

OFFICE OF POLICY ANALYSIS, RESEARCH & STATISTICAL SERVICES

NEW YORK STATE DIVISION of
CRIMINAL JUSTICE SERVICES

1982 VIOLENT FELONY AND
FIREARM OFFENSES IN
NEW YORK STATE
FEBRUARY 1, 1985

113057



113057

NEW YORK STATE
DIVISION OF CRIMINAL JUSTICE SERVICES
Richard J. Condon
Commissioner

OFFICE OF POLICY ANALYSIS, RESEARCH AND STATISTICAL SERVICES
Sherwood E. Zimmerman
Deputy Commissioner

1982 VIOLENT FELONY AND
FIREARM OFFENSES IN
NEW YORK STATE
February 1, 1985

NCJRS
AUG 12 1988
ACQUISITIONS

Bureau of Criminal Justice Statistical Services
Richard A. Rosen
Chief

113057

Prepared By: Larry Signer
Mary Dumin
Jacqueline Lake
Kerry Mahon

U.S. Department of Justice
National Institute of Justice

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this copyrighted material in microfiche only has been granted by

New York State Division of
Criminal Justice Services

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the copyright owner.

ACKNOWLEDGEMENT

Special acknowledgement is offered to Joan Burgess, Debbie Govel, and Celia Sorrell for typing this report. Also special thanks to Carl Risch and his staff for their special assistance.

PREFACE

This report, describing the processing of violent felony and firearm offenses in 1982 in New York State, is the eighth such report issued by the Division of Criminal Justice Services pursuant to Section 837-a of the Executive Law. It is the first prepared under the auspices of the Office of Policy Analysis, Research and Statistical Services.

The format of the report has been revised to provide a concise overview of violent felony processing in New York State. Material included in previous violent felony reports but not included in this revision can be obtained upon request. For example, data on "juvenile offenders", formerly contained in the violent felony report, are now published separately. Additionally, other specialized information may be available upon request.

The Division wishes to thank the District Attorneys of New York State and the many other individuals who participated in the preparation of the report.

TABLE OF CONTENTS

	<u>Page</u>
PREFACE.....	i
LIST OF TABLES.....	iii
LIST OF FIGURES.....	vii
INTRODUCTION TO VIOLENT FELONY SECTION.....	1
HIGHLIGHTS AND DATA.....	5
Arrests.....	7
Indictments.....	12
Dispositions of Violent Felony Indictment.....	17
Sentences to Violent Felony Indictments.....	29
Processing Times.....	41
INTRODUCTION TO FIREARM/ARMED FELONY SECTION.....	47
HIGHLIGHTS AND DATA.....	49
Firearm/Armed Felony Arrests.....	51
Firearm/Armed Felony Indictments.....	53
Firearm/Armed Felony Dispositions.....	57
Firearm/Armed Felony Sentences.....	79
Firearm/Armed Felony Processing Times.....	87
MITIGATING CIRCUMSTANCES.....	95
APPENDIX A: Definitions and Technical Specifications.....	99
APPENDIX B: Data Collection Forms.....	105
APPENDIX C: Basic Provisions of the Violent Felony Law.....	111

TABLES

<u>Table #</u>	<u>Description</u>	<u>Page</u>
1.	Violent Felony Arrests by County.....	9
1A.	Violent Felony Arrests - Offense Type by Region.....	10
2.	Violent Felony Arrests - Age of Arrestee by Region.....	11
3.	Violent Felony Indictments by County.....	13
3A.	Violent Felony Indictments vs. All Indictments by Region.....	14
4.	Violent Felony Indictments Offense Type by Region.....	15
5.	1982 Dispositions of Violent Felony Indictments - New York State.....	19
6.	1982 Dispositions of Violent Felony Indictments - New York City.....	20
7.	1982 Dispositions of Violent Felony Indictments - Suburban New York City.....	21
8.	1982 Dispositions of Violent Felony Indictments - Upstate.....	22
9.	1982 Conviction Rate on Violent Felony Indictments.....	23
10.	Violent Felony Indicted Offenses vs. Convicted Offenses - New York State.....	24
11.	Violent Felony Indicted Offenses vs. Convicted Offenses - New York City.....	25
12.	Violent Felony Indicted Offenses vs. Convicted Offenses - Suburban New York City.....	26
13.	Violent Felony Indicted Offenses vs. Convicted Offenses - Upstate.....	27
14.	1982 Sentences by Conviction Charge for Violent Felony Indictments - New York State.....	31
15.	1982 Sentences by Conviction Charge for Violent Felony Indictments - New York City.....	32
16.	1982 Sentences by Conviction Charge for Violent Felony Indictments - Suburban New York City.....	33
17.	1982 Sentences by Conviction Charge for Violent Felony Indictments - Upstate.....	34

TABLES

<u>Table #</u>	<u>Description</u>	<u>Page</u>
18.	1982 Convictions of Violent Felony Indictments Persistent, Predicate and Youthful Offenders.....	35
19.	1982 Felony Firearm/Armed Felony Arrests by Firearm Charge - New York State.....	52
20.	1982 Felony Firearm/Armed Felony Arrests - Top Charge/ Secondary Charge - New York State.....	52
21.	1982 Firearm/Armed Felony Indictments as Percent of Total Indictments - New York State.....	54
22.	1982 Firearm/Armed Felony Indictments as Percent of Violent Felony Indictments - New York State.....	54
23.	1982 Firearm/Armed Felony Indictments - New York State.....	55
24.	1982 Top Charge Firearm/Armed Felony Indictments - New York State.....	55
25.	Secondary Charge Firearm/Armed Felony Indictments by Indictment Top Charge.....	56
26.	1982 Dispositions of Firearm/Armed Felony Indictments by Type - New York State.....	59
27.	1982 Total Firearm/Armed Felony Dispositions - New York State.	59
28.	1982 Dispositions on Top Charge Firearm/Armed Felony Indictments - New York State.....	60
29.	1982 Dispositions on Secondary Charge Firearm/Armed Felony Indictments - New York State.....	61
30.	1982 Dispositions on Top Charge Firearm/Armed Felony Indictments - New York City.....	62
31.	1982 Dispositions on Secondary Charge Firearm/Armed Felony Indictments - New York City.....	63
32.	1982 Dispositions on Top Charge Firearm/Armed Felony Indictments - Suburban New York City.....	64
33.	1982 Dispositions on Secondary Charge Firearm/Armed Felony Indictments - Suburban New York City.....	65
34.	1982 Dispositions on Top Charge Firearm/Armed Felony Indictments - Upstate.....	66

TABLES

<u>Table #</u>	<u>Description</u>	<u>Page</u>
35.	1982 Dispositions on Secondary Charge Firearm/Armed Felony Indictments - Upstate.....	67
36.	1982 Conviction Rate on All Firearm/Armed Felony Indictments..	68
37.	1982 Convictions on Top Charge Firearm/Armed Felony Indictments.....	69
38.	1982 Convictions on Secondary Charge Firearm/Armed Felony Indictments.....	69
39.	Top Charge Firearm/Armed Felony Indicted Offenses vs. Convicted Offenses - New York State.....	70
40.	Secondary Charge Firearm/Armed Felony Indicted Offenses vs. Convicted Offenses - New York State.....	71
41.	Top Charge Firearm/Armed Felony Indicted Offenses vs. Convicted Offenses - New York City.....	72
42.	Secondary Charge Firearm/Armed Felony Indicted Offenses vs. Convicted Offenses - New York City.....	73
43.	Top Charge Firearm/Armed Felony Indicted Offenses vs. Convicted Offenses - Suburban New York City.....	74
44.	Secondary Charge Firearm/Armed Felony Indicted Offenses vs. Convicted Offenses - Suburban New York City.....	75
45.	Top Charge Firearm/Armed Felony Indicted Offenses vs. Convicted Offenses - Upstate.....	76
46.	Secondary Charge Firearm/Armed Felony Indicted Offenses vs. Convicted Offenses - Upstate.....	77
47.	Percent of Persistent/Predicate and Youthful Offenders Top Charge Firearm/Armed Felony Indictments.....	80
48.	Percent of Persistent/Predicate and Youthful Offenders Secondary Charge Firearm/Armed Felony Indictments.....	80
49.	Percent of Persistent/Predicate and Youthful Offenders All Firearm/Armed Felony Indictments.....	80
50.	Sentences on Convictions to Top/Secondary Firearm/Armed Felony Indictments - New York State.....	81
51.	Sentences by Firearm/Armed Felony Conviction Charge - New York State.....	82

TABLES

<u>Table #</u>	<u>Description</u>	<u>Page</u>
52.	Sentences by Firearm/Armed Felony Conviction Charge - New York City.....	83
53.	Sentences by Firearm/Armed Felony Conviction Charge - Suburban New York City.....	84
54.	Sentences by Firearm/Armed Felony Conviction Charge - Upstate.	85
55.	Top Charge Firearm/Armed Felony Defendant Processing Time - Indictment to Disposition (Median Days).....	88
56.	Secondary Charge Firearm/Armed Felony Defendant Processing Time - Indictment to Disposition (Median Days).....	89
57.	Mitigating Circumstances - Statewide 70.02 PL (Armed Felony Offenders).....	97
58.	Mitigating Circumstances - Statewide 720.10 CPL (Youthful Offenders).....	98

FIGURES

<u>Table #</u>	<u>Description</u>	<u>Page</u>
1.	Median Minimum and Maximum Sentence Terms - by Conviction Charge - New York State.....	36
2.	Median Minimum and Maximum Sentence Terms - by Conviction Charge - New York City.....	37
3.	Median Minimum and Maximum Sentence Terms - by Conviction Charge - Suburban New York City.....	38
4.	Median Minimum and Maximum Sentence Terms - by Conviction Charge - Upstate.....	39
5.	Violent Felony Defendant Processing Time - Indictment to Disposition (Median Days) - New York State.....	42
6.	Violent Felony Defendant Processing Time - Indictment to Disposition (Median Days) - New York City.....	43
7.	Violent Felony Defendant Processing Time - Indictment to Disposition (Median Days) - Suburban New York City.....	44
8.	Violent Felony Defendant Processing Time - Indictment to Disposition (Median Days) - Upstate.....	45
9.	Firearm/Armed Felony Defendant Processing Time - Indictment to Disposition (Median Days) - New York State.....	90
10.	Firearm/Armed Felony Defendant Processing Time - Indictment to Disposition (Median Days) - New York City.....	91
11.	Firearm/Armed Felony Defendant Processing Time - Indictment to Disposition (Median Days) - Suburban New York City.....	92
12.	Firearm/Armed Felony Defendant Processing Time - Indictment to Disposition (Median Days) - Upstate.....	93

INTRODUCTION TO VIOLENT FELONY SECTION

On September 1, 1978, Chapter 481 of the 1978 Laws of New York State became effective and brought about substantial revisions to the Penal Law, Criminal Procedure Law, Executive Law and Family Court Act.

Chapter 481 created Penal Law Section 70.02 which designated specific Class B, Class C, and Class D felonies as violent felony offenses. Subsequent amendments to PL §70.02 (1980) designated additional offenses and attempted offenses as violent felonies (see Appendix C for complete listing).

The new Section 70.02 also specified the sentences to be imposed on convictions to violent felonies. Essentially, its provisions increased the minimum mandatory indeterminate state prison sentence for convictions to many (but not all) of the crimes designated as violent felonies. Additionally, Penal Law sections were created in Article 70 governing identification and sentencing procedures for defendants previously convicted of one violent felony offense ("second violent felony offenders," PL §70.04), and defendants previously convicted of two or more violent felony offenses ("persistent violent felony offenders," PL §70.08). Sentence options for first, second and persistent violent felony offenders appear in Appendix C.

Chapter 481 also created an armed felony category (CPL §1.20 subd. 41). Basically, an "armed felony" is any violent felony that includes as a statutory element either: (a) possession, being armed with or causing serious injury by means of a loaded deadly weapon; or (b) displaying what appears to be a firearm. Special sentencing procedures were created for pleas to a Class D violent felony entered in satisfaction of an armed felony indictment charge.

The revisions to the Criminal Procedure Law contained in Chapter 481 placed plea restrictions on indictments charging a Class A felony (other than a Class A drug felony) or a Class B or Class C violent felony, requiring that such a plea be at least to a violent felony offense (CPL §220.10). The same restrictions are applied in instances where a plea to one indictment also constituted the disposition of another indictment charging designated violent felony offenses (CPL §220.30). Restrictions on pre-indictment charge reductions for violent felony complaints were also imposed (CPL §180.50, §180.70). Additional detail on the plea restrictions is contained in Appendix C.

Of the subsequent amendments to the original violent felony statutes, the most significant were the firearm laws which became effective August 12, 1980 (Chapter 233 of the Laws of 1980). Besides creating new violent felony offenses, such as Criminal Use of a Firearm, it designated Criminal Possession of a Weapon 3° (the illegal possession of a loaded firearm outside the home or place of business) and its attempt as an armed violent felony subject to plea restrictions and enhanced sentencing. Additionally, Chapter 233 further restricted plea bargaining and enhanced sentencing options for Class B armed felony convictions.

Currently, convictions for illegal firearm possession must result in an indeterminate state prison term or a definite local jail sentence of one year unless specified criteria are met. Discretionary provisions in the law permit the court to impose alternative sentences for youthful offender adjudications and armed felony convictions if the court determines that mitigating circumstances exist. Alternative sentences for firearm possession convictions are permitted where it is determined that the mandated sentence would be unduly harsh.

Because of the special interest in firearm offenses, detailed data on these offenses are presented in the second section of the report. It should be kept in mind that these firearm offenses are essentially a subset of the violent felony offenses discussed in this section. A third section of the report provides material on mitigated sentences imposed under the discretionary provisions of the law.

The first section of the report presents data on violent felony offenses at critical stages in the criminal justice process: arrest, indictment, disposition, conviction and sentencing. Data on processing times for indicted cases are also presented. Although not designated as violent felonies, the Class A-1 felonies of Murder 1° and 2°, Kidnapping 1° and Arson 1° are included in this analysis because these offenses are governed by similar processing and sentencing provisions.

The unit of count for arrests is the arrest event, which consists of all charges placed against the offender for any given arrest. The unit of count for indictments, superior court information and dispositions is the defendant-indictment. All data are presented by the most serious violent felony charge reported in the arrest event and defendant-indictment. Appendix A contains a detailed explanation of the method used to determine the unit of count as well as the hierarchical classification of felonies.

The violent felony data are summarized by Penal Law Article and do not represent all the arrests or indictments under any given article. Term of imprisonment data are presented for specific crimes.

The exhibits in this report provide aggregate processing statistics for three major geographic areas of the State: New York City, Suburban New York City, and Upstate. Activities of the Special Nursing Home Prosecutor and the Organized Crime Task Force are included in Statewide totals but not in regional breakdowns. The New York City data include actions reported by the Special Narcotics Prosecutor and the Special Prosecutor for the New York City Criminal Justice system. The Suburban New York City area consists of Nassau, Suffolk, Rockland and Westchester counties. The Upstate area consists of all remaining counties outside of New York City and the Suburban New York City area. County specific arrest and indictment data are also provided.

HIGHLIGHTS AND DATA

Arrests

Highlights

- * In New York State, 59,379 violent felony arrests were reported in 1982, a 14.1% increase from 1981 (52,061).
- * The 59,379 violent felony arrests represented 41.6% of all felony arrests for 1982 (142,904).
- * New York City reported 73.8% (43,850) of the statewide violent felony arrests; 16.1% (9,570) were reported from the Upstate counties and 10.0% (5,959) from the Suburban New York City counties.
- * In New York City, violent felony robbery was the most common arrest offense, accounting for 34.4% of all violent felony arrests. Violent felony burglary was the most common arrest offense elsewhere in the State (34.3% of violent felony arrests in the Upstate region and 32.9% in the Suburban region).
- * Persons between the ages of 16 and 30 (inclusive) accounted for 77.9% of the violent felony arrests, with about equal numbers in the 16-20 and 21-30 age groups. The median age was 23.9 years.

The redefinition of certain burglary offenses under chapter 361 of the 1981 New York State Laws, effective September 1, 1981, contributed to a 50.3% increase in violent felony burglary arrests for 1982. These amendments removed the night element from the definitions of first degree burglary (PL 140.30) and second degree burglary (PL 140.25 subd. 2).

Prior to the redefinition of Burglary 2°, the simple daytime burglary of a dwelling (no injury, no weapon, etc.) constituted burglary in the third degree (PL 140.20), a non-violent felony. Under the revised definition, a simple burglary of a dwelling is now second degree burglary (PL 140.25, subd. 2 - a Class C violent felony) regardless of the time of day. The increase in the number of violent felony burglaries is a direct consequence of this change, since offenses which formerly would have resulted in the non-violent felony charge of third degree burglary, now result in the violent felony charge of second degree burglary.

Additionally, under the new definitions, all of the more serious burglaries of a dwelling (those involving injury, weapons, etc.) are now classified as first degree burglaries (a Class B violent felony), regardless of the time of day. Previously, those occurring during the daytime would have resulted in a charge of second degree burglary (a Class C violent felony). See Appendix C for a complete listing of violent felony offenses.

TABLE 1
Violent Felony Arrests
By County
1982

County	Total	% of Total	Rank	County	Total	% of Total	Rank
Albany	632	1.1	12	Oneida	216	.4	19
Allegany	18	*	51	Onondaga	1,024	1.7	10
Broome	225	.4	18	Ontario	66	.1	36
Bronx	8,791	14.8	3	Orange	484	.8	13
Cattaraugus	57	.1	38	Orleans	51	.1	40
Cayuga	46	.1	42	Oswego	88	.1	30
Chautaugua	100	.2	29	Ostego	32	.1	46
Chemung	127	.2	24	Putnam	87	.1	31
Chenango	46	.1	42	Queens	6,161	10.4	4
Clinton	106	.2	27	Rensselaer	212	.4	20
Columbia	113	.2	25	Richmond	998	1.7	11
Cortland	75	.1	33	Rockland	260	.4	16
Delaware	33	.1	45	St. Lawrence	108	.2	26
Dutchess	411	.7	14	Saratoga	151	.3	22
Erie	2,064	3.5	6	Schenectady	150	.3	23
Essex	74	.1	34	Schoharie	23	*	49
Franklin	32	.1	46	Schuyler	18	*	51
Fulton	51	.1	40	Seneca	27	*	48
Genesee	54	.1	39	Steuben	64	.1	37
Greene	51	.1	40	Suffolk	2,149	3.6	5
Hamilton	5	*	53	Sullivan	205	.3	21
Herkimer	45	.1	43	Tioga	35	.1	44
Jefferson	106	.2	27	Tompkins	79	.1	32
Kings	14,473	24.4	1	Ulster	224	.4	17
Lewis	15	*	52	Warren	79	.1	32
Livingston	49	.1	41	Washington	70	.1	35
Madison	75	.1	33	Wayne	103	.2	28
Monroe	1,149	1.9	9	Westchester	1,579	2.7	8
Montgomery	30	.1	47	Wyoming	20	*	50
Nassau	1,773	3.0	7	Yates	18	*	51
New York	13,427	22.6	2	Special Narcotics			
Niagara	345	.6	15	Special Pros.			
				Total	59,379	100.0%	

*less than .1%

Percents may not total to 100.0% due to rounding.

TABLE 1A
Violent Felony Arrests
Offense Type by Region
1982

Penal Law Article	REGION			
	Statewide	N.Y.C.	Suburban	Upstate
Robbery (PL160)	17,872 (100.0%) (30.1%)	15,092 (84.4%) (34.4%)	1,304 (7.3%) (21.9%)	1,476 (8.3%) (15.4%)
Sex Off. (PL130)	2,915 (100.0%) (4.9%)	1,724 (59.1%) (3.9%)	327 (11.2%) (5.5%)	864 (29.6%) (9.0%)
Burglary (PL140)	11,306 (100.0%) (19.0%)	6,065 (53.6%) (13.8%)	1,958 (17.3%) (32.9%)	3,283 (29.0%) (34.3%)
Assault (PL120)	16,485 (100.0%) (27.8%)	11,910 (72.2%) (27.2%)	1,738 (10.5%) (29.2%)	2,837 (17.2%) (29.6%)
Homicide (PL125)	2,764 (100.0%) (4.7%)	2,368 (85.7%) (5.4%)	186 (6.7%) (3.1%)	210 (7.6%) (2.2%)
Weapons (PL265)	7,067 (100.0%) (11.9%)	6,030 (85.3%) (13.8%)	345 (4.9%) (5.8%)	692 (9.8%) (7.2%)
Other	970 (100.0%) (1.6%)	661 (68.1%) (1.5%)	101 (10.4%) (1.7%)	208 (21.4%) (2.2%)
Total VFO's	59,379 (100.0%) (100.0%)	43,850 (73.8%) (100.0%)	5,959 (10.0%) (100.0%)	9,570 (16.1%) (100.0%)

Percentages may not add to 100.0% due to rounding.

