other Felony | 2,323 | 549 | 339 | 15.7 |
| TOTAL | 2,326 | 500 | 8,101 | 33.6 |

**Appendix G, Table 5: Restitution Ordered by Type of Punishment
FY 1999/00 Felonies**

| Offense Class | Mean Restitution Ordered (\$) | Median Restitution Ordered (\$) | Number of Convictions | % of Convictions |
|----------------------|--------------------------------------|--|------------------------------|-------------------------|
| Active | 3,213 | 669 | 736 | 9.4 |
| Intermediate | 1,900 | 500 | 5,041 | 47.6 |
| Community | 2,970 | 479 | 2,324 | 40.9 |
| TOTAL | 2,326 | 500 | 8,101 | 33.6 |

*****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

| | 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 | A | A | A | A | A | DISPOSITION |
| | 240-300 | 288-360 | 336-420 | 384-480 | Life Without Parole | Life Without Parole | Aggravated Range |
| | 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 | Mitigated Range |
| B2 | A | A | A | A | A | A | |
| | 157 - 196 | 189 - 237 | 220 - 276 | 251 - 313 | 282 - 353 | 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 | A | A | A | A | A | |
| | 73 - 92 | 100 - 125 | 116 - 145 | 133 - 167 | 151 - 188 | 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 | A | A | A | A | A | |
| | 64 - 80 | 77 - 95 | 103 - 129 | 117 - 146 | 133 - 167 | 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 | I/A | A | A | A | A | |
| | 25 - 31 | 29 - 36 | 34 - 42 | 46 - 58 | 53 - 66 | 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 | I/A | I/A | A | A | A | |
| | 16 - 20 | 19 - 24 | 21 - 26 | 25 - 31 | 34 - 42 | 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 | I/A | I/A | I/A | A | A | |
| | 13 - 16 | 15 - 19 | 16 - 20 | 20 - 25 | 21 - 26 | 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 | I/A | I/A | I/A | I/A | A | |
| | 6 - 8 | 8 - 10 | 10 - 12 | 11 - 14 | 15 - 19 | 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 | C/I | I | I/A | I/A | I/A | |
| | 6 - 8 | 6 - 8 | 6 - 8 | 8 - 10 | 9 - 11 | 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 | |

OFFENSE CLASS

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

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