TABLE 2
Violent Felony Arrests
Age of Arrestee by Region¹
1982

Age Group	REGION			
	Statewide	N.Y.C	Suburban	Upstate
16-20	20,863 (100.0%) (38.7%)	14,601 (70.0%) (37.2%)	2,529 (12.1%) (44.6%)	3,733 (17.9%) (41.6%)
21-30	21,140 (100.0%) (39.2%)	15,559 (73.6%) (39.7%)	2,060 (9.7%) (36.3%)	3,521 (16.7%) (39.2%)
31-40	8,023 (100.0%) (14.9%)	6,196 (77.2%) (15.8%)	690 (8.6%) (12.2%)	1,137 (14.2%) (12.7%)
41-50	2,586 (100.0%) (4.8%)	1,921 (74.3%) (4.9%)	270 (10.4%) (4.8%)	395 (15.3%) (4.4%)
51 +	1,258 (100.0%) (2.4%)	938 (74.6%) (2.4%)	123 (9.8%) (2.2%)	197 (15.7%) (2.2%)
Total	53,870 (100.0%) (100.0%)	39,215 (72.8%) (100.0%)	5,672 (10.5%) (100.0%)	8,983 (16.7%) (100.0%)
Median Age	23.9	24.2	22.5	23.2

¹ The table is restricted to those crimes originally designated violent felonies and excludes those offenses added by the 1980 Firearm Statutes (see introduction) because the verified firearm offense data file did not include date of birth.

Percentages may not add to 100.0% due to rounding.

Indictments

Highlights

- * Statewide, 23,842 violent felony indictments were reported in 1982, a 22% increase from 1981 (19,529).
- * Violent felony indictments accounted for 51.2% of all indictments (46,574) filed in New York State in 1982. This reflects the fact that a significant majority (63%) of all indictments in New York City were for violent felonies, whereas, only 40.5% of indictments in the Suburban region and 29.1% in the Upstate region contained a violent felony charge.
- * More than 74% of all violent felony indictments occurred in New York City.
- * Robbery, burglary and weapon offenses accounted for 76.9% of all violent felony indictments.
- * In New York City, violent felony robbery was the most common indictment offense, accounting for 44.1% of all violent felony indictments. Violent felony burglary was the most common indictment offense elsewhere in the State (40.8% of violent felony indictments in the Suburban region and 34.8% in the Upstate region).
- * The statewide violent felony indictment rate was 40.2%¹
- * Homicide, weapons and robbery offenses had the highest violent felony indictment rates: 80.6%, 64.7% and 51.7% respectively. Assault had the lowest rate in the State (10.6%)¹.

Nineteen-eighty-two was the first year in which violent felony indictments exceeded the number of non-violent felony indictments on a statewide basis (See Table 3).

Due to the previously noted change in the Penal Law, much of the increase in violent felony indictments was due to the rise in burglary indictments. Burglary indictments increased by 100% in 1982 from 1981 (rising from 2,256 in 1981 to 4,515 in 1982).

¹The violent felony indictment rates presented in this report are established by comparing violent felony arrests (Table 1) to violent felony indictments (Table 4) within the time period. They do not represent indictments of the arrest cases shown in the previous section.

TABLE 3
Violent Felony Indictments
By County
1982

County	Total	% of Total	Rank	County	Total	% of Total	Rank
Albany	157	.7	13	Oneida	174	.7	12
Allegany	2	*	49	Onondaga	303	1.3	10
Broome	134	.6	14	Ontario	46	.2	25
Bronx	3,923	16.5	3	Orange	117	.5	15
Cattaraugus	18	.1	39	Orleans	54	.2	22
Cayuga	16	.1	41	Oswego	33	.1	31
Chautauqua	57	.2	21	Ostego	19	.1	38
Chemung	117	.5	15	Putnam	9	*	45
Chenango	19	.1	38	Queens	2,953	12.4	4
Clinton	39	.2	29	Rensselaer	33	.1	31
Columbia	31	.1	32	Richmond	291	1.2	11
Cortland	16	.1	41	Rockland	98	.4	16
Delaware	13	.1	43	St. Lawrence	45	.2	26
Dutchess	74	.3	18	Saratoga	47	.2	24
Erie	651	2.7	8	Schenectady	68	.3	19
Essex	29	.1	34	Schoharie	6	*	47
Franklin	16	.1	41	Schuyler	4	*	48
Fulton	17	.1	40	Seneca	1	*	50
Genesee	23	.1	37	Steuben	27	.1	35
Greene	24	.1	35	Suffolk	1,212	5.1	5
Hamilton	1	*	50	Sullivan	30	.1	33
Herkimer	13	.1	43	Tioga	23	.1	37
Jefferson	60	.3	20	Tompkins	42	.2	28
Kings	5,118	21.5	2	Ulster	49	.2	23
Lewis	6	*	47	Warren	11	*	44
Livingston	44	.2	27	Washington	17	.1	40
Madison	13	.1	43	Wayne	38	.2	30
Monroe	332	1.4	9	Westchester	681	2.9	7
Montgomery	14	.1	42	Wyoming	8	*	46
Nassau	953	4.0	6	Yates	9	*	45
New York	5,295	22.2	1	Special Narcotics	82	.3	
Niagara	84	.4	17	Special Pros.	3	*	
				Total	23,842	100.0%	

*less than .1%

Special Prosecutors are excluded from ranking.

Percents may not total to 100.0% due to rounding.

TABLE 3A
Violent Felony Indictments vs. All Indictments
By Region
1982

Indictments	REGION			
	Statewide	N.Y.C.	Suburban	Upstate
VFO Indictments	23,842 ¹ (100.0%) (51.2%)	17,663 (74.1%) (63.0%)	2,944 (12.3%) (40.5%)	3,233 (13.6%) (29.1%)
Non-VFO Indictments	22,732 ² (100.0%) (48.8%)	10,391 (46.0%) (37.0%)	4,317 (19.1%) (59.5%)	7,891 (34.9%) (70.9%)
TOTAL	46,574 ³ (100.0%) (100.0%)	28,054 (60.4%) 100.0%	7,261 (15.6%) (100.0%)	11,124 (24.0%) (100.0%)

¹Includes 2 indictments from special statewide prosecutors not counted in regional subtotals. Regional percentages are based on 23,840 violent felony indictments.

²Includes 133 indictments from special statewide prosecutors not counted in regional subtotals. Regional percentages are based on 22,599 non-violent felony indictments.

³Regional percentages are based on 46,439 indictments.

Percentages may not add to 100.0% due to rounding.

TABLE 4
Violent Felony Indictments
Offense Type By Region
1982

Penal Law Article	REGION			
	Statewide	N.Y.C.	Suburban	Upstate
Robbery (PL160)	9,248 (100.0%) (38.8%)	7,794 (84.3%) (44.1%)	799 (8.6%) (27.1%)	655 (7.1%) (20.3%)
Sex Off. (PL130)	1,176 ¹ (100.0%) (4.9%)	606 (51.5%) (3.4%)	172 (14.6%) (5.8%)	397 (33.8%) (12.3%)
Burglary (PL140)	4,515 (100.0%) (18.9%)	2,190 (48.5%) (12.4%)	1,200 (26.6%) (40.8%)	1,125 (24.9%) (34.8%)
Assault (PL120)	1,740 ¹ (100.0%) (7.3%)	839 (48.2%) (4.8%)	309 (17.8%) (10.5%)	591 (34.0%) (18.3%)
Homicide (PL125)	2,228 (100.0%) (9.3%)	1,809 (81.2%) (10.2%)	186 (8.3%) (6.3%)	233 (10.5%) (7.2%)
Weapons (PL265)	4,573 (100.0%) (19.2%)	4,194 (91.7%) (23.7%)	230 (5.0%) (7.8%)	149 (3.3%) (4.6%)
Other	362 (100.0%) (1.5%)	231 (63.8%) (1.3%)	48 (13.3%) (1.6%)	83 (22.9%) (2.6%)
Total VFO's	23,842 (100.0%) (100.0%)	17,663 (74.1%) (100.0%)	2,944 (12.3%) (100.0%)	3,233 (13.6%) (100.0%)

¹Includes indictment from special statewide prosecutors not counted in regional subtotals. Regional percentages are based on statewide totals excluding this special indictment.

Percentages may not add to 100.0% due to rounding.

Dispositions of Violent Felony Indictments

Highlights

- * Statewide, 18,240 dispositions of violent felony indictments were reported, a 12.8% increase over 1981¹.
- * New York City accounted for 72.6% of these dispositions statewide.
- * Dispositions of robbery, weapon and burglary violent felony indictments accounted for 75.9% of all dispositions in New York State.
- * Statewide, 70.3% of all dispositions of violent felony indictments were by plea. Trial verdicts (convictions and acquittals) accounted for 15.5% of the dispositions.
- * On a regional basis, Upstate reported the highest proportion of trial verdicts (17.8%) and Suburban New York City had the highest proportion of pleas (79.7%).
- * The statewide conviction rate on violent felony indictments was 81.9% during 1982.
- * Statewide, 43.0% of these convictions were to the most serious violent felony indictment charge and a total of 89.7% of the convictions were to some violent felony offense. Thus 73.5% of violent felony indictments disposed of in 1982 (18,240) resulted in a violent felony offense conviction (13,399).
- * Suburban New York City reported the highest overall conviction rate (88.2%) among the regions.
- * Among the offenses, burglary indictments most frequently resulted in guilty pleas (82.8%) and homicide indictments were most frequently disposed of by trial (43.2%).
- * Among the offenses, burglary indictments had the highest conviction rate (88.6%).

The increase in violent felony dispositions is the result of two factors:

1. the substantial increase in the number of dispositions on class D weapon offenses (CPW3°). The August 12, 1980 firearm amendments made CPW 3° a violent felony offense and many of these cases reached the disposition phase of the court process in 1982;
2. the near doubling of violent felony burglary dispositions due to changes in the Penal Law (see Chapter 1 - Violent Felony Arrests).

¹Unless otherwise specified, dispositions of violent felony indictments need not have been for a violent felony offense.

The Criminal Procedure Law imposes plea restrictions on indictments charging a violent felony offense. The specific restrictions appear in Appendix C.

The 1982 disposition statistics reflect all final dispositions to violent felony indictments occurring in 1982 regardless of the year of indictment (i.e., a 1981 indictment disposed of in 1982 is included). Many 1982 violent felony indictments are still awaiting final disposition and these will be reflected in subsequent reporting periods.

TABLE 5
1982 Dispositions of Violent Felony Indictments - New York State¹

Indictment Charge	Totals	Dispositions by Type				
		Convicted		Dismissed	Acquitted	Other
		Plea	Trial			
Robbery (PL160)	7,384 (100.0%) (40.5%)	5,438 (73.6%) (42.4%)	778 (10.5%) (36.6%)	532 (7.2%) (34.4%)	227 (3.1%) (31.6%)	409 (5.5%) (39.7%)
Sex Off. (PL130)	955 (100.0%) (5.2%)	555 (58.1%) (4.3%)	149 (15.6%) (7.0%)	125 (13.1%) (8.1%)	82 (8.6%) (11.4%)	44 (4.6%) (4.3%)
Burglary (PL140)	3,064 (100.0%) (16.8%)	2,537 (82.8%) (19.8%)	178 (5.8%) (8.4%)	136 (4.4%) (8.8%)	64 (2.1%) (8.9%)	149 (4.9%) (14.5%)
Assault (PL120)	1,308 (100.0%) (7.2%)	863 (66.0%) (6.7%)	163 (12.5%) (7.7%)	115 (8.8%) (7.4%)	88 (6.7%) (12.2%)	79 (6.0%) (7.7%)
Homicide (PL125)	1,838 (100.0%) (10.1%)	773 (42.1%) (6.0%)	645 (35.1%) (30.3%)	135 (7.3%) (8.7%)	149 (8.1%) (20.7%)	136 (7.4%) (13.2%)
Weapons (PL265)	3,398 (100.0%) (18.6%)	2,489 (73.2%) (19.4%)	170 (5.0%) (8.0%)	462 (13.6%) (29.9%)	92 (2.7%) (12.8%)	185 (5.4%) (18.0%)
Other	293 (100.0%) (1.6%)	169 (57.7%) (1.3%)	40 (13.7%) (1.9%)	40 (13.7%) (2.6%)	17 (5.8%) (2.4%)	27 (9.2%) (2.6%)
Total VFO's	18,240 (100.0%) (100.0%)	12,824 (70.3%) (100.0%)	2,123 (11.6%) (100.0%)	1,545 (8.5%) (100.0%)	719 (3.9%) (100.0%)	1,029 (5.6%) (100.0%)

¹The data reflects only those violent felony indictments disposed of in 1982. Note that the convicted charge may differ from the indicted charge.

Percent may not total to 100.0% due to rounding.

TABLE 6
1982 Dispositions of Violent Felony Indictments - New York City¹

Indictment Charge	Dispositions by Type					
	Totals	Convicted		Dismissed	Acquitted	Other
		Plea	Trial			
Robbery (PL160)	6,098 (100.0%) (46.1%)	4,446 (72.9%) (49.0%)	647 (10.6%) (41.1%)	451 (7.4%) (37.0%)	196 (3.2%) (35.8%)	358 (5.9%) (43.1%)
Sex Off. (PL130)	436 (100.0%) (3.3%)	237 (54.4%) (2.6%)	65 (14.9%) (4.1%)	62 (14.2%) (5.1%)	42 (9.6%) (7.7%)	30 (6.9%) (3.6%)
Burglary (PL140)	1,288 (100.0%) (9.7%)	1,054 (81.8%) (11.6%)	76 (5.9%) (4.8%)	58 (4.5%) (4.8%)	29 (2.3%) (5.3%)	71 (5.5%) (8.6%)
Assault (PL120)	551 (100.0%) (4.2%)	331 (60.1%) (3.7%)	67 (12.2%) (4.3%)	56 (10.2%) (4.6%)	44 (8.0%) (8.0%)	53 (9.6%) (6.4%)
Homicide (PL125)	1,559 (100.0%) (11.8%)	646 (41.4%) (7.1%)	536 (34.4%) (34.1%)	119 (7.6%) (9.8%)	137 (8.8%) (25.0%)	121 (7.8%) (14.6%)
Weapons (PL265)	3,106 (100.0%) (23.5%)	2,249 (72.4%) (24.8%)	150 (4.8%) (9.5%)	441 (14.2%) (36.2%)	90 (2.9%) (16.5%)	176 (5.7%) (21.2%)
Other	199 (100.0%) (1.5%)	105 (52.8%) (1.2%)	33 (16.6%) (2.1%)	31 (15.6%) (2.5%)	9 (4.5%) (1.6%)	21 (10.6%) (2.5%)
Total VFO's	13,237 (100.0%) (100.0%)	9,068 (68.5%) (100.0%)	1,574 (11.9%) (100.0%)	1,218 (9.2%) (100.0%)	547 (4.1%) (100.0%)	830 (6.3%) (100.0%)

-29-

¹The data reflects only those violent felony indictments disposed of in 1982. Note that the convicted charge may differ from the indicted charge.

Percent may not total to 100.0% due to rounding.

TABLE 7
1982 Dispositions of Violent Felony Indictments - Suburban New York City¹

Indictment Charge	Totals	Dispositions by Type				
		Convicted		Dismissed	Acquitted	Other
		Plea	Trial			
Robbery (PL160)	750 (100.0%) (30.2%)	611 (81.5%) (30.9%)	58 (7.7%) (27.6%)	47 (6.3%) (32.2%)	14 (1.9%) (23.0%)	20 (2.7%) (23.0%)
Sex Off. (PL130)	168 (100.0%) (6.8%)	95 (56.5%) (4.8%)	33 (19.6%) (15.7%)	23 (13.7%) (15.8%)	11 (6.5%) (18.0%)	6 (3.6%) (6.9%)
Burglary (PL140)	919 (100.0%) (37.0%)	804 (87.5%) (40.6%)	33 (3.6%) (15.7%)	33 (3.6%) (22.6%)	15 (1.6%) (24.6%)	34 (3.7%) (39.1%)
Assault (PL120)	300 (100.0%) (12.1%)	226 (75.3%) (11.4%)	25 (8.3%) (11.9%)	26 (8.7%) (17.8%)	14 (4.7%) (23.0%)	9 (3.0%) (10.3%)
Homicide (PL125)	134 (100.0%) (5.4%)	61 (45.5%) (3.1%)	45 (33.6%) (21.4%)	8 (6.0%) (5.5%)	7 (5.2%) (11.5%)	13 (9.7%) (14.9%)
Weapons (PL265)	178 (100.0%) (7.2%)	157 (88.2%) (7.9%)	11 (6.2%) (5.2%)	6 (3.4%) (4.1%)	0 (0.0%) (0.0%)	4 (2.2%) (4.6%)
Other	33 (100.0%) (1.3%)	24 (72.7%) (1.2%)	5 (15.2%) (2.4%)	3 (9.1%) (2.1%)	0 (0.0%) (0.0%)	1 (3.0%) (1.1%)
Total VFO's	2,482 (100.0%) (100.0%)	1,978 (79.7%) (100.0%)	210 (8.5%) (100.0%)	146 (5.9%) (100.0%)	61 (2.5%) (100.0%)	87 (3.5%) (100.0%)

¹The data reflects only those violent felony indictments disposed of in 1982. Note that the convicted charge may differ from the indicted charge.

Percent may not total to 100.0% due to rounding.

TABLE 8
1982 Dispositions of Violent Felony Indictments - Upstate¹

Indictment Charge	Totals	Disposition by Type				
		Convicted		Dismissed	Acquitted	Other
		Plea	Trial			
Robbery (PL160)	536 (100.0%) (21.3%)	381 (71.1%) (21.4%)	73 (13.6%) (21.7%)	34 (6.3%) (18.8%)	17 (3.2%) (15.3%)	31 (5.8%) (27.7%)
Sex Off. (PL130)	351 (100.0%) (13.9%)	223 (63.5%) (12.5%)	51 (14.5%) (15.1%)	40 (11.4%) (22.1%)	29 (8.3%) (26.1%)	8 (2.3%) (7.1%)
Burglary (PL140)	857 (100.0%) (34.0%)	679 (79.2%) (38.2%)	69 (8.1%) (20.5%)	45 (5.3%) (24.9%)	20 (2.3%) (18.0%)	44 (5.1%) (39.3%)
Assault (PL120)	457 (100.0%) (18.1%)	306 (67.0%) (17.2%)	71 (15.5%) (21.1%)	33 (7.2%) (18.2%)	30 (6.6%) (27.0%)	17 (3.7%) (15.2%)
Homicide (PL125)	143 (100.0%) (5.7%)	66 (46.2%) (3.7%)	62 (43.4%) (18.4%)	8 (5.6%) (4.4%)	5 (3.5%) (4.5%)	2 (1.4%) (1.8%)
Weapons (PL265)	114 (100.0%) (4.5%)	83 (72.8%) (4.7%)	9 (7.9%) (2.7%)	15 (13.2%) (8.3%)	2 (1.8%) (1.8%)	5 (4.4%) (4.5%)
Other	61 (100.0%) (2.4%)	40 (65.6%) (2.2%)	2 (3.3%) (1.0%)	6 (9.8%) (3.3%)	8 (13.1%) (7.2%)	5 (8.2%) (4.5%)
Total VFO's	2,519 (100.0%) (100.0%)	1,778 (70.6%) (100.0%)	337 (13.4%) (100.0%)	181 (7.2%) (100.0%)	111 (4.4%) (100.0%)	112 (4.4%) (100.0%)

¹The data reflects only those violent felony indictments disposed of in 1982. Note that the convicted charge may differ from the indicted charge.

Percent may not total to 100.0% due to rounding.

TABLE 9
1982 Conviction Rate on Violent Felony Indictments

	REGION			
	Statewide	N.Y.C.	Suburban	Upstate
Convictions:	14,947 (100.0%) (100.0%)	10,642 (71.2%) (100.0%)	2,188 (14.6%) (100.0%)	2,115 (14.1%) (100.0%)
Convictions by Plea	12,824 (100.0%) (85.8%)	9,068 (70.7%) (85.2%)	1,978 (15.4%) (90.4%)	1,778 (13.9%) (84.1%)
Convictions by Trial	2,123 (100.0%) (14.2%)	1,574 (74.1%) (14.8%)	210 (9.9%) (9.6%)	337 (15.9%) (15.9%)
Dispositions:	18,240 (100.0%)	13,237 (72.6%)	2,482 (13.6%)	2,519 (13.8%)
Conviction Rate (Convictions/Dispos.)	81.9%	80.4%	88.2%	84.0%

Percentages may not add to 100.0% due to rounding.

TABLE 10
Violent Felony Indicted Offenses vs. Convicted Offenses
1982
New York State

Convicted Offense	Indicted Offense											
	Class A		Class B		Class C		Class D		Class E		Totals	
Same Offense	337	37.9%	2174	42.9%	1841	34.9%	2011	55.1%	59	100.0%	6422	43.0%
Violent Felony	493	55.5%	2606	51.4%	3014	57.1%	864	23.7%			6977	46.7%
Class A	53	6.0%									53	0.4%
Class B	345	38.8%	101	2.0%							446	3.0%
Class C	76	8.5%	1629	32.1%	59	1.1%					1764	11.8%
Class D	19	2.1%	870	17.1%	2933	55.6%	53	1.5%			3875	25.9%
Class E			6	0.1%	22	0.4%	811	22.2%			839	5.6%
Misdemeanor												
Other												
Non Violent Felony	59	6.6%	293	5.8%	424	8.0%	772	21.2%			1548	10.4%
Class A							1	0.0%			1	0.0%
Class B	2	0.2%					4	0.1%			6	0.0%
Class C	33	3.7%	32	0.6%	3	0.1%	8	0.2%			76	0.5%
Class D	8	0.9%	111	2.2%	147	2.8%	52	1.4%			318	2.1%
Class E	14	1.6%	66	1.3%	133	2.5%	328	9.0%			541	3.6%
Misdemeanor	2	0.2%	82	1.6%	141	2.7%	372	10.2%			597	4.0%
Other			2	0.0%			7	0.2%			9	0.1%
TOTALS	889		5073		5279		3647		59		14947	

TABLE 11
Violent Felony Indicted Offenses vs. Convicted Offenses
1982
New York City

Convicted Offense	Indicted Offense											
	Class A		Class B		Class C		Class D		Class E		Totals	
Same Offense	252	34.9%	1684	42.6%	1140	34.9%	1489	56.1%	46	100.0%	4611	43.3%
Violent Felony	428	59.3%	2087	52.8%	1904	58.3%	799	30.1%			5218	49.0%
Class A	49	6.8%									49	0.5%
Class B	300	41.6%	88	2.2%							388	3.6%
Class C	62	8.6%	1374	34.7%	47	1.4%					1483	13.9%
Class D	17	2.4%	620	15.7%	1837	56.2%	47	1.8%			2521	23.7%
Class E			5	0.1%	20	0.6%	752	28.4%			777	7.3%
Misdemeanor												
Other												
Non Violent Felony	42	5.8%	183	4.6%	224	6.9%	364	13.7%			813	7.6%
Class A												
Class B	1	0.1%					4	0.2%			5	0.0%
Class C	24	3.3%	21	0.5%	1	0.0%	7	0.3%			53	0.5%
Class D	8	1.1%	76	1.9%	79	2.4%	35	1.3%			198	1.9%
Class E	9	1.2%	39	1.0%	69	2.1%	176	6.6%			293	2.8%
Misdemeanor			46	1.2%	75	2.3%	137	5.2%			258	2.4%
Other			1	0.0%			5	0.2%			6	0.1%
TOTALS	722		3954		3268		2652		46		10642	

TABLE 12
Violent Felony Indicted Offenses vs. Convicted Offenses
1982
Suburban New York City

Convicted Offense	Indicted Offense											
	Class A		Class B		Class C		Class D		Class E		Totals	
Same Offense	42	58.3%	298	51.0%	320	30.6%	218	45.5%	7	100.0%	885	40.4%
Violent Felony	24	33.3%	253	43.3%	680	65.0%	45	9.4%			1002	45.8%
Class A												
Class B	17	23.6%	3	0.5%							20	0.9%
Class C	6	8.3%	133	22.8%	5	0.5%					144	6.6%
Class D	1	1.4%	117	20.0%	674	64.4%	3	0.6%			795	36.3%
Class E					1	0.1%	42	8.8%			43	2.0%
Misdemeanor												
Other												
Non Violent Felony	6	8.3%	33	5.7%	46	4.4%	216	45.1%			301	13.8%
Class A							1	0.2%			1	0.0%
Class B												
Class C	5	6.9%	4	0.7%			1	0.2%			10	0.5%
Class D			9	1.5%	15	1.4%	10	2.1%			34	1.6%
Class E	1	1.4%	7	1.2%	10	1.0%	81	16.9%			99	4.5%
Misdemeanor			12	2.1%	21	2.0%	122	25.5%			155	7.1%
Other			1	0.2%			1	0.2%			2	0.1%
TOTALS	72		584		1046		479		7		2188	

TABLE 13
Violent Felony Indicted Offenses vs. Convicted Offenses
1982
Upstate Counties

Convicted Offense	Indicted Offense											
	Class A		Class B		Class C		Class D		Class E		Totals	
Same Offense	41	44.1%	192	35.9%	381	39.5%	304	58.9%	6	100.0%	924	43.7%
Violent Felony	41	44.1%	266	49.7%	430	44.6%	20	3.9%			757	35.8%
Class A	4	4.3%									4	0.2%
Class B	28	30.1%	10	1.9%							38	1.8%
Class C	8	8.6%	122	22.8%	7	0.7%					137	6.5%
Class D	1	1.1%	133	24.9%	422	43.7%	3	0.6%			559	26.4%
Class E			1	0.2%	1	0.1%	17	3.3%			19	0.9%
Misdemeanor												
Other												
Non Violent Felony	11	11.8%	77	14.4%	154	16.0%	192	37.2%			434	20.5%
Class A											1	0.0%
Class B	1	1.1%									13	0.6%
Class C	4	4.3%	7	1.3%	2	0.2%					86	4.1%
Class D			26	4.9%	53	5.5%	7	1.4%			149	7.0%
Class E	4	4.3%	20	3.7%	54	5.6%	71	13.8%			184	8.7%
Misdemeanor	2	2.2%	24	4.5%	45	4.7%	113	21.9%			1	0.0%
Other							1	0.2%				
TOTALS	93		535		965		516		6		2115	

1982 Sentences Resulting From Violent Felony Indictments¹

Highlights

- * State prison was the sentence in 57.6% of the 13,399 statewide violent felony convictions while local incarceration (some in conjunction with probation) was imposed in 19.4% of the violent felony convictions.
- * Statewide, 25.0% of the 1,548 non-violent felony convictions resulting from violent felony indictments resulted in sentences to state prison while local incarceration (some in conjunction with probation) was imposed in 31.7% of the non-violent felony convictions.
- * Among the offenses, 99.4% of homicide, 70.6% of sex offenses, 69.1% of robbery, and 44.4% of burglary violent felony convictions resulted in sentences to state prison.
- * On a regional basis, state prison was the most likely sentence for violent felony convictions in New York City (60.0%) and least likely in the Suburban New York City area (46.6%).
- * Of the 14,947 convictions² statewide, 2,019 (13.5%) were adjudicated youthful offenders, 2,490 (16.7%) were predicate felons, and 112 (.7%) were persistent felons.³
- * Predicate felony sentences were most likely to be imposed Upstate (18.2%) and least likely to be imposed in the Suburban New York City area (12.8%). Youthful offender adjudications were relatively more likely in the Suburban New York City area than in other areas.
- * Half of the convictions resulted in minimum state prison terms in excess of 33.2 months. Half of the convictions resulted in maximum state prison terms in excess of 85.1 months.⁴
- * Rape 1° received the longest median minimum term (73.5 month median) among class B offenses, assault 1° (36.8 month median) for Class C offenses, and criminal possession of a weapon 3° (27.4 month median) for Class D offenses.
- * Manslaughter 1° received the longest median maximum term (169.2 months) among Class B offenses; attempted rape 1° (98.0 month median) and sex abuse 1° (65.2 month median) were the longest in the Class C and Class D offense categories, respectively.

¹ A breakdown of the sentencing options is provided in Appendix C.

² Unless otherwise specified, convictions may not have been for a violent felony offense.

³ Predicates were identified by determining the number of state prison sentences in which the minimum term was one-half the maximum term falling within statutory limits. Persistents were identified by determining the number of Class B, C, and D convictions in which a life maximum term was imposed.

⁴ The median is utilized because it is less sensitive to extreme values in the distribution than is the mean.

Accounting for the different state prison rates among geographic regions involves a number of considerations, including the nature of the specific conviction charges and the relative proportion of youthful offender adjudications for which state prison is rarely imposed and the proportion of predicate/persistent offenders for which state prison is mandated. Median terms were not computed for offenses with fewer than 25 cases because of possible instability of this statistic in small distributions.

TABLE 14
1982 Sentences By Conviction Charge for Violent Felony Indictments -
New York State

Conviction Charge	Total Convicted	SENTENCE BY TYPE					
		State Prison	Local Jail	Probation/Imprisonment	Probation	Conditional Discharge	Other
Robbery (PL 160)	5,899 (100.0%)	4,076 (69.1%)	511 (8.7%)	264 (4.5%)	1,038 (17.6%)	5 (0.1%)	5 (0.1%)
Sex Off. (PL 130)	575 (100.0%)	406 (70.6%)	38 (6.6%)	38 (6.6%)	90 (15.7%)	2 (0.3%)	1 (0.2%)
Burglary (PL 140)	2,480 (100.0%)	1,141 (46.0%)	332 (13.4%)	327 (13.2%)	657 (26.5%)	18 (0.7%)	5 (0.2%)
Assault (PL 120)	883 (100.0%)	392 (44.4%)	161 (18.2%)	154 (17.4%)	172 (19.5%)	3 (0.3%)	1 (0.1%)
Homicide (PL 125)	908 (100.0%)	903 (99.4%)	0 (0.0%)	0 (0.0%)	5 (0.6%)	0 (0.0%)	0 (0.0%)
Weapons (PL 265)	2,544 (100.0%)	695 (27.3%)	598 (23.5%)	169 (6.6%)	1,011 (39.7%)	51 (2.0%)	20 (0.8%)
Other	110 (100.0%)	100 (90.9%)	2 (1.8%)	1 (0.9%)	7 (6.4%)	0 (0.0%)	0 (0.0%)
Total VFO	13,399 (100.0%)	7,713 (57.6%)	1,642 (12.3%)	953 (7.1%)	2,980 (22.2%)	79 (0.6%)	32 (0.2%)
Total Non-VFO	1,548 (100.0%)	387 (25.0%)	361 (23.3%)	130 (8.4%)	551 (35.6%)	81 (5.2%)	38 (2.5%)
Total	14,947 (100.0%)	8,100 (54.2%)	2,003 (13.4%)	1,083 (7.2%)	3,531 (23.6%)	160 (1.1%)	70 (0.5%)

Percent may not total to 100.0% due to rounding.

TABLE 15
1982 Sentences By Conviction Charge for Violent Felony Indictments -
New York City

Conviction Charge	Total Convicted	SENTENCE BY TYPE					
		State Prison	Local Jail	Probation/ Imprisonment	Probation	Conditional Discharge	Other
Robbery (PL 160)	4,870 (100.0%)	3,384 (69.5%)	372 (7.6%)	164 (3.4%)	943 (19.4%)	3 (0.1%)	4 (0.1%)
Sex Off. (PL 130)	253 (100.0%)	202 (79.8%)	5 (2.0%)	10 (4.0%)	36 (14.2%)	0 (0.0%)	0 (0.0%)
Burglary (PL 140)	1,045 (100.0%)	634 (60.7%)	104 (10.0%)	60 (5.7%)	240 (23.0%)	4 (0.4%)	3 (0.3%)
Assault (PL 120)	487 (100.0%)	228 (46.8%)	66 (13.6%)	75 (15.4%)	117 (24.0%)	1 (0.2%)	0 (0.0%)
Homicide (PL 125)	757 (100.0%)	752 (99.3%)	0 (0.0%)	0 (0.0%)	5 (0.7%)	0 (0.0%)	0 (0.0%)
Weapons (PL 265)	2,341 (100.0%)	629 (26.9%)	542 (23.2%)	146 (6.2%)	957 (40.9%)	48 (2.1%)	19 (0.8%)
Other	76 (100.0%)	72 (94.7%)	0 (0.0%)	0 (0.0%)	4 (5.3%)	0 (0.0%)	0 (0.0%)
Total VFO	9,829 (100.0%)	5,901 (60.0%)	1,089 (11.1%)	455 (4.6%)	2,302 (23.4%)	56 (0.6%)	26 (0.3%)
Total Non-VFO	813 (100.0%)	240 (29.5%)	161 (19.8%)	45 (5.5%)	299 (36.8%)	40 (4.9%)	28 (3.4%)
Total	10,642 (100.0%)	6,141 (57.7%)	1,250 (11.7%)	500 (4.7%)	2,601 (24.4%)	96 (0.9%)	54 (0.5%)

Percent may not total to 100.0% due to rounding.

TABLE 16
1982 Sentences By Conviction Charge for Violent Felony Indictments -
Suburban New York City

Conviction Charge	Total Convicted	SENTENCE BY TYPE					
		State Prison	Local Jail	Probation/Imprisonment	Probation	Conditional Discharge	Other
Robbery (PL 160)	637 (100.0%)	406 (63.7%)	85 (13.3%)	73 (11.5%)	71 (11.1%)	1 (0.2%)	1 (0.2%)
Sex Off. (PL 130)	98 (100.0%)	65 (66.3%)	9 (9.2%)	8 (8.2%)	14 (14.3%)	1 (1.0%)	1 (1.0%)
Burglary (PL 140)	796 (100.0%)	240 (30.2%)	126 (15.8%)	157 (19.7%)	272 (34.2%)	1 (0.1%)	0 (0.0%)
Assault (PL 120)	143 (100.0%)	54 (37.8%)	33 (23.1%)	31 (21.7%)	24 (16.8%)	0 (0.0%)	1 (0.7%)
Homicide (PL 125)	69 (100.0%)	69 (100.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)
Weapons (PL 265)	126 (100.0%)	31 (24.6%)	43 (34.1%)	18 (14.3%)	33 (26.2%)	0 (0.0%)	1 (0.8%)
Other	18 (100.0%)	14 (77.8%)	1 (5.6%)	1 (5.6%)	2 (11.1%)	0 (0.0%)	0 (0.0%)
Total VFO	1,887 (100.0%)	879 (46.6%)	297 (15.7%)	288 (15.3%)	416 (22.0%)	3 (.2%)	4 (0.2%)
Total Non-VFO	301 (100.0%)	49 (16.3%)	75 (24.9%)	43 (14.3%)	109 (36.2%)	20 (6.6%)	5 (1.7%)
Total	2,188 (100.0%)	928 (42.4%)	372 (17.0%)	331 (15.1%)	525 (24.0%)	23 (1.1%)	9 (0.4%)

Percent may not total to 100.0% due to rounding.

TABLE 17
1982 Sentences By Conviction Charge for Violent Felony Indictments -
Upstate

Conviction Charge	Total Convicted	SENTENCE BY TYPE					
		State Prison	Local Jail	Probation/Imprisonment	Probation	Conditional Discharge	Other
Robbery (PL 160)	392 (100.0%)	286 (73.0%)	54 (13.8%)	27 (6.9%)	24 (6.1%)	1 (0.3%)	0 (0.0%)
Sex Off. (PL 130)	224 (100.0%)	139 (62.1%)	24 (10.7%)	20 (8.9%)	40 (17.9%)	1 (0.4%)	0 (0.0%)
Burglary (PL 140)	639 (100.0%)	267 (41.8%)	102 (16.0%)	110 (17.2%)	145 (22.7%)	13 (2.0%)	2 (0.3%)
Assault (PL 120)	253 (100.0%)	110 (43.5%)	62 (24.5%)	48 (19.0%)	31 (12.3%)	2 (0.8%)	0 (0.0%)
Homicide (PL 125)	80 (100.0%)	80 (100.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)
Weapons (PL 265)	77 (100.0%)	35 (45.5%)	13 (16.9%)	5 (6.5%)	21 (27.3%)	3 (3.9%)	0 (0.0%)
Other	16 (100.0%)	14 (87.5%)	1 (6.3%)	0 (0.0%)	1 (6.3%)	0 (0.0%)	0 (0.0%)
Total VFO	1,681 (100.0%)	931 (55.4%)	256 (15.2%)	210 (12.5%)	262 (15.6%)	20 (1.2%)	2 (0.1%)
Total Non-VFO	434 (100.0%)	98 (22.6%)	125 (28.8%)	42 (9.7%)	143 (32.9%)	21 (4.8%)	5 (1.2%)
Total	2,115 (100.0%)	1,029 (48.7%)	381 (18.0%)	252 (11.9%)	405 (19.1%)	41 (1.9%)	7 (0.3%)

Percent may not total to 100.0% due to rounding.

TABLE 18
1982 Convictions of Violent Felony Indictments
Persistent, Predicate and Youthful Offenders¹

	REGION			
	Statewide	N.Y.C.	Suburban	Upstate
Persistent	112 (.7%)	97 (.9%)	5 (.2%)	10 (.5%)
Predicate	2,490 (16.7%)	1,824 (17.1%)	281 (12.8%)	385 (18.2%)
Youthful Offender	2,019 (13.5%)	1,153 (10.8%)	533 (24.4%)	333 (15.7%)
Other ²	10,326 (69.1%)	7,568 (71.1%)	1,369 (62.6%)	1,387 (65.5%)
Total Convictions	14,947 (100.0%)	10,642 (100.0%)	2,188 (100.0%)	2,115 (100.0%)

¹ For this analysis, predicates were identified by determining the number of state prison sentences in which the minimum term was one-half the maximum term falling within statutory limits. Persistents were identified by determining the number of Class B, C, and D convictions in which a life maximum term was imposed.

² Includes cases not adjudicated as youthful offender and not subject to the enhanced sentencing provisions for predicate or persistent felons.

Percents may not total to 100.0% due to rounding.

FIGURE 1
MEDIAN MINIMUM AND MAXIMUM SENTENCE TERMS - NEW YORK STATE
 by Conviction Charge (in months)
 1982

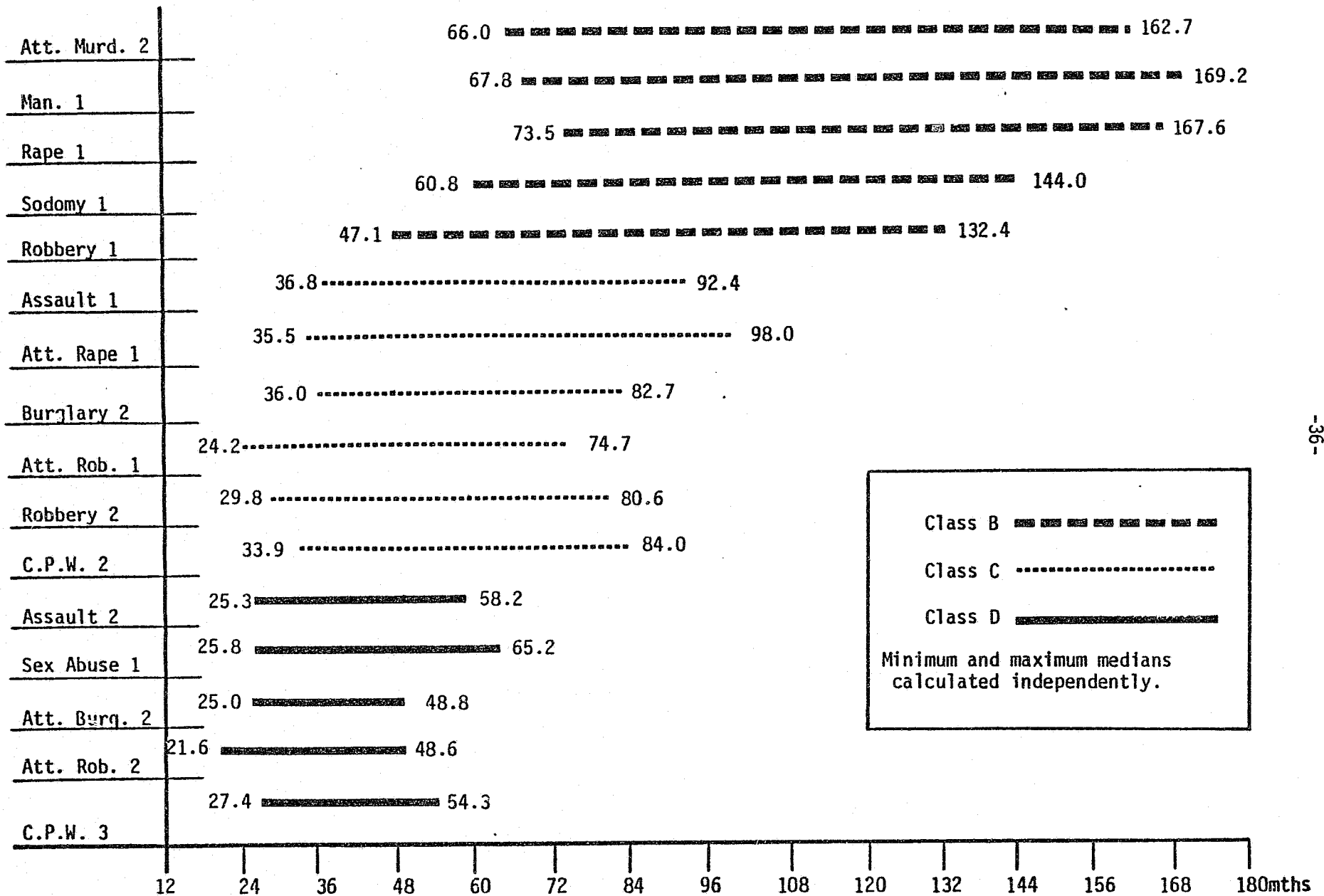
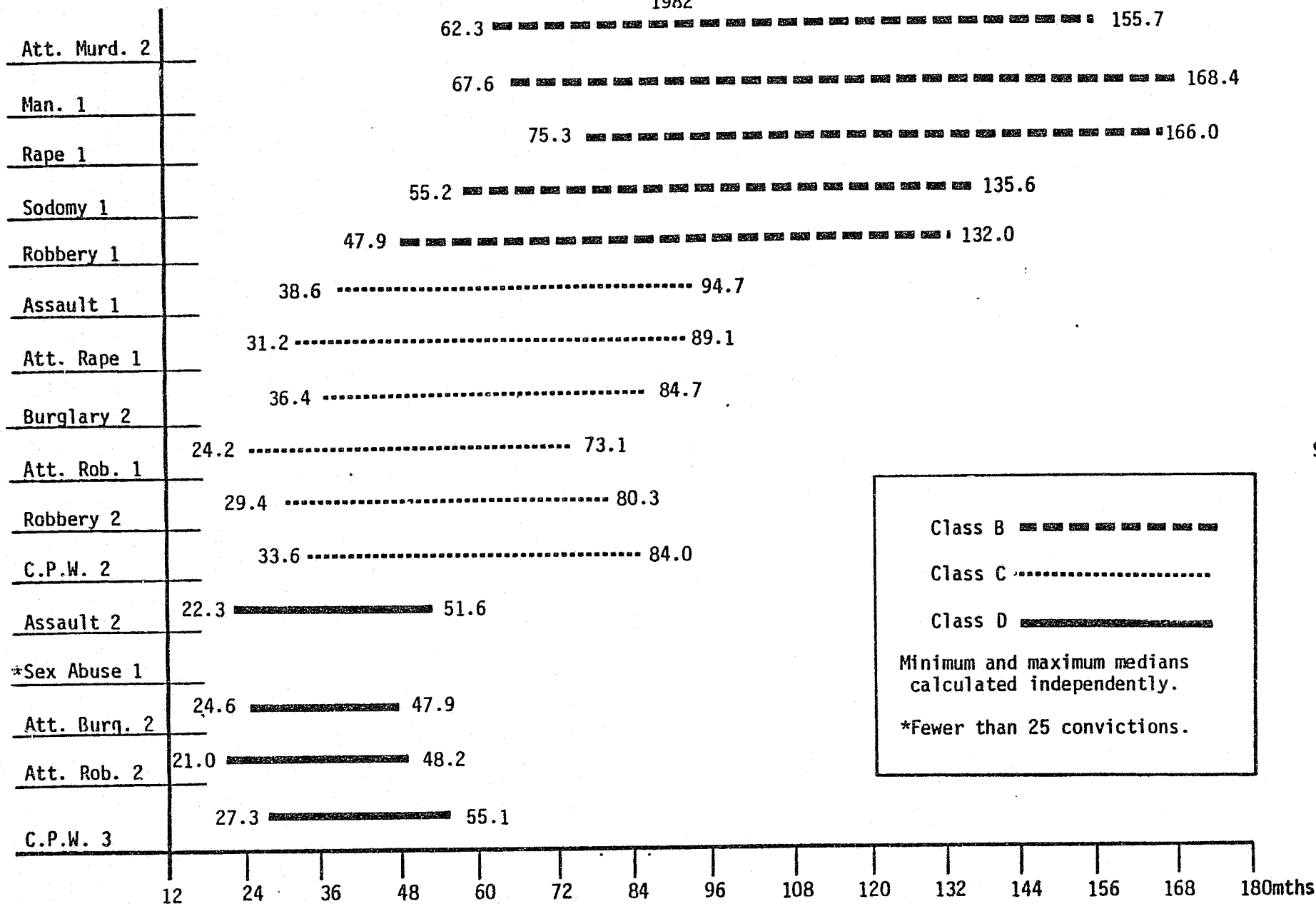


FIGURE 2
MEDIAN MINIMUM AND MAXIMUM SENTENCE TERMS - NEW YORK CITY
 by Conviction Charge (in months)
 1982



Class B -----
 Class C
 Class D _____
 Minimum and maximum medians
 calculated independently.
 *Fewer than 25 convictions.

FIGURE 3
MEDIAN MINIMUM AND MAXIMUM SENTENCE TERMS - SUBURBAN New York City
 by Conviction Charge (in months)
 1982

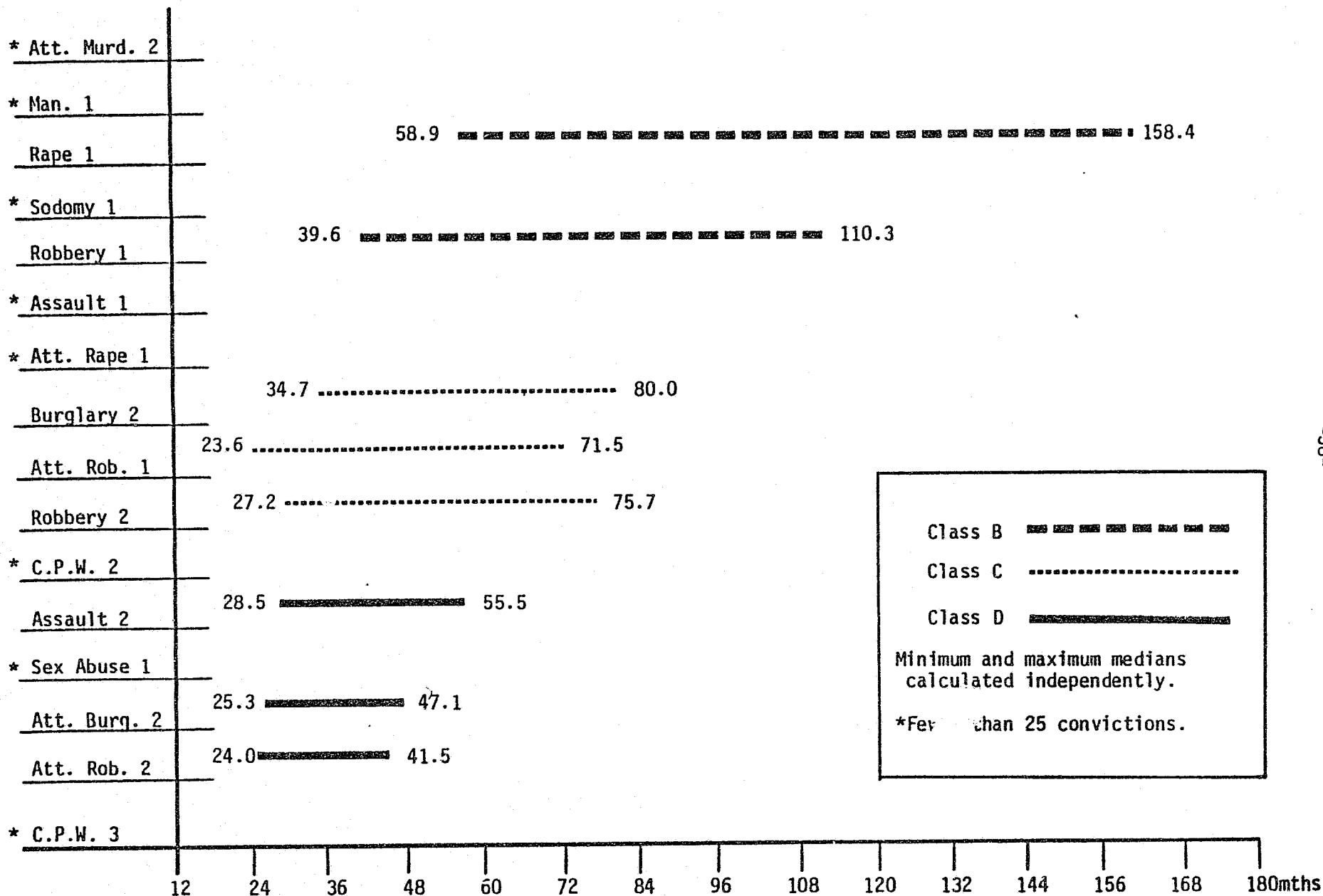
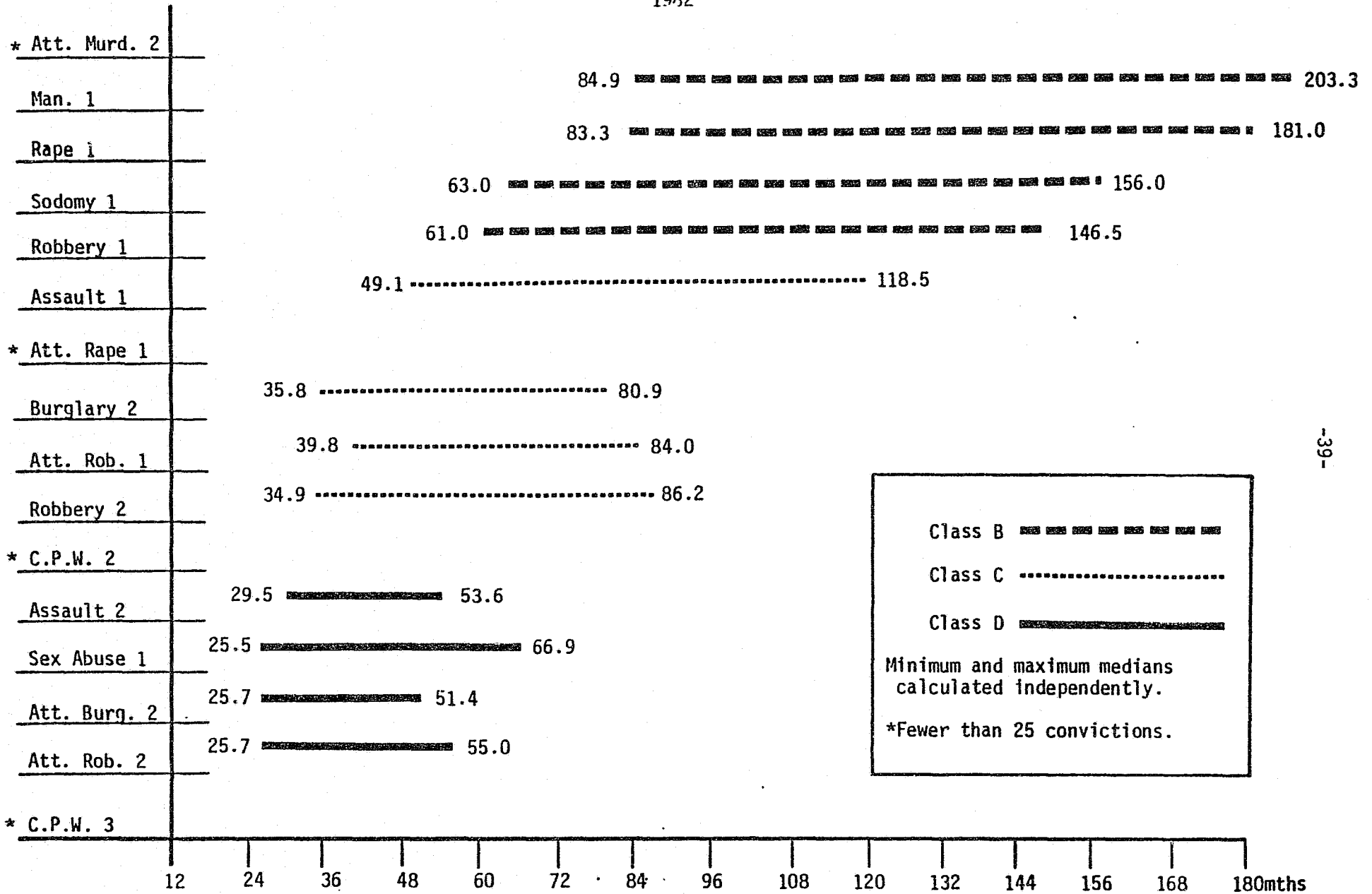


FIGURE 4
MEDIAN MINIMUM AND MAXIMUM SENTENCE TERMS - UPSTATE
 by Conviction Charge (in months)
 1982



Class B -----
 Class C
 Class D _____

Minimum and maximum medians
 calculated independently.

*Fewer than 25 convictions.

Processing Times

Highlights

- * In New York State, the median¹ processing time (indictment through disposition excluding sentencing) for violent felony indictments disposed in 1982 was 141 days, down slightly from 145 days in 1981.
- * On a regional basis, the median processing time ranged from a high of 161 days in New York City to a low of 69 days in the Suburban New York City counties.
- * Statewide, 59 days is the median time from conviction to sentencing. Suburban New York City and New York City had similar times (66 and 65 days respectively) while the median time from conviction to sentencing Upstate was 36 days.

The factors having an impact on processing times include available resources, management techniques, court room norms, and the defense strategy in the face of the potential sanctions. Shorter processing time can also be affected by the use of Superior Court Informations which frequently reduce the time to plea and by a relatively greater proportion of convictions by plea, rather than trial.

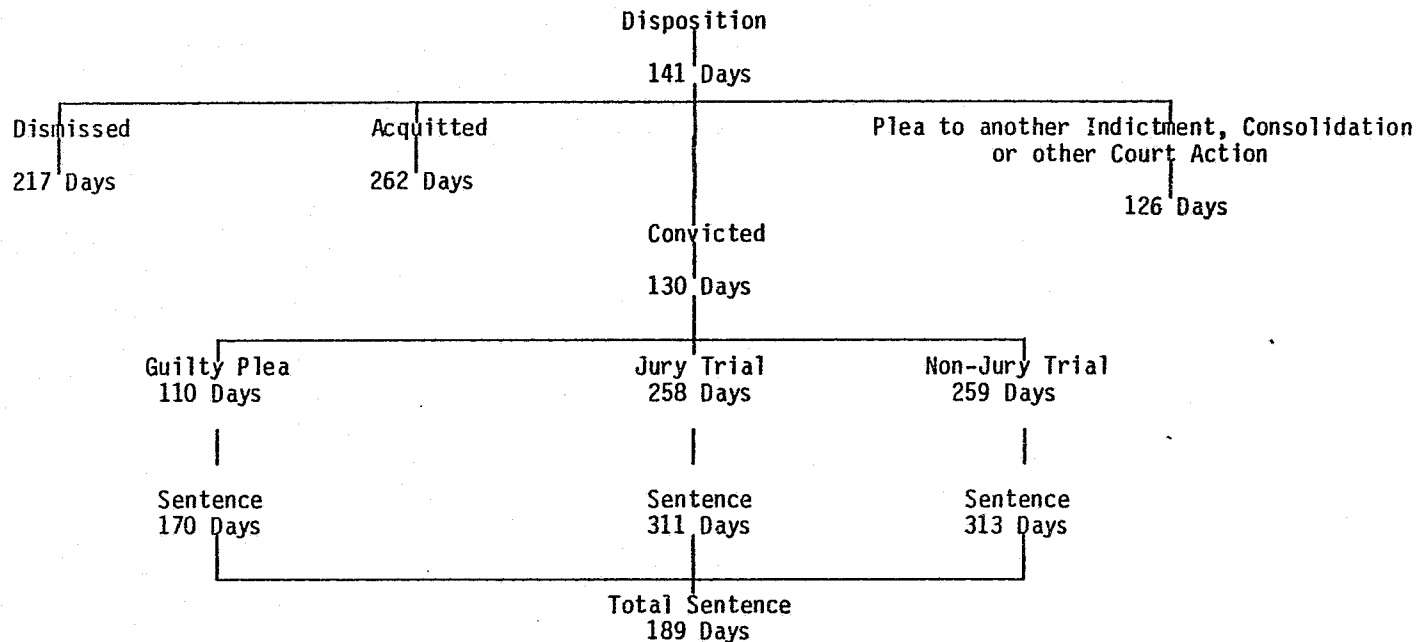
¹ The median is utilized in summarizing processing times because it is less sensitive to extreme values in the distribution than is the mean.

FIGURE 5
Violent Felony Defendant Processing Time:
Indictment to Disposition (Median Days)

Violent Felony Indictments from 09-01-78 thru 12-31-82 Disposed of 01-01-82 thru 12-31-82

No. of Defendants 18240

NEW YORK STATE



SUMMARY

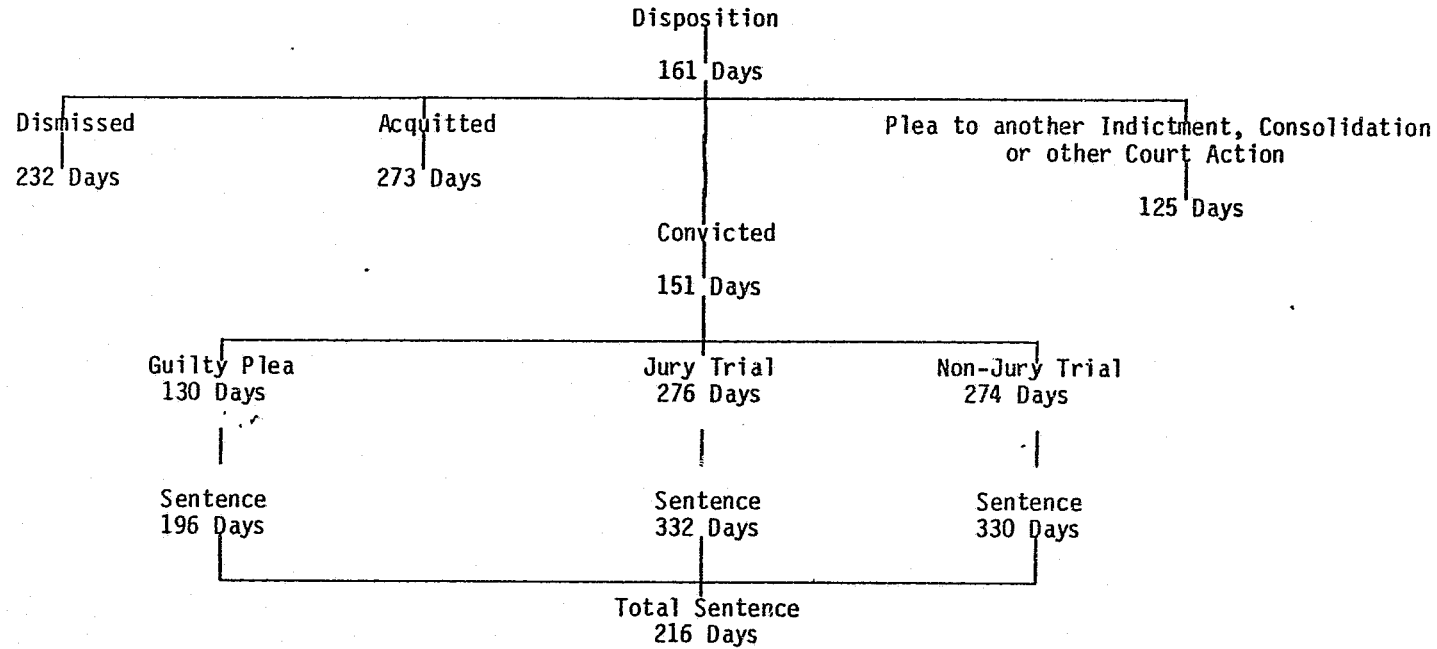
	Minimum	Average	Median	Maximum
DISPOSITIONS	0	178	141	1519
DISMISSED	0	250	217	1336
ACQUITTED	0	291	262	1435
OTHER COURT ACTION	1	165	126	1106
CONVICTED	0	166	130	1519
GUILTY PLEA	0	146	110	1519
JURY TRIAL	0	286	258	1325
NON-JURY TRIAL	20	287	259	875
SENTENCE	0	225	189	1543
GUILTY PLEA	0	206	170	1543
JURY TRIAL	0	342	311	1353
NON-JURY TRIAL	20	335	313	961

FIGURE 6
Violent Felony Defendant Processing Time:
Indictment to Disposition (Median Days)

Violent Felony Indictments from 09-01-78 thru 12-31-82 Disposed of 01-01-82 thru 12-31-82

No. of Defendants 13237

NEW YORK CITY



SUMMARY

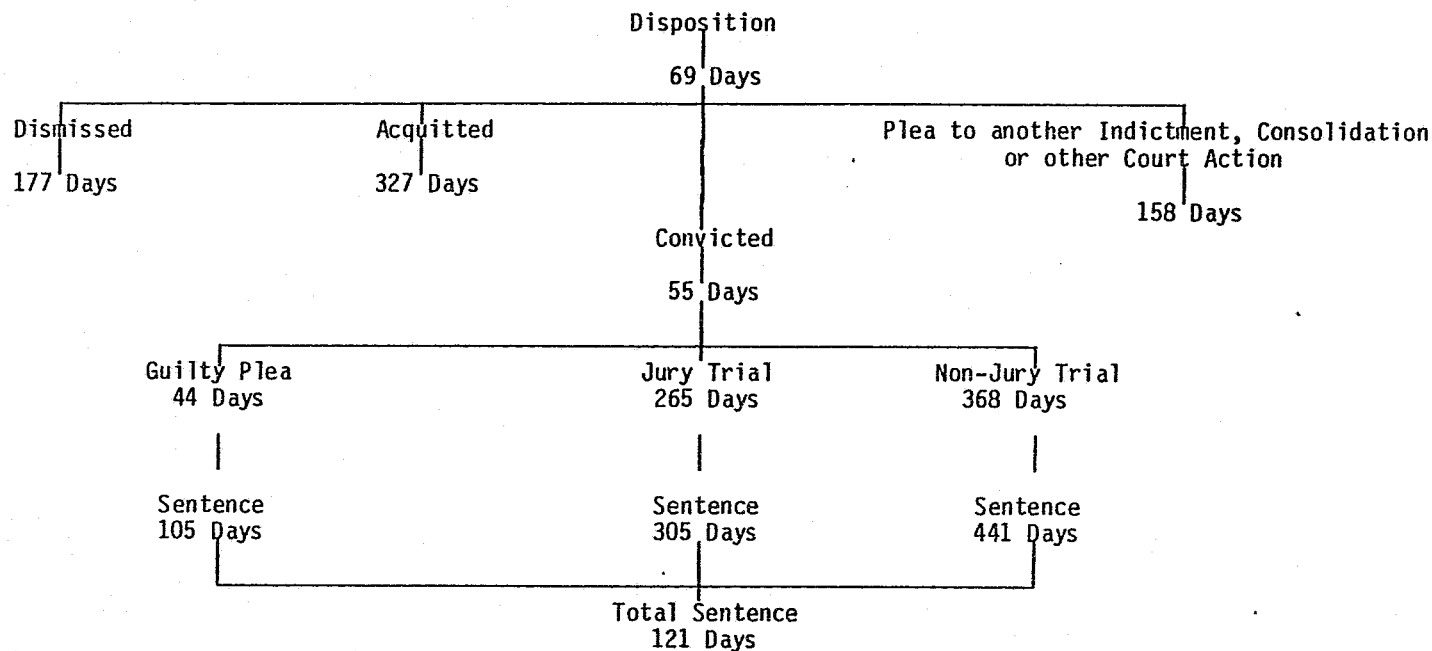
	Minimum	Average	Median	Maximum
DISPOSITIONS	0	195	161	1519
DISMISSED	0	259	232	1194
ACQUITTED	0	304	273	1435
OTHER COURT ACTION	1	162	125	1056
CONVICTED	0	185	151	1519
GUILTY PLEA	0	165	130	1519
JURY TRIAL	14	305	276	1325
NON-JURY TRIAL	20	302	274	875
SENTENCE	0	248	216	1543
GUILTY PLEA	0	229	196	1543
JURY TRIAL	40	363	332	1353
NON-JURY TRIAL	20	349	330	961

FIGURE 7
Violent Felony Defendant Processing Time:
Indictment to Disposition (Median Days)

Violent Felony Indictments from 09-01-78 thru 12-31-82 Disposed of 01-01-82 thru 12-31-82

No. of Defendants 2482

SUBURBAN New York City



SUMMARY

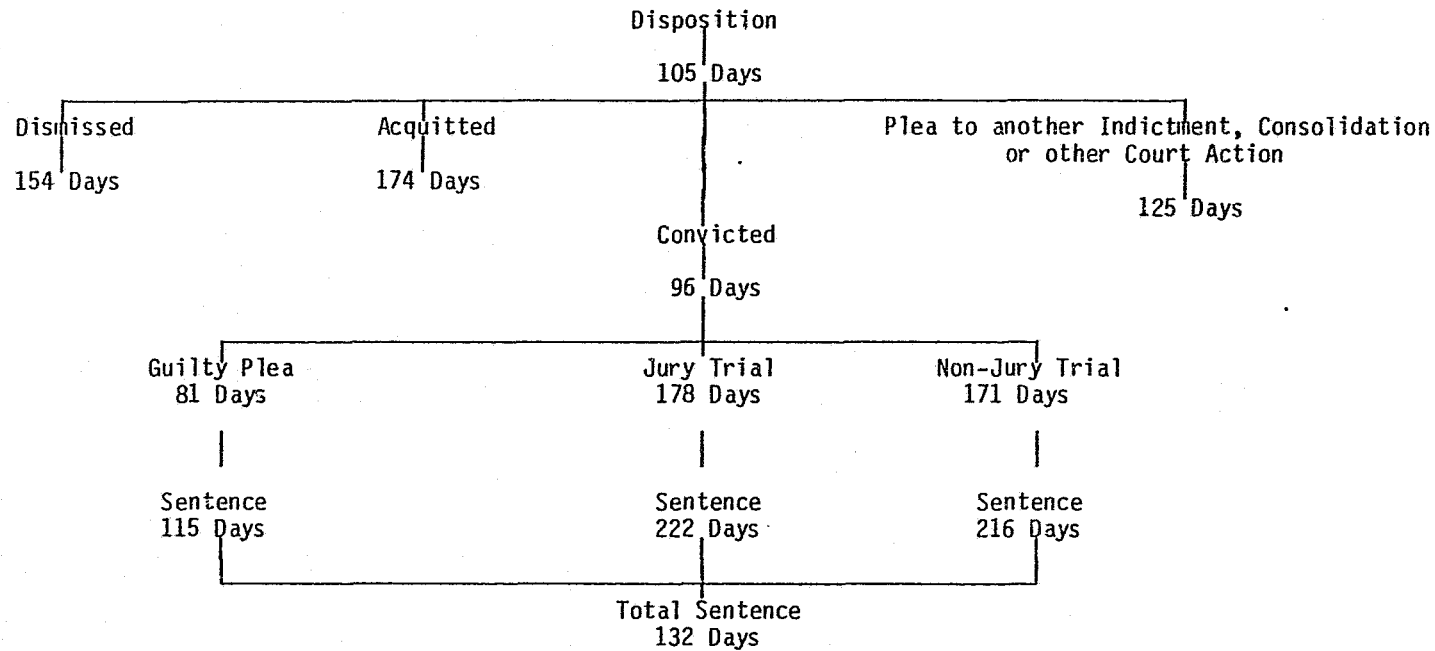
	Minimum	Average	Median	Maximum
DISPOSITIONS	0	127	69	1211
DISMISSED	0	235	177	1211
ACQUITTED	0	343	327	1070
OTHER COURT ACTION	1	205	153	1106
CONVICTED	0	111	55	993
GUILTY PLEA	0	92	44	993
JURY TRIAL	0	280	265	760
NON-JURY TRIAL	106	371	368	637
SENTENCE	0	168	121	1038
GUILTY PLEA	0	149	105	1038
JURY TRIAL	0	336	305	970
NON-JURY TRIAL	168	444	441	750

FIGURE 8
Violent Felony Defendant Processing Time:
Indictment to Disposition (Median Days)

Violent Felony Indictments from 09-01-78 thru 12-31-82 Disposed of 01-01-82 thru 12-31-82

No. of Defendants 2519

UPSTATE COUNTIES



SUMMARY

	Minimum	Average	Median	Maximum
DISPOSITIONS	0	138	105	1336
DISMISSED	0	206	154	1336
ACQUITTED	29	201	174	476
OTHER COURT ACTION	0	159	125	1091
CONVICTED	0	128	96	1195
GUILTY PLEA	0	115	81	1195
JURY TRIAL	3	198	178	749
NON-JURY TRIAL	22	199	171	697
SENTENCE	0	166	132	1245
GUILTY PLEA	0	151	115	1245
JURY TRIAL	10	240	222	781
NON-JURY TRIAL	42	243	216	746

INTRODUCTION TO FIREARM/ARMED FELONY SECTION

This section of the report presents data on felony arrests and indictments which involve the use, possession, or display of a firearm. On August 12, 1980, amendments to the firearm provisions of the Penal Law and Criminal Procedure Law became effective (Chapter 233 of the 1980 NYS Laws). The amendments imposed stricter controls on firearm licensing, sales and disposal (PL §400.00), created additional firearm-related offenses, and classified most firearm offenses as violent felony offenses subject to plea bargaining restrictions and mandatory prison terms (see Appendix C).

The most notable change in the law was to impose a minimum mandatory jail sentence of at least one year on convictions to possession of a loaded weapon outside the home or place of business (PL 265.02 Sub. 4,5) unless mitigating circumstances are cited. If such circumstances are found, the law permits sentencing the defendant to a non-incarcerative sentence (such as probation) or to a shorter jail sentence.

The firearm data are presented in the same step-by-step criminal justice processing and statistical layout as the violent felony section. However, in order to facilitate analysis, the firearm data are organized into two basic groups: cases in which the firearm offense is the most serious charge in the event (a group essentially restricted to prosecutions for firearm possession); and cases in which the firearm offense is a secondary charge (a group corresponding to prosecutions for use or display of a firearm in the commission of another crime). Additionally, within these groups data is provided on specific Penal Law sections.

Analyses of the firearm arrest and indictment data are complex, particularly regarding calculation of indictment to arrest rates. Often, the firearm offense is not the most serious charge in the proceedings and tracking it is more difficult. Also, it is not unusual for a specific gun charge to be

added, deleted, or changed to another firearm offense as a case moves through the process. Specifically, among the factors complicating the tracking of firearm offenses from arrest to indictment are the following.

1. A misdemeanor gun possession arrest (PL 265.01) can be elevated to a felony gun possession by the prosecutor if in the course of processing the defendant is found to have a prior conviction.
2. Indictments to non-firearm offenses can be designated as "armed felonies" even when there is no PL 265 charge if one of the elements of the crime is the use or display of a firearm (ex: robbery 1^o sub-section 4).
3. An arrest for a crime such as robbery may not have a reported gun charge if the gun was not recovered. However, the prosecutor may add a gun charge to indicate the display of what appeared to be a firearm.
4. An arrest involving a crime associated with a misdemeanor gun charge will not be counted in the arrest figures but may result in an "armed felony" indictment.

Caution is advised when making comparisons between jurisdictions, particularly with regard to the composition of indictments by charge, due to differences in charging practices among the jurisdictions.

In the data which follow, firearm arrests include all arrests in which there was at least one violent felony firearm charge, as a top charge or as a secondary charge.

HIGHLIGHTS AND DATA

Firearm/Armed Felony Arrests

Highlights

- * During 1982, there were 13,621 arrests for felony firearm offenses statewide, a 16.2% increase from 1981 (11,717).
- * New York City accounted for 89.9% (12,252) of such arrests in 1982.
- * In 1982, arrests with at least one felony firearm charge represented 9.5% of statewide felony arrests (142,904) and 12.6% of the New York City felony arrests (97,207).
- * Criminal Possession of a Weapon 3° was the most common firearm arrest charge (41.1% or 5,599 arrests) in New York State, followed by Criminal Use of a Firearm 1° (35.2% or 4,799 arrests).
- * The firearm offense was the most serious charge in 41.0% (5,583) of the statewide arrests and a secondary charge in 59% (8,038) of the arrests.
- * On a regional basis, the firearm charge was the most serious charge in 38.4% of the New York City firearm arrests, while it was the most serious in 62.4% and 67.5% of the firearm arrests in the Suburban and Upstate regions respectively.
- * Of the New York City firearm arrests, 52.6% included another violent felony charge compared to only 30.1% in the Suburban New York City counties and 21.5% in Upstate New York.

Please note that an arrest will be identified as a felony firearm arrest on the Computerized Criminal History System only if a felony weapons charge (PL 265) confirmed as a firearm is present in the arrest event. See Appendix C for a complete listing of firearm/armed felony offenses.

TABLE 19
1982 Felony Firearm/Armed Felony Arrests by
Firearm Charge for New York State Regions

Penal Law Article	REGION			
	Statewide	N.Y.C.	Suburban	Upstate
CUF 1° (265.09)	4,799 (100.0%) (35.2%)	4,658 (97.1%) (38.0%)	66 (1.4%) (14.0%)	75 (1.6%) (8.4%)
CPW 2° (265.03)	2,483 (100.0%) (18.2%)	2,244 (90.4%) (18.3%)	79 (3.2%) (16.8%)	160 (6.4%) (17.8%)
CUF 2° (265.08)	677 (100.0%) (5.0%)	635 (93.8%) (5.2%)	24 (3.5%) (5.1%)	18 (2.7%) (2.0%)
CPW 3° (265.02)	5,599 (100.0%) (41.1%)	4,699 (83.9%) (38.4%)	294 (5.3%) (62.4%)	606 (10.8%) (67.5%)
Other	63 (100.0%) (0.5%)	16 (25.4%) (0.1%)	8 (12.7%) (1.7%)	39 (61.9%) (4.3%)
TOTAL	13,621 (100.0%) (100.0%)	12,252 (89.9%) (100.0%)	471 (3.5%) (100.0%)	898 (6.6%) (100.0%)

Percentages may not add to 100.0% due to rounding.

TABLE 20
1982 Felony Firearm/Armed Felony Arrests
Top Charge/Secondary Charge - New York State

	REGION			
	Statewide	N.Y.C.	Suburban	Upstate
Firearm Top Charge	5,583 (41.0%)	4,666 (38.1%)	296 (62.8%)	621 (69.2%)
Firearm Secondary Charge	8,038 (59.0%)	7,586 (61.9%)	175 (37.2%)	277 (30.8%)
TOTAL	13,621 (100.0%)	12,252 (100.0%)	471 (100.0%)	898 (100.0%)

Percentages may not add to 100.0% due to rounding.

Firearm/Armed Felony Indictments

Highlights

- * Statewide, 10,723 firearm indictments were reported during 1982 representing a 4.3% increase from 1981 (10,276).
- * New York City accounted for 89.5% (9,592) of the statewide firearm indictments, while 6.2% (666) were in Suburban New York City and 4.3% (465) were Upstate.
- * Firearm indictments represent 23% of all indictments (46,574) and 45% of the violent felony indictments (23,842) filed in New York State.
- * In New York City, firearm indictments accounted for 34.2% of all indictments (28,054) and 54.3% of violent felony indictments (17,396).
- * Statewide, the firearm charge was the top charge in 43.7% of the firearm indictments and a secondary charge in 56.3% of the indictments.
- * Two charges, Robbery 1° (PL 160.15) and Criminal Possession of a Weapon 3° (PL 265.02), accounted for over two-thirds (68.1% or 7,301 indictments) of all statewide firearm indictments.
- * While representing 36.5% of all statewide firearm indictments, Criminal Possession of a Weapon 3° charges accounted for 83.7% (3,922) of the firearm indictments in which the firearm offense was the most serious indictment charge.
- * In addition to accounting for 31.5% of all firearm indictments, Robbery 1° charges represented 56% (3,379) of the firearm indictments in which the firearm offense was a secondary indictment charge.

Please note that the firearm indictment data includes both indictments in which a firearm charge was specified (either as a top or secondary charge) and indictments simply designated by the courts as armed felonies but without a specific firearm charge cited. Armed felonies involve a charge in which one of the statutory elements of the crime is possession, use, or display of a firearm. These cases are governed by the same provisions of law (i.e. plea restrictions, sentencing) as if a firearm charge was present. These indictments are counted as secondary charge indictments.

TABLE 21
1982 Firearm/Armed Felony Indictments as Percent of Total Indictments -
New York State

	REGION			
	Statewide	N.Y.C.	Suburban	Upstate
Total Indictments	46,574 ¹	28,054	7,261	11,124
Firearm Indictments	10,723	9,592	666	465
% Firearm	23.4%	34.2%	9.2%	4.2%

¹Includes 135 indictments from special statewide prosecutors not counted in regional subtotals.

TABLE 22
1982 Firearm/Armed Felony Indictments as Percent of Violent Felony Indictments -
New York State

	REGION			
	Statewide	N.Y.C.	Suburban	Upstate
VFO Indictments	23,842	17,663	2,944	3,233
Firearm Indictments	10,723	9,592	666	465
% Firearm	45.0%	54.3%	22.6%	14.4%

TABLE 23
Total 1982 Firearm/Armed Felony Indictments - New York State

	REGION			
	Statewide	N.Y.C.	Suburban	Upstate
Firearm Top Charge	4,685 (43.7%)	4,132 (43.1%)	291 (43.7%)	262 (56.3%)
Firearm Secondary Charge	6,038 (56.3%)	5,460 (56.9%)	375 (56.3%)	203 (43.7%)
TOTAL	10,723 (100.0%)	9,592 (100.0%)	666 (100.0%)	465 (100.0%)

Percentages may not add to 100.0% due to rounding

TABLE 24
1982 Top Charge Firearm/Armed Felony Indictments - New York State

Penal Law Section	REGION			
	Statewide	N.Y.C.	Suburban	Upstate
CUF 1° (265.09)	42 (100.0%) (0.9%)	40 (95.2%) (1.0%)	2 (4.8%) (0.7%)	0 (0.0%) (0.0%)
CPW 2° (265.03)	421 (100.0%) (9.0%)	384 (91.2%) (9.3%)	17 (4.0%) (5.8%)	20 (4.8%) (7.6%)
CUF 2° (265.08)	50 (100.0%) (1.0%)	46 (92.0%) (1.1%)	3 (6.0%) (1.0%)	1 (2.0%) (0.4%)
CPW 3° (265.02)	3,922 (100.0%) (83.7%)	3,499 (89.2%) (84.7%)	239 (6.1%) (82.1%)	184 (4.7%) (70.2%)
Other	250 (100.0%) (5.3%)	163 (65.2%) (3.9%)	30 (12.0%) (10.3%)	57 (22.8%) (21.8%)
TOTAL	4,685 (100.0%) (100.0%)	4,132 (88.2%) (100.0%)	291 (6.2%) (100.0%)	262 (5.6%) (100.0%)

Percentages may not add to 100.0% due to rounding.

TABLE 25
Secondary Charge Firearm/Armed Felony Indictments by Indictment Top Charge
1982

Penal Law Section	REGION			
	Statewide	N.Y.C.	Suburban	Upstate
Murder 2° (125.25)	523 (100.0%) (8.7%)	475 (90.8%) (8.7%)	23 (4.4%) (6.1%)	25 (4.8%) (12.3%)
Att. Murder 2° (110/125.25)	433 (100.0%) (7.2%)	410 (94.7%) (7.5%)	15 (3.5%) (4.0%)	8 (1.8%) (3.9%)
Robbery 1° (160.15)	3,379 (100.0%) (56.0%)	3,067 (90.8%) (56.2%)	221 (6.5%) (58.9%)	91 (2.7%) (44.8%)
Burglary 1° (140.30)	120 (100.0%) (2.0%)	98 (81.7%) (1.8%)	17 (14.2%) (4.5%)	5 (4.2%) (2.5%)
Rape 1° (130.35)	99 (100.0%) (1.6%)	91 (91.9%) (1.7%)	1 (1.0%) (0.3%)	7 (7.1%) (3.4%)
Att. Robbery 1° (110/160.15)	280 (100.0%) (4.6%)	252 (90.0%) (4.6%)	20 (7.1%) (5.3%)	8 (2.9%) (3.9%)
Robbery 2° (160.10)	500 (100.0%) (8.3%)	456 (91.2%) (8.4%)	36 (7.2%) (9.6%)	8 (1.6%) (3.9%)
Assault 1° (120.10)	123 (100.0%) (2.0%)	99 (80.5%) (1.8%)	9 (7.3%) (2.4%)	15 (12.2%) (7.4%)
Assault 2° (120.05)	116 (100.0%) (1.9%)	102 (87.9%) (1.9%)	6 (5.2%) (1.6%)	8 (6.9%) (3.9%)
Other	465 (100.0%) (7.7%)	410 (88.2%) (7.5%)	27 (5.8%) (7.2%)	28 (6.0%) (13.8%)
TOTAL	6,038 (100.0%) (100.0%)	5,460 (90.4%) (100.0%)	375 (6.2%) (100.0%)	203 (3.4%) (100.0%)

Percentages may not add to 100.0% due to rounding.

Firearm/Armed Felony Dispositions

Highlights

- * Statewide, 8,483 dispositions of firearm indictments were reported during 1982. Of these, 3,528 (41.6%) involved indictments in which the firearm charge was the top charge and 4,955 (58.4%) involved indictments in which the firearm was the secondary charge.
- * New York City accounted for 87.9% (7,460) of the total dispositions of firearm indictments (8,483).
- * Statewide, Criminal Possession of a Weapon 3° (PL 265.02) indictments accounted for 34.5% (2,929) of the firearm dispositions with Robbery 1° (PL 160.15) indictments representing 32.5% (2,753).
- * Statewide, pleas represented 68.6% of all dispositions and trial verdicts (convictions and acquittals) accounted for 14.8% of the dispositions to firearm indictments.
- * For top charge firearm indictments in New York State, pleas accounted for 73.2% of the dispositions and trial verdicts accounted for 7.9% of the dispositions.
- * The statewide conviction rate on all disposed firearm indictments was 79.7% (6,760) during 1982. The conviction rate was 78.4% for top charge firearm indictments and 80.6% for secondary charge indictments. (This may be accounted for by the fact that, in these cases, the top charge was a more serious charge than was the firearm charge.)
- * On a regional basis, the conviction rate was highest in Suburban New York City (88.2%), followed by the Upstate counties (81.5%), and New York City (78.9%)¹.
- * Pleas accounted for 93.5% of the 2,765 statewide convictions which resulted from top charge firearm indictments and for 80.5% of the 3,995 convictions which resulted from secondary charge indictments.
- * Statewide, 47.6% (3,218) of the convictions were to the most serious indictment charge and a total of 92.1% of the convictions resulting from indictments containing a firearm charge were to a violent felony offense.

¹Unless otherwise specified, dispositions of firearm/armed felony indictments need not have been for a firearm/armed felony offense.

The 8,483 firearm dispositions reported in 1982 represent a 55.0% increase over the number of firearm dispositions reported for 1981 (5,451). This increase reflects the fact that many of the firearm indictments disposed of in 1981 were older cases not covered by the new amendments and thus excluded from analysis. By 1982, the post-amendment firearm cases moved to the front of the systems queue for disposition.

TABLE 26
1982 Dispositions of Firearm/Armed Felony Indictments by Type¹ - New York State

Region	Disposition by Type					
	Totals	Convicted		Dismissed	Acquitted	Other
		Plea	Trial			
Statewide	8483 (100.0%)	5818 (68.6%)	942 (11.1%)	884 (10.4%)	316 (3.7%)	523 (6.2%)
N.Y.C.	7460 (100.0%)	5057 (67.8%)	829 (11.1%)	818 (11.0%)	287 (3.8%)	469 (6.3%)
Suburban	595 (100.0%)	475 (79.8%)	50 (8.4%)	25 (4.2%)	15 (2.5%)	30 (5.0%)
Upstate	428 (100.0%)	286 (66.8%)	63 (14.7%)	41 (9.6%)	14 (3.3%)	24 (5.6%)

¹Includes top and secondary charge firearm indictments.

Percentages may not add to 100.0% due to rounding.

TABLE 27
1982 Total Firearm/Armed Felony Dispositions - New York State

	REGION			
	Statewide	N.Y.C.	Suburban	Upstate
Firearm Top Charge	3,528 (41.6%)	3,053 (40.9%)	237 (39.8%)	238 (55.6%)
Firearm Secondary Charge	4,955 (58.4%)	4,407 (59.1%)	358 (60.2%)	190 (44.4%)
Total	8,483 (100.0%)	7,460 (100.0%)	595 (100.0%)	428 (100.0%)

Percentages may not add to 100.0% due to rounding.

TABLE 28
1982 Dispositions on Top Charge Firearm/Armed Felony Indictments - New York State

Penal Law Section	Disposition by Type					
	Totals	Convicted		Dismissed	Acquitted	Other
		Plea	Trial			
CUF 1° (265.09)	27 (100.0%) (0.8%)	19 (70.4%) (0.7%)	3 (11.1%) (1.7%)	4 (14.8%) (0.9%)	0 (0.0%) (0.0%)	1 (3.7%) (0.5%)
CPW 2° (265.03)	298 (100.0%) (8.4%)	218 (73.2%) (8.4%)	21 (7.0%) (11.9%)	30 (10.1%) (6.5%)	8 (2.7%) (7.8%)	21 (7.0%) (10.2%)
CUF 2° (265.08)	113 (100.0%) (3.2%)	77 (68.1%) (3.0%)	8 (7.1%) (4.5%)	15 (13.3%) (3.3%)	9 (8.0%) (8.8%)	4 (3.5%) (2.0%)
CPW 3° (265.02)	2,929 (100.0%) (83.0%)	2,126 (72.6%) (82.3%)	145 (5.0%) (81.9%)	406 (13.9%) (88.3%)	82 (2.8%) (80.4%)	170 (5.8%) (82.9%)
Att. CPW 3° (110/265.02)	64 (100.0%) (1.8%)	63 (98.4%) (2.4%)	0 (0.0%) (0.0%)	0 (0.0%) (0.0%)	1 (1.6%) (0.9%)	0 (0.0%) (0.0%)
Other	97 (100.0%) (2.7%)	81 (83.5%) (3.1%)	0 (0.0%) (0.0%)	5 (5.2%) (1.1%)	2 (2.1%) (2.0%)	9 (9.3%) (4.4%)
Total	3,528 (100.0%) (100.0%)	2,584 (73.2%) (100.0%)	177 (5.0%) (100.0%)	460 (13.0%) (100.0%)	102 (2.9%) (100.0%)	205 (5.8%) (100.0%)

Percentages may not add to 100.0% due to rounding.

TABLE 29
1982 Dispositions on Secondary Charge Firearm/Armed Felony Indictments - New York State

Penal Law Section	Totals	Disposition by Type				
		Convicted		Dismissed	Acquitted	Other
		Plea	Trial			
Murder 2° (125.25)	405 (100.0%) (8.2%)	138 (34.1%) (4.3%)	175 (43.2%) (22.9%)	23 (5.7%) (5.4%)	44 (10.9%) (20.6%)	25 (6.2%) (7.9%)
Att. Murder 2° (110/125.25)	333 (100.0%) (6.7%)	171 (51.4%) (5.3%)	73 (21.9%) (9.5%)	27 (8.1%) (6.4%)	26 (7.8%) (12.2%)	36 (10.8%) (11.3%)
Manslaughter 1° (125.20)	56 (100.0%) (1.1%)	32 (57.1%) (1.0%)	14 (25.0%) (1.8%)	7 (12.5%) (1.7%)	3 (5.4%) (1.4%)	0 (0.0%) (0.0%)
Robbery 1° (160.15)	2,753 (100.0%) (55.6%)	1,889 (68.6%) (58.4%)	347 (12.6%) (45.4%)	241 (8.8%) (56.8%)	94 (3.4%) (43.9%)	182 (6.6%) (57.2%)
Rape 1° (130.35)	84 (100.0%) (1.7%)	38 (45.2%) (1.2%)	22 (26.2%) (2.9%)	12 (14.3%) (2.8%)	7 (8.3%) (3.3%)	5 (6.0%) (1.6%)
Burglary 1° (140.30)	68 (100.0%) (1.4%)	37 (54.4%) (1.1%)	8 (11.8%) (1.0%)	14 (20.6%) (3.3%)	2 (2.9%) (0.9%)	7 (10.3%) (2.2%)
Att. Robbery 1° (110/160.15)	215 (100.0%) (4.3%)	162 (75.3%) (5.0%)	22 (10.2%) (2.9%)	15 (7.0%) (3.5%)	6 (2.8%) (2.8%)	10 (4.7%) (3.1%)
Robbery 2° (160.10)	444 (100.0%) (9.0%)	388 (87.4%) (12.0%)	24 (5.4%) (3.1%)	17 (3.8%) (4.0%)	4 (0.9%) (1.9%)	11 (2.5%) (3.5%)
Assault 1° (120.10)	110 (100.0%) (2.2%)	64 (58.2%) (2.0%)	16 (14.5%) (2.1%)	10 (9.1%) (2.4%)	12 (10.9%) (5.6%)	8 (7.3%) (2.5%)
Assault 2° (120.05)	86 (100.0%) (1.7%)	57 (66.3%) (1.8%)	10 (11.6%) (1.3%)	12 (14.0%) (2.8%)	2 (2.3%) (0.9%)	5 (5.8%) (1.6%)
Other	401 (100.0%) (8.1%)	258 (64.3%) (8.0%)	54 (13.5%) (7.1%)	46 (11.5%) (10.8%)	14 (3.5%) (6.5%)	29 (7.2%) (9.1%)
Total	4,955 (100.0%) (100.0%)	3,234 (65.3%) (100.0%)	765 (15.4%) (100.0%)	424 (8.6%) (100.0%)	214 (4.3%) (100.0%)	318 (6.4%) (100.0%)

Percentages may not add to 100.0% due to rounding.

TABLE 30
1982 Dispositions on Top Charge Firearm/Armed Felony Indictments - New York City

Penal Law Section	Disposition by Type					
	Totals	Convicted				
		Plea	Trial	Dismissed	Acquitted	Other
CUF 1° (265.09)	25 (100.0%) (0.8%)	17 (68.0%) (0.8%)	3 (12.0%) (2.0%)	4 (16.0%) (1.0%)	0 (0.0%) (0.0%)	1 (4.0%) (0.6%)
CPW 2° (265.03)	267 (100.0%) (8.7%)	194 (72.7%) (8.7%)	17 (6.4%) (11.7%)	28 (10.5%) (6.7%)	8 (3.0%) (8.6%)	20 (7.5%) (11.3%)
CUF 2° (265.08)	110 (100.0%) (3.6%)	75 (68.2%) (3.4%)	7 (6.4%) (4.8%)	15 (13.6%) (3.6%)	9 (8.2%) (9.7%)	4 (3.6%) (2.3%)
CPW 3° (265.02)	2,567 (100.0%) (84.1%)	1,856 (72.3%) (83.6%)	118 (4.6%) (81.4%)	371 (14.5%) (88.5%)	74 (2.9%) (79.6%)	148 (5.8%) (83.6%)
Att. CPW 3° (110/265.02)	45 (100.0%) (1.5%)	45 (100.0%) (2.0%)	0 (0.0%) (0.0%)	0 (0.0%) (0.0%)	0 (0.0%) (0.0%)	0 (0.0%) (0.0%)
Other	39 (100.0%) (1.3%)	32 (82.1%) (1.4%)	0 (0.0%) (0.0%)	1 (2.6%) (0.2%)	2 (5.1%) (2.2%)	4 (10.3%) (2.3%)
Total	3,053 (100.0%) (100.0%)	2,219 (72.7%) (100.0%)	145 (4.7%) (100.0%)	419 (13.7%) (100.0%)	93 (3.0%) (100.0%)	177 (5.8%) (100.0%)

Percentages may not add to 100.0% due to rounding.

TABLE 31
1982 Dispositions on Secondary Charge Firearm/Armed Felony Indictments - New York City

Penal Law Section	Totals	Disposition by Type				
		Convicted		Dismissed	Acquitted	Other
		Plea	Trial			
Murder 2° (125.25)	373 (100.0%) (8.5%)	126 (33.8%) (4.4%)	160 (42.9%) (23.4%)	23 (6.2%) (5.8%)	43 (11.5%) (22.2%)	21 (5.6%) (7.2%)
Att. Murder 2° (110/125.25)	315 (100.0%) (7.1%)	159 (50.5%) (5.6%)	69 (21.9%) (10.1%)	27 (8.6%) (6.8%)	24 (7.6%) (12.4%)	36 (11.4%) (12.3%)
Manslaughter 1° (125.20)	55 (100.0%) (1.2%)	32 (58.2%) (1.1%)	14 (25.5%) (2.0%)	6 (10.9%) (1.5%)	3 (5.5%) (1.5%)	0 (0.0%) (0.0%)
Robbery 1° (160.15)	2,461 (100.0%) (55.8%)	1,667 (67.7%) (58.7%)	314 (12.8%) (45.9%)	226 (9.2%) (56.6%)	87 (3.5%) (44.8%)	167 (6.8%) (57.2%)
Rape 1° (130.35)	74 (100.0%) (1.7%)	32 (43.2%) (1.1%)	21 (28.4%) (3.1%)	10 (13.5%) (2.5%)	6 (8.1%) (3.1%)	5 (6.8%) (1.7%)
Burglary 1° (140.30)	56 (100.0%) (1.3%)	30 (53.6%) (1.1%)	8 (14.3%) (1.2%)	12 (21.4%) (3.0%)	2 (3.6%) (1.0%)	4 (7.1%) (1.4%)
Att. Robbery 1° (110/160.15)	186 (100.0%) (4.2%)	137 (73.7%) (4.8%)	18 (9.7%) (2.6%)	15 (8.1%) (3.8%)	6 (3.2%) (3.1%)	10 (5.4%) (3.4%)
Robbery 2° (160.10)	391 (100.0%) (8.9%)	342 (87.5%) (12.1%)	20 (5.1%) (2.9%)	15 (3.8%) (3.8%)	4 (1.0%) (2.1%)	10 (2.6%) (3.4%)
Assault 1° (120.10)	81 (100.0%) (1.8%)	47 (58.0%) (1.7%)	9 (11.1%) (1.3%)	10 (12.3%) (2.5%)	7 (8.6%) (3.6%)	8 (9.9%) (2.7%)
Assault 2° (120.05)	71 (100.0%) (1.6%)	46 (64.8%) (1.6%)	9 (12.7%) (1.3%)	10 (14.1%) (2.5%)	2 (2.8%) (1.0%)	4 (5.6%) (1.4%)
Other	344 (100.0%) (7.8%)	220 (64.0%) (7.8%)	42 (12.2%) (6.1%)	45 (13.1%) (11.3%)	10 (2.9%) (5.2%)	27 (7.8%) (9.2%)
Total	4,407 (100.0%) (100.0%)	2,838 (64.4%) (100.0%)	684 (15.5%) (100.0%)	399 (9.1%) (100.0%)	194 (4.4%) (100.0%)	292 (6.6%) (100.0%)

Percentages may not add to 100.0% due to rounding.

TABLE 32
 1982 Dispositions on Top Charge Firearm/Armed Felony Indictments - Suburban-New York City

Penal Law Section	Totals	Disposition by Type				
		Convicted				
		Plea	Trial	Dismissed	Acquitted	Other
CUF 1° (265.09)	1 (100.0%) (0.4%)	1 (100.0%) (0.5%)	0 (0.0%) (0.0%)	0 (0.0%) (0.0%)	0 (0.0%) (0.0%)	0 (0.0%) (0.0%)
CPW 2° (265.03)	15 (100.0%) (6.3%)	12 (80.0%) (6.1%)	2 (13.3%) (16.7%)	0 (0.0%) (0.0%)	0 (0.0%) (0.0%)	1 (6.7%) (6.7%)
CUF 2° (265.08)	3 (100.0%) (1.3%)	2 (66.7%) (1.0%)	1 (33.3%) (8.3%)	0 (0.0%) (0.0%)	0 (0.0%) (0.0%)	0 (0.0%) (0.0%)
CPW 3° (265.02)	192 (100.0%) (81.0%)	161 (83.9%) (81.3%)	9 (4.7%) (75.0%)	8 (4.2%) (88.9%)	3 (1.6%) (100.0%)	11 (5.7%) (73.3%)
Att. CPW 3° (110/265.02)	11 (100.0%) (4.6%)	11 (100.0%) (5.6%)	0 (0.0%) (0.0%)	0 (0.0%) (0.0%)	0 (0.0%) (0.0%)	0 (0.0%) (0.0%)
Other	15 (100.0%) (6.3%)	11 (73.3%) (5.6%)	0 (0.0%) (0.0%)	1 (6.7%) (11.1%)	0 (0.0%) (0.0%)	3 (20.0%) (20.0%)
Total	237 (100.0%) (100.0%)	198 (83.5%) (100.0%)	12 (5.1%) (100.0%)	9 (3.8%) (100.0%)	3 (1.3%) (100.0%)	15 (6.3%) (100.0%)

Percentages may not add to 100.0% due to rounding.

TABLE 33
1982 Dispositions on Secondary Charge Firearm/Armed Felony Indictments - Suburban New York City

Penal Law Section	Disposition by Type					
	Totals	Convicted		Dismissed	Acquitted	Other
		Plea	Trial			
Murder 2° (125.25)	22 (100.0%) (6.1%)	6 (27.3%) (2.2%)	11 (50.0%) (28.9%)	0 (0.0%) (0.0%)	1 (4.5%) (8.3%)	4 (18.2%) (26.7%)
Att. Murder 2° (110/125.25)	10 (100.0%) (2.8%)	7 (70.0%) (2.5%)	2 (20.0%) (5.3%)	0 (0.0%) (0.0%)	1 (10.0%) (8.3%)	0 (0.0%) (0.0%)
Manslaughter 1° (125.20)	0 (0.0%)	0 (0.0%) (0.0%)	0 (0.0%) (0.0%)	0 (0.0%) (0.0%)	0 (0.0%) (0.0%)	0 (0.0%) (0.0%)
Robbery 1° (160.15)	207 (100.0%) (57.8%)	167 (80.7%) (60.3%)	15 (7.2%) (39.5%)	12 (5.8%) (75.0%)	6 (2.9%) (50.0%)	7 (3.4%) (46.7%)
Rape 1° (130.35)	4 (100.0%) (1.1%)	3 (75.0%) (1.1%)	1 (25.0%) (2.6%)	0 (0.0%) (0.0%)	0 (0.0%) (0.0%)	0 (0.0%) (0.0%)
Burglary 1° (140.30)	10 (100.0%) (2.8%)	5 (50.0%) (1.8%)	0 (0.0%) (0.0%)	2 (20.0%) (12.5%)	0 (0.0%) (0.0%)	3 (30.0%) (20.0%)
Att. Robbery 1° (110/160.15)	23 (100.0%) (6.4%)	21 (91.3%) (7.6%)	2 (8.7%) (5.3%)	0 (0.0%) (0.0%)	0 (0.0%) (0.0%)	0 (0.0%) (0.0%)
Robbery 2° (160.10)	36 (100.0%) (10.1%)	33 (91.7%) (11.9%)	2 (5.6%) (5.3%)	1 (2.8%) (6.3%)	0 (0.0%) (0.0%)	0 (0.0%) (0.0%)
Assault 1° (120.10)	10 (100.0%) (2.8%)	8 (80.0%) (2.9%)	2 (20.0%) (5.3%)	0 (0.0%) (0.0%)	0 (0.0%) (0.0%)	0 (0.0%) (0.0%)
Assault 2° (120.05)	6 (100.0%) (1.7%)	5 (83.3%) (1.8%)	0 (0.0%) (0.0%)	1 (16.7%) (6.3%)	0 (0.0%) (0.0%)	0 (0.0%) (0.0%)
Other	30 (100.0%) (8.4%)	22 (73.3%) (7.9%)	3 (10.0%) (7.9%)	0 (0.0%) (0.0%)	4 (13.3%) (33.3%)	1 (3.3%) (6.7%)
Total	358 (100.0%) (100.0%)	277 (77.4%) (100.0%)	38 (10.6%) (100.0%)	16 (4.5%) (100.0%)	12 (3.4%) (100.0%)	15 (4.2%) (100.0%)

Percentages may not add to 100.0% due to rounding.

TABLE 34
1982 Dispositions on Top Charge Firearm/Armed Felony Indictments - Upstate

Penal Law Section	Totals	Disposition by Type				
		Convicted		Dismissed	Acquitted	Other
		Plea	Trial			
CUF 1° (265.09)	1 (100.0%) (0.4%)	1 (100.0%) (0.6%)	0 (0.0%) (0.0%)	0 (0.0%) (0.0%)	0 (0.0%) (0.0%)	0 (0.0%) (0.0%)
CPW 2° (265.03)	16 (100.0%) (6.7%)	12 (75.0%) (7.2%)	2 (12.5%) (10.0%)	2 (12.5%) (6.3%)	0 (0.0%) (0.0%)	0 (0.0%) (0.0%)
CUF 2° (265.08)	0 (0.0%) (0.0%)	0 (0.0%) (0.0%)	0 (0.0%) (0.0%)	0 (0.0%) (0.0%)	0 (0.0%) (0.0%)	0 (0.0%) (0.0%)
CPW 3° (265.02)	170 (100.0%) (71.4%)	109 (64.1%) (65.3%)	18 (10.6%) (90.0%)	27 (15.9%) (84.4%)	5 (2.9%) (83.3%)	11 (6.5%) (84.6%)
Att. CPW 3° (110/265.02)	8 (100.0%) (3.4%)	7 (87.5%) (4.2%)	0 (0.0%) (0.0%)	0 (0.0%) (0.0%)	1 (12.5%) (16.7%)	0 (0.0%) (0.0%)
Other	43 (100.0%) (18.1%)	38 (88.4%) (22.7%)	0 (0.0%) (0.0%)	3 (7.0%) (9.4%)	0 (0.0%) (0.0%)	2 (4.7%) (15.4%)
Total	238 (100.0%) (100.0%)	167 (70.2%) (100.0%)	20 (8.4%) (100.0%)	32 (13.4%) (100.0%)	6 (2.5%) (100.0%)	13 (5.5%) (100.0%)

Percentages may not add to 100.0% due to rounding.

TABLE 35
1982 Dispositions on Secondary Charge Firearm/Armed Felony Indictments - Upstate

Penal Law Section	Totals	Disposition by Type				
		Convicted		Dismissed	Acquitted	Other
		Plea	Trial			
Murder 2° (125.25)	10 (100.0%) (5.3%)	6 (60.0%) (5.0%)	4 (40.0%) (9.3%)	0 (0.0%) (0.0%)	0 (0.0%) (0.0%)	0 (0.0%) (0.0%)
Att. Murder 2° (110/125.25)	8 (100.0%) (4.2%)	5 (62.5%) (4.2%)	2 (25.0%) (4.7%)	0 (0.0%) (0.0%)	1 (12.5%) (12.5%)	0 (0.0%) (0.0%)
Manslaughter 1° (125.20)	1 (100.0%) (0.5%)	0 (0.0%) (0.0%)	0 (0.0%) (0.0%)	1 (100.0%) (11.1%)	0 (0.0%) (0.0%)	0 (0.0%) (0.0%)
Robbery 1° (160.15)	85 (100.0%) (44.7%)	55 (64.7%) (46.2%)	18 (21.2%) (41.9%)	3 (3.5%) (33.3%)	1 (1.2%) (12.5%)	8 (9.4%) (72.7%)
Rape 1° (130.35)	6 (100.0%) (3.2%)	3 (50.0%) (2.5%)	0 (0.0%) (0.0%)	2 (33.3%) (22.2%)	1 (16.7%) (12.5%)	0 (0.0%) (0.0%)
Burglary 1° (140.30)	2 (100.0%) (1.1%)	2 (100.0%) (1.7%)	0 (0.0%) (0.0%)	0 (0.0%) (0.0%)	0 (0.0%) (0.0%)	0 (0.0%) (0.0%)
Att. Robbery 1° (110/160.15)	6 (100.0%) (3.2%)	4 (66.7%) (3.4%)	2 (33.3%) (4.7%)	0 (0.0%) (0.0%)	0 (0.0%) (0.0%)	0 (0.0%) (0.0%)
Robbery 2° (160.10)	17 (100.0%) (8.9%)	13 (76.5%) (11.0%)	2 (11.8%) (4.7%)	1 (5.9%) (11.1%)	0 (0.0%) (0.0%)	1 (5.9%) (9.1%)
Assault 1° (120.10)	19 (100.0%) (10.0%)	9 (47.4%) (7.6%)	5 (26.3%) (11.6%)	0 (0.0%) (0.0%)	5 (26.3%) (62.5%)	0 (0.0%) (0.0%)
Assault 2° (120.05)	9 (100.0%) (4.7%)	6 (66.7%) (5.0%)	1 (11.1%) (2.3%)	1 (11.1%) (11.1%)	0 (0.0%) (0.0%)	1 (11.1%) (9.1%)
Other	27 (100.0%) (14.2%)	16 (59.3%) (13.4%)	9 (33.3%) (20.9%)	1 (3.7%) (11.1%)	0 (0.0%) (0.0%)	1 (3.7%) (9.1%)
Total	190 (100.0%) (100.0%)	119 (62.6%) (100.0%)	43 (22.6%) (100.0%)	9 (4.7%) (100.0%)	8 (4.2%) (100.0%)	11 (5.8%) (100.0%)

Percentages may not add to 100.0% due to rounding.

TABLE 36
1982 Conviction Rate on All Firearm/Armed Felony Indictments

	REGION			
	Statewide	N.Y.C.	Suburban	Upstate
Convictions:	6,760 (100.0%) (100.0%)	5,886 (87.1%) (100.0%)	525 (7.8%) (100.0%)	349 (5.2%) (100.0%)
Convictions by Plea	5,818 (100.0%) (86.1%)	5,057 (86.9%) (85.9%)	475 (8.2%) (90.5%)	286 (4.9%) (81.9%)
Convictions by Trial	942 (100.0%) (13.9%)	829 (88.0%) (14.1%)	50 (5.3%) (9.5%)	63 (6.7%) (18.1%)
Dispositions	8,483 (100.0%)	7,460 (87.9%)	595 (7.0%)	428 (5.1%)
Conviction Rate (Convictions/Dispos.)	79.7%	78.9%	88.2%	81.5%

Percentages may not add to 100.0% due to rounding.

TABLE 37
1982 Convictions on Top Charge Firearm/Armed Felony Indictments

Region	Total Convictions	Type of Conviction				
		Pre-Trial Plea	Non-Jury Trial Verdict	Non-Jury Trial Plea	Jury Trial Verdict	Jury Trial Plea
Statewide	2,765 (100.0%)	2,582 (93.4%)	56 (2.0%)	4 (0.1%)	123 (4.4%)	0 (0.0%)
New York City	2,364 (100.0%)	2,215 (93.7%)	46 (1.9%)	4 (0.2%)	99 (4.2%)	0 (0.0%)
Suburban	210 (100.0%)	198 (94.3%)	3 (1.4%)	0 (0.0%)	9 (4.3%)	0 (0.0%)
Upstate	191 (100.0%)	169 (88.5%)	7 (3.7%)	0 (0.0%)	15 (7.9%)	1 (0.5%)

Percentages may not add to 100.0% due to rounding.

TABLE 38
1982 Convictions on Secondary Charge Firearm/Armed Felony Indictments

Region	Total Convictions	Type of Conviction				
		Pre-Trial Plea	Non-Jury Trial Verdict	Non-Jury Trial Plea	Jury Trial Verdict	Jury Trial Plea
Statewide	3,995 (100.0%)	3,214 (80.5%)	107 (2.7%)	2 (0.1%)	656 (16.4%)	16 (0.4%)
New York City	3,522 (100.0%)	2,822 (80.1%)	92 (2.6%)	2 (0.1%)	592 (16.8%)	14 (0.4%)
Suburban	315 (100.0%)	276 (87.6%)	6 (1.9%)	0 (0.0%)	32 (10.2%)	1 (0.3%)
Upstate	158 (100.0%)	116 (73.4%)	9 (5.7%)	0 (0.0%)	32 (20.3%)	1 (0.6%)

Percentages may not add to 100.0% due to rounding.

TABLE 39

Top Charge Firearm/Armed Felony Indicted Offenses vs. Convicted Offenses
 1982 Convictions
 New York State

Convicted Offense	Indicted Offense											
	Class A		Class B		Class C		Class D		Class E		Totals	
Same Offense			44	13.5%	1253	55.0%	126	94.7%	1423	51.5%		
Violent Felony	21	80.8%	251	77.0%	833	36.5%			1105	40.0%		
Class A									5	0.2%		
Class B	5	19.2%										
Class C	9	34.6%	13	4.0%					22	0.8%		
Class D	7	26.9%	220	67.5%	1	0.0%			228	8.2%		
Class E			18	5.5%	832	36.5%			850	30.7%		
Misdemeanor												
Other												
Non Violent Felony	5	19.2%	31	9.5%	194	8.5%	7	5.3%	237	8.6%		
Class A												
Class B												
Class C	2	7.7%							2	0.1%		
Class D	1	3.8%	6	1.8%	15	0.7%			22	0.8%		
Class E	2	7.7%	7	2.1%	29	1.3%			38	1.4%		
Misdemeanor			18	5.5%	145	6.4%	6	4.5%	169	6.1%		
Other					5	0.2%	1	0.8%	6	0.2%		
TOTALS	26	(100.0%)	326	(100.0%)	2280	(100.0%)	133	(100.0%)	2765	(100.0%)		

Percentages may not add to 100.0% due to rounding.

TABLE 40

Secondary Charge Firearm/Armed Felony Indicted Offenses vs. Convicted Offenses
1982 Convictions
New York State

Convicted Offense	Indicted Offense											
	Class A		Class B		Class C		Class D		Class E		Totals	
Same Offense	156	39.8%	1244	46.1%	323	42.8%	68	47.9%	4	57.1%	1795	44.9%
Violent Felony	201	51.3%	1286	47.6%	393	52.1%	26	18.3%			1906	47.7%
Class A	25	6.4%									25	0.6%
Class B	121	30.9%	47	1.7%							168	4.2%
Class C	42	10.7%	944	35.0%	26	3.4%					1012	25.3%
Class D	12	3.1%	288	10.7%	362	47.9%	19	13.4%			681	17.0%
Class E	1	0.3%	7	0.3%	5	0.7%	7	4.9%			20	0.5%
Misdemeanor Other												
Non Violent Felony	35	8.9%	169	6.3%	39	5.2%	48	33.8%	3	42.9%	294	7.4%
Class A	12	3.1%	80	3.0%							92	2.3%
Class B	6	1.5%									6	0.2%
Class C	10	2.6%	23	0.9%							33	0.8%
Class D	4	1.0%	32	1.2%	17	2.3%					53	1.3%
Class E	1	0.3%	5	0.2%	4	0.5%	28	19.7%	1	14.3%	39	1.0%
Misdemeanor Other	2	0.5%	28	1.0%	18	2.4%	20	14.1%	2	28.6%	70	1.8%
			1	0.0%							1	0.0%
TOTALS	392	(100.0%)	2699	(100.0%)	755	(100.0%)	142	(100.0%)	7	(100.0%)	3995	(100.0%)

Percentages may not add to 100.0% due to rounding.

TABLE 41

Top Charge Firearm/Armed Felony Indicted Offenses vs. Convicted Offenses
1982 Convictions
New York City

Convicted Offense	Indicted Offense											
	Class A		Class B		Class C		Class D		Class E		Totals	
Same Offense			35	11.9%	1110	56.1%	68	95.8%	1213	51.3%		
Violent Felony	19	86.4%	235	79.9%	758	38.3%			1012	42.8%		
Class A									5	0.2%		
Class B	5	22.7%							19	0.8%		
Class C	7	31.8%	12	4.1%					214	9.1%		
Class D	7	31.8%	206	70.1%	1	0.1%			774	32.7%		
Class E			17	5.8%	757	38.3%						
Misdemeanor												
Other												
Non Violent Felony	3	13.6%	24	8.2%	109	5.5%	3	4.2%	139	5.9%		
Class A												
Class B												
Class C												
Class D	1	4.5%	5	1.7%	10	0.5%			16	0.7%		
Class E	2	9.1%	7	2.4%	15	0.8%			24	1.0%		
Misdemeanor			12	4.1%	79	4.0%	3	4.2%	94	4.0%		
Other					5	0.3%			5	0.2%		
TOTALS	22	(100.0%)	294	(100.0%)	1977	(100.0%)	71	(100.0%)	2364	(100.0%)		

Percentages may not add to 100.0% due to rounding.

TABLE 42

Secondary Charge Firearm/Armed Felony Indicted Offenses vs. Convicted Offenses
1982 Convictions
New York City

Convicted Offense	Indicted Offense											
	Class A		Class B		Class C		Class D		Class E		Totals	
Same Offense	137	39.0%	1088	45.3%	280	43.7%	56	46.3%	4	66.7%	1565	44.4%
Violent Felony	184	52.4%	1158	48.2%	334	52.1%	24	19.8%			1700	48.3%
Class A	23	6.6%									23	0.7%
Class B	112	31.9%	46	1.9%							158	4.5%
Class C	36	10.3%	855	35.6%	24	3.7%					915	26.0%
Class D	12	3.4%	250	10.4%	306	47.7%	18	14.9%			586	16.6%
Class E	1	0.3%	7	0.3%	4	0.6%	6	5.0%			18	0.5%
Misdemeanor												
Other												
Non Violent Felony	30	8.5%	157	6.5%	27	4.2%	41	33.9%	2	33.3%	257	7.3%
Class A	11	3.1%	75	3.1%							86	2.4%
Class B	3	0.9%									3	0.1%
Class C	9	2.6%	22	0.9%							31	0.9%
Class D	4	1.1%	32	1.3%	15	2.3%					51	1.4%
Class E	1	0.3%	2	0.1%	3	0.5%	25	20.7%	1	16.7%	32	0.9%
Misdemeanor	2	0.6%	25	1.0%	9	1.4%	16	13.2%	1	16.7%	53	1.5%
Other			1	0.0%							1	0.0%
TOTALS	351	(100.0%)	2403	(100.0%)	641	(100.0%)	121	(100.0%)	6	(100.0%)	3522	(100.0%)

Percentages may not add to 100.0% due to rounding.

TABLE 43

Top Charge Firearm/Armed Felony Indicted Offenses vs. Convicted Offenses
 1982 Convictions
 Suburban New York City

Convicted Offense	Indicted Offense					Totals	
	Class A	Class B	Class C	Class D	Class E		
Same Offense			6 35.3%	74 42.5%	18 100.0%	98	46.7%
Violent Felony		1 100.0%	10 58.8%	46 26.4%		57	27.1%
Class A							
Class B							
Class C		1 100.0%	1 5.9%			2	1.0%
Class D			9 52.9%			9	4.3%
Class E				46 26.4%		46	21.9%
Misdemeanor							
Other							
Non Violent Felony			1 5.9%	54 31.0%		55	26.2%
Class A							
Class B							
Class C							
Class D				4 2.3%		4	1.9%
Class E				6 3.4%		6	2.9%
Misdemeanor			1 5.9%	44 25.3%		45	21.4%
Other							
TOTALS		1 (100.0%)	17 (100.0%)	174 (100.0%)	18 (100.0%)	210	(100.0%)

Percentages may not add to 100.0% due to rounding.

TABLE 44

Secondary Charge Firearm/Armed Felony Indicted Offenses vs. Convicted Offenses
 1982 Convictions
 Suburban New York City

Convicted Offense	Indicted Offense											
	Class A		Class B		Class C		Class D		Class E		Totals	
Same Offense	14	70.0%	118	56.7%	28	36.8%	5	50.0%			165	52.4%
Violent Felony	4	20.0%	82	39.4%	39	51.3%	1	10.0%			126	40.0%
Class A											3	1.0%
Class B	3	15.0%									64	20.3%
Class C	1	5.0%	63	30.3%							57	18.1%
Class D			19	9.1%	38	50.0%					2	0.6%
Class E					1	1.3%	1	10.0%				
Misdemeanor												
Other												
Non Violent Felony	2	10.0%	8	3.8%	9	11.8%	4	40.0%	1	100.0%	24	7.6%
Class A	1	5.0%	3	1.4%							4	1.3%
Class B												
Class C	1	5.0%	1	0.5%							2	0.6%
Class D					2	2.6%					2	0.6%
Class E			2	1.0%			2	20.0%			4	1.3%
Misdemeanor			2	1.0%	7	9.2%	2	20.0%	1	100.0%	12	3.8%
Other												
TOTALS	20	(100.0%)	208	(100.0%)	76	(100.0%)	10	(100.0%)	1	(100.0%)	315	(100.0%)

Percentages may not add to 100.0% due to rounding.

TABLE 45

Top Charge Firearm/Armed Felony Indicted Offenses vs. Convicted Offenses
1982 Convictions
Upstate

Convicted Offense	Indicted Offense											
	Class A		Class B		Class C		Class D		Class E		Totals	
Same Offense					3	20.0%	69	53.5%	40	90.9%	112	58.6%
Violent Felony		1	33.3%		6	40.0%	29	22.5%			36	18.8%
Class A												
Class B												
Class C		1	33.3%								1	0.5%
Class D					5	33.3%					5	2.6%
Class E					1	6.7%	29	22.5%			30	15.7%
Misdemeanor												
Other												
Non Violent Felony		2	66.7%		6	40.0%	31	24.0%	4	9.1%	43	22.5%
Class A												
Class B												
Class C		2	66.7%								2	1.0%
Class D					1	6.7%	1	0.8%			2	1.0%
Class E							8	6.2%			8	4.2%
Misdemeanor					5	33.3%	22	17.1%	3	6.8%	30	15.7%
Other									1	2.3%	1	0.5%
TOTALS		3	(100.0%)		15	(100.0%)	129	(100.0%)	44	(100.0%)	191	(100.0%)

Percentages may not add to 100.0% due to rounding.

TABLE 46

Secondary Charge Firearm/Armed Felony Indicted Offenses vs. Convicted Offenses
1982 Convictions
Upstate

Convicted Offense	Indicted Offense											
	Class A		Class B		Class C		Class D		Class E		Totals	
Same Offense	5	23.8%	38	43.2%	15	39.5%	7	63.6%			65	41.1%
Violent Felony	13	61.9%	46	52.3%	20	52.6%	1	9.1%			80	50.6%
Class A	2	9.5%									2	1.3%
Class B	6	28.6%	1	1.1%							7	4.4%
Class C	5	23.8%	26	29.5%	2	5.3%					33	20.9%
Class D			19	21.6%	18	47.4%	1	9.1%			38	24.1%
Class E												
Misdemeanor												
Other												
Non Violent Felony	3	14.3%	4	4.5%	3	7.9%	3	27.3%			13	8.2%
Class A			2	2.3%							2	1.3%
Class B	3	14.3%									3	1.9%
Class C												
Class D												
Class E			1	1.1%	1	2.6%	1	9.1%			3	1.9%
Misdemeanor			1	1.1%	2	5.3%	2	18.2%			5	3.2%
Other												
TOTALS	21	(100.0%)	88	(100.0%)	38	(100.0%)	11	(100.0%)			158	(100.0%)

Percentages may not add to 100.0% due to rounding.

Firearm/Armed Felony Sentences

Highlights

- * Of the 6,760 convictions resulting from firearm indictments statewide during 1982, 55.5% (3,752) were sentenced to state prison and another 17.9% (1,209) were sentenced to local jail for an overall incarceration rate of 73.4%.¹
- * The incarceration rate for convictions resulting from firearm indictments in New York City was 72.5% (4,266), 81.9% (430) in Suburban New York City and 75.9% (265) in the Upstate counties.
- * Of the total statewide convictions, 17.1% (1,155) were sentenced as persistent/predicate felons and 9% (608) were adjudicated youthful offenders.
- * Of the statewide convictions to a firearm charge (PL 265), 25.7% (719) were sentenced to state prison and 30% (841) were sentenced to local jail.¹ In total 44.4% (1,242) of these convictions received a term of incarceration for at least one year.
- * Of the 3,960 armed felony convictions involving the use or display of a firearm in the commission of another crime, 76.6% (3,034) were to state prison and 9.3% (368) were sentenced local jail.

Please note that sentencing data includes defendants adjudicated youthful offenders. Most conviction charges cited in this section require the court to impose an indeterminate state prison sentence or a jail sentence of one year unless the court found specific mitigating factors, determined the sentence would be unduly harsh, or substituted a youthful offender adjudication for the conviction. See Appendix C for more details on sentencing options. All sentences of non-incarceration or jail terms of less than one year require such exceptions to have been made.

¹Local jail figures and incarceration rates include split sentences of jail and probation.

TABLE 47
Percent of Persistent/Predicate and Youthful Offenders
Top Charge Firearm/Armed Felony Indictments
1982 Convictions

	REGION			
	Statewide	N.Y.C.	Suburban	Upstate
Persistent/ Predicate Offenders	349 (12.6%)	295 (12.5%)	20 (9.5%)	34 (17.8%)
Youthful Offenders	169 (6.1%)	157 (6.6%)	8 (3.8%)	4 (2.1%)
Total Convictions	2765	2364	210	191

TABLE 48
Secondary Charge Firearm/Armed Felony Indictments
1982 Convictions

	REGION			
	Statewide	N.Y.C.	Suburban	Upstate
Persistent/ Predicate Offenders	806 (20.2%)	690 (19.6%)	65 (20.6%)	51 (32.3%)
Youthful Offenders	439 (11.0%)	392 (11.2%)	39 (12.4%)	8 (5.1%)
Total Convictions	3995	3522	315	158

TABLE 49
All Firearm/Armed Felony Indictments
1982 Convictions

	REGION			
	Statewide	N.Y.C.	Suburban	Upstate
Persistent/ Predicate Offenders	1155 (17.1%)	985 (16.7%)	85 (16.2%)	85 (24.4%)
Youthful Offenders	608 (9.0%)	549 (9.3%)	47 (9.0%)	12 (3.4%)
Total Convictions	6760	5886	525	349

TABLE 50
 SENTENCES on CONVICTIONS to TOP/SECONDARY FIREARM/ARMED FELONY INDICTMENTS - NEW YORK STATE
 1982

Region	Total Convictions	Sentence Type					
		State Prison	Local Jail 1 Yr.	Local Jail <1 Yr.	Prison/ Probation	Probation	Other
New York State							
Firearm Top Charge	2,765 (100.0%)	644 (23.3%)	528 (19.1%)	133 (4.8%)	193 (7.0%)	1,117 (40.4%)	150 (5.4%)
Firearm Secondary Charge	3,995 (100.0%)	3,108 (77.8%)	200 (5.0%)	41 (1.0%)	114 (2.9%)	512 (12.8%)	20 (0.5%)
TOTAL	6,760 (100.0%)	3,752 (55.5%)	728 (10.8%)	174 (2.6%)	307 (4.5%)	1,629 (24.1%)	170 (2.5%)
New York City							
Firearm Top Charge	2,364 (100.0%)	541 (22.9%)	452 (19.1%)	97 (4.1%)	148 (6.3%)	1,007 (42.6%)	119 (5.0%)
Firearm Secondary Charge	3,522 (100.0%)	2,743 (77.9%)	164 (4.7%)	27 (0.8%)	94 (2.7%)	478 (13.6%)	16 (0.5%)
TOTAL	5,886 (100.0%)	3,284 (55.8%)	616 (10.5%)	124 (2.1%)	242 (4.1%)	1,485 (25.2%)	135 (2.3%)
Suburban							
Firearm Top Charge	210 (100.0%)	46 (21.9%)	45 (21.4%)	15 (7.1%)	35 (16.7%)	58 (27.6%)	11 (5.2%)
Firearm Secondary Charge	315 (100.0%)	237 (75.2%)	26 (8.3%)	10 (3.2%)	16 (5.1%)	22 (7.0%)	4 (1.3%)
TOTAL	525 (100.0%)	283 (53.9%)	71 (13.5%)	25 (4.8%)	51 (9.7%)	80 (15.2%)	15 (2.9%)
Upstate							
Firearm Top Charge	191 (100.0%)	57 (29.8%)	31 (16.2%)	21 (11.0%)	10 (5.2%)	52 (27.2%)	20 (10.5%)
Firearm Secondary Charge	158 (100.0%)	128 (81.0%)	10 (6.3%)	4 (2.5%)	4 (2.5%)	12 (7.6%)	0 (0.0%)
TOTAL	349 (100.0%)	185 (53.0%)	41 (11.7%)	25 (7.2%)	14 (4.0%)	64 (18.3%)	20 (5.7%)

Percentages may not add to 100.0% due to rounding.

TABLE 51
 SENTENCES by FIREARM/ARMED FELONY CONVICTION CHARGE - NEW YORK STATE
 1982

Penal Law Section	Total Convictions	State Prison	Local Jail. 1 Yr.	Local Jail <1 Yr.	Prison/ Probation	Probation	Other
Firearm Convictions: ¹							
CPW 2° (265.03)	114 (100.0%)	96 (84.2%)	6 (5.3%)	2 (1.8%)	1 (0.9%)	9 (7.9%)	0 (0.0%)
CPW 3° (265.02)	1,459 (100.0%)	418 (28.6%)	299 (20.5%)	70 (4.8%)	111 (7.6%)	516 (35.4%)	45 (3.1%)
Att. CPW 3° (110/265.02)	933 (100.0%)	159 (17.0%)	176 (18.9%)	35 (3.8%)	54 (5.8%)	482 (51.7%)	27 (2.9%)
CPW 4° (265.01)	169 (100.0%)	1 (0.6%)	15 (8.9%)	15 (8.9%)	10 (5.9%)	77 (45.6%)	51 (30.2%)
Other	125 (100.0%)	44 (35.2%)	28 (22.4%)	7 (5.6%)	12 (9.6%)	27 (21.6%)	7 (5.6%)
Total	2,800 (100.0%)	718 (25.6%)	524 (18.7%)	129 (4.6%)	188 (6.7%)	1,111 (39.7%)	130 (4.6%)
Armed Convictions: ²							
Murder 2° (125.25)	166 (100.0%)	166 (100.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)
Att. Murder 2° (110/125.25)	92 (100.0%)	89 (96.7%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	3 (3.3%)	0 (0.0%)
Manslaughter 1° (125.20)	111 (100.0%)	110 (99.1%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	1 (0.9%)	0 (0.0%)
Robbery 1° (160.15)	1,211 (100.0%)	1,101 (90.9%)	19 (1.6%)	4 (0.3%)	13 (1.1%)	74 (6.1%)	0 (0.0%)
Att. Robbery 1° (110/160.15)	491 (100.0%)	435 (88.6%)	6 (1.2%)	5 (1.0%)	8 (1.6%)	34 (6.9%)	3 (0.6%)
Robbery 2° (160.10)	632 (100.0%)	492 (77.8%)	19 (3.0%)	2 (0.3%)	21 (3.3%)	97 (15.3%)	1 (0.2%)
Att. Robbery 2° (110/160.10)	473 (100.0%)	216 (45.7%)	74 (15.6%)	8 (1.7%)	25 (5.3%)	148 (31.3%)	2 (0.4%)
Other	784 (100.0%)	425 (54.2%)	86 (11.0%)	26 (3.3%)	52 (6.6%)	161 (20.5%)	34 (4.3%)
Total	3,960 (100.0%)	3,034 (76.6%)	204 (5.2%)	45 (1.1%)	119 (3.0%)	518 (13.1%)	40 (1.0%)
TOTAL: All Firearms	6,760 (100.0%)	3,752 (55.5%)	728 (10.7%)	174 (2.6%)	307 (4.5%)	1,629 (24.1%)	170 (2.5%)

¹ Firearm charge was top conviction charge.

² Firearm charge was not top conviction charge.

Percentages may not add to 100.0% due to rounding.

TABLE 52
 SENTENCES by FIREARM/ARMED FELONY CONVICTION CHARGE - NEW YORK CITY
 1982

Penal Law Section	Total Convictions	State Prison	Local Jail 1 Yr.	Local Jail <1 Yr.	Prison/ Probation	Probation	Other
Firearm Convictions:							
CPW 2° (265.03)	103 (100.0%)	88 (85.4%)	6 (5.8%)	0 (0.0%)	0 (0.0%)	9 (8.7%)	0 (0.0%)
CPW 3° (265.02)	1,305 (100.0%)	355 (27.2%)	269 (20.6%)	59 (4.5%)	96 (7.4%)	485 (57.2%)	41 (3.1%)
Att. CPW 3° (110/265.02)	837 (100.0%)	140 (16.7%)	153 (18.3%)	30 (3.6%)	41 (4.9%)	449 (53.6%)	24 (2.9%)
CPW 4° (265.01)	89 (100.0%)	0 (0.0%)	4 (4.5%)	4 (4.5%)	2 (2.2%)	41 (46.1%)	38 (42.7%)
Other	97 (100.0%)	36 (37.1%)	21 (21.6%)	4 (4.1%)	9 (9.3%)	23 (23.7%)	4 (4.1%)
Total	2,431 (100.0%)	619 (25.5%)	453 (18.6%)	97 (4.0%)	148 (6.1%)	1,007 (41.4%)	107 (4.4%)
Armed Convictions:							
Murder 2° (125.25)	148 (100.0%)	148 (100.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)
Att. Murder 2° (110/125.25)	86 (100.0%)	83 (96.5%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	3 (3.5%)	0 (0.0%)
Manslaughter 1° (125.20)	104 (100.0%)	103 (99.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	1 (1.0%)	0 (0.0%)
Robbery 1° (160.15)	1,068 (100.0%)	967 (90.5%)	16 (1.5%)	2 (0.2%)	12 (1.1%)	71 (6.6%)	0 (0.0%)
Att. Robbery 1° (110/160.15)	444 (100.0%)	396 (89.2%)	3 (0.6%)	4 (0.9%)	5 (1.1%)	33 (7.4%)	3 (0.7%)
Robbery 2° (160.10)	567 (100.0%)	436 (76.9%)	17 (3.0%)	1 (0.2%)	17 (3.0%)	95 (15.8%)	1 (0.2%)
Att. Robbery 2° (110/160.10)	411 (100.0%)	191 (46.5%)	56 (13.6%)	4 (1.0%)	20 (4.9%)	138 (33.6%)	2 (0.5%)
Other	627 (100.0%)	341 (54.4%)	71 (11.3%)	16 (2.6%)	40 (6.4%)	137 (21.9%)	22 (3.5%)
Total	3,455 (100.0%)	2,665 (77.1%)	163 (4.7%)	27 (0.8%)	94 (2.7%)	478 (13.8%)	28 (0.8%)
TOTAL: All Firearms	5,886 (100.0%)	3,284 (55.8%)	616 (10.5%)	124 (2.1%)	242 (4.1%)	1,485 (25.2%)	135 (2.3%)

Percentages may not add to 100.0% due to rounding.

TABLE 53
 SENTENCES by FIREARM/ARMED FELONY CONVICTION CHARGE - SUBURBAN New York City
 1982

Penal Law Section	Total Convictions	State Prison	Local Jail 1 Yr.	Local Jail <1 Yr.	Prison/ Probation	Probation	Other
Firearm Convictions:							
CPW 2° (265.03)	7 (100.0%)	4 (57.1%)	0 (0.0%)	2 (28.6%)	1 (14.3%)	0 (0.0%)	0 (0.0%)
CPW 3° (265.02)	76 (100.0%)	22 (28.9%)	17 (22.4%)	6 (7.9%)	12 (15.8%)	17 (22.4%)	2 (2.6%)
Att. CPW 3° (110/265.02)	59 (100.0%)	10 (16.9%)	17 (28.8%)	3 (5.1%)	10 (16.9%)	19 (32.2%)	0 (0.0%)
CPW 4° (265.01)	43 (100.0%)	1 (2.3%)	8 (18.6%)	3 (7.0%)	5 (11.6%)	19 (44.2%)	7 (16.3%)
Other	17 (100.0%)	8 (47.1%)	2 (11.8%)	2 (11.8%)	3 (17.6%)	2 (11.8%)	0 (0.0%)
Total	202 (100.0%)	45 (22.3%)	44 (21.8%)	16 (7.9%)	31 (15.3%)	57 (28.2%)	9 (4.5%)
Armed Convictions:							
Murder 2° (125.25)	12 (100.0%)	12 (100.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)
Att. Murder 2° (110/125.25)	4 (100.0%)	4 (100.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)
Manslaughter 1° (125.20)	3 (100.0%)	3 (100.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)
Robbery 1° (160.15)	109 (100.0%)	103 (94.5%)	3 (2.8%)	0 (0.0%)	1 (0.9%)	2 (1.8%)	0 (0.0%)
Att. Robbery 1° (110/160.15)	38 (100.0%)	30 (78.9%)	3 (7.9%)	1 (2.6%)	3 (7.9%)	1 (2.6%)	0 (0.0%)
Robbery 2° (160.10)	42 (100.0%)	33 (78.6%)	2 (4.8%)	1 (2.4%)	4 (9.5%)	2 (4.8%)	0 (0.0%)
Att. Robbery 2° (110/160.10)	45 (100.0%)	17 (37.8%)	13 (28.9%)	4 (8.9%)	3 (6.7%)	8 (17.8%)	0 (0.0%)
Other	70 (100.0%)	36 (51.4%)	6 (8.6%)	3 (4.3%)	9 (12.9%)	10 (14.3%)	6 (8.6%)
Total	323 (100.0%)	238 (73.7%)	27 (8.4%)	9 (2.8%)	20 (6.2%)	23 (7.1%)	6 (1.9%)
TOTAL: All Firearms	525 (100.0%)	283 (53.9%)	71 (13.5%)	25 (4.8%)	51 (9.7%)	80 (15.2%)	15 (2.9%)

Percentages may not add to 100.0% due to rounding.

TABLE 54
 SENTENCES by FIREARM/ARMED FELONY CONVICTION CHARGE - UPSTATE
 1982

Penal Law Section	Total Convictions	State Prison	Local Jail 1 Yr.	Local Jail <1 Yr.	Prison/ Probation	Probation	Other
Firearm Convictions:							
CPW 2° (265.03)	4 (100.0%)	4 (100.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)
CPW 3° (265.02)	78 (100.0%)	41 (52.6%)	13 (16.7%)	5 (6.4%)	3 (3.8%)	14 (17.9%)	2 (2.6%)
Att. CPW 3° (110/265.02)	37 (100.0%)	9 (24.3%)	6 (16.2%)	2 (5.4%)	3 (8.1%)	14 (37.8%)	3 (8.1%)
CPW 4° (265.01)	37 (100.0%)	0 (0.0%)	3 (8.1%)	8 (21.6%)	3 (8.1%)	17 (45.9%)	6 (16.2%)
Other	11 (100.0%)	0 (0.0%)	5 (45.5%)	1 (9.1%)	0 (0.0%)	2 (18.2%)	3 (27.3%)
Total	167 (100.0%)	54 (32.3%)	27 (16.2%)	16 (9.6%)	9 (5.4%)	47 (28.1%)	14 (8.4%)
Armed Convictions:							
Murder 2° (125.25)	6 (100.0%)	6 (100.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)
Att. Murder 2° (110/125.25)	2 (100.0%)	2 (100.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)
Manslaughter 1° (125.20)	4 (100.0%)	4 (100.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)
Robbery 1° (160.15)	34 (100.0%)	31 (91.2%)	0 (0.0%)	2 (5.9%)	0 (0.0%)	1 (2.9%)	0 (0.0%)
Att. Robbery 1° (110/160.15)	9 (100.0%)	9 (100.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)
Robbery 2° (160.10)	23 (100.0%)	23 (100.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)
Att. Robbery 2° (110/160.10)	17 (100.0%)	8 (47.1%)	5 (29.4%)	0 (0.0%)	2 (11.8%)	2 (11.8%)	0 (0.0%)
Other	87 (100.0%)	48 (55.2%)	9 (10.3%)	7 (8.0%)	3 (3.4%)	14 (16.1%)	6 (6.9%)
Total	182 (100.0%)	131 (72.0%)	14 (7.7%)	9 (4.9%)	5 (2.7%)	17 (9.3%)	6 (3.3%)
TOTAL: All Firearms	349 (100.0%)	185 (53.0%)	41 (11.7%)	25 (7.2%)	14 (4.0%)	64 (18.3%)	20 (5.7%)

Percentages may not add to 100.0% due to rounding.

Firearm/Processing Times¹

Highlights

- * Statewide, the median² processing time from indictment to disposition for all firearm indictments in 1982 was 164 days.
- * Regionally, New York City reported the longest median processing time (172 days), followed by the Upstate counties with 125 days, and Suburban New York City with 97 days.
- * Statewide, firearm (top charge) indictments resulted in a conviction in a median time of 103 days. Conviction to sentence median time was 61 days.
- * Statewide, armed felony (secondary charge) indictments resulted in conviction in a median time of 190 days. Conviction to sentence median time was 57 days.

In each area of the State, secondary charge (armed felony) indictments experienced longer median processing times to disposition and conviction than did top charge firearm indictments. The longer median processing times in secondary charge indictments reflect the greater use of trials in armed felony offense cases than in top charge indictments. Armed felony offense cases are often more serious than top charge indictments and will usually result in more severe sanctions being imposed on the defendant. Not only does this prompt more trials, it also makes defendants less willing to plead guilty quickly in the face of these sanctions. Additionally, secondary charge indictments frequently involves more complex issues (such as intent) than the questions surrounding top charge possession indictments.

¹See violent felony offense processing times for influencing factors.

²The median is utilized in summarizing processing times because it is less sensitive to extreme values in the distributions than is the mean.

TABLE 55
 Top Charge Firearm/Armed Felony Defendant Processing Time
 Indictment to Disposition (Median Days)
 1982

	REGION			
	Statewide	N.Y.C	Suburban	Upstate
Disposition	120	126	42	98
Dismissed	178	185	98	143
Acquitted	225	225	344	162
Other ¹	143	141	146	148
Convicted	103	108	36	78
Guilty Plea	95	102	28	67
Jury Trial	196	232	114	174
Non-Jury Trial	218	216	297	223
Sentence	164	170	99	122
Guilty Plea	155	165	98	105
Jury Trial	266	289	189	246
Non-Jury Trial	274	268	330	326

¹Includes: Plea to another indictment, consolidation, or other court action

TABLE 56
Secondary Charge Firearm/Armed Felony Defendant Processing Time
Indictment to Disposition (Median Days)
1982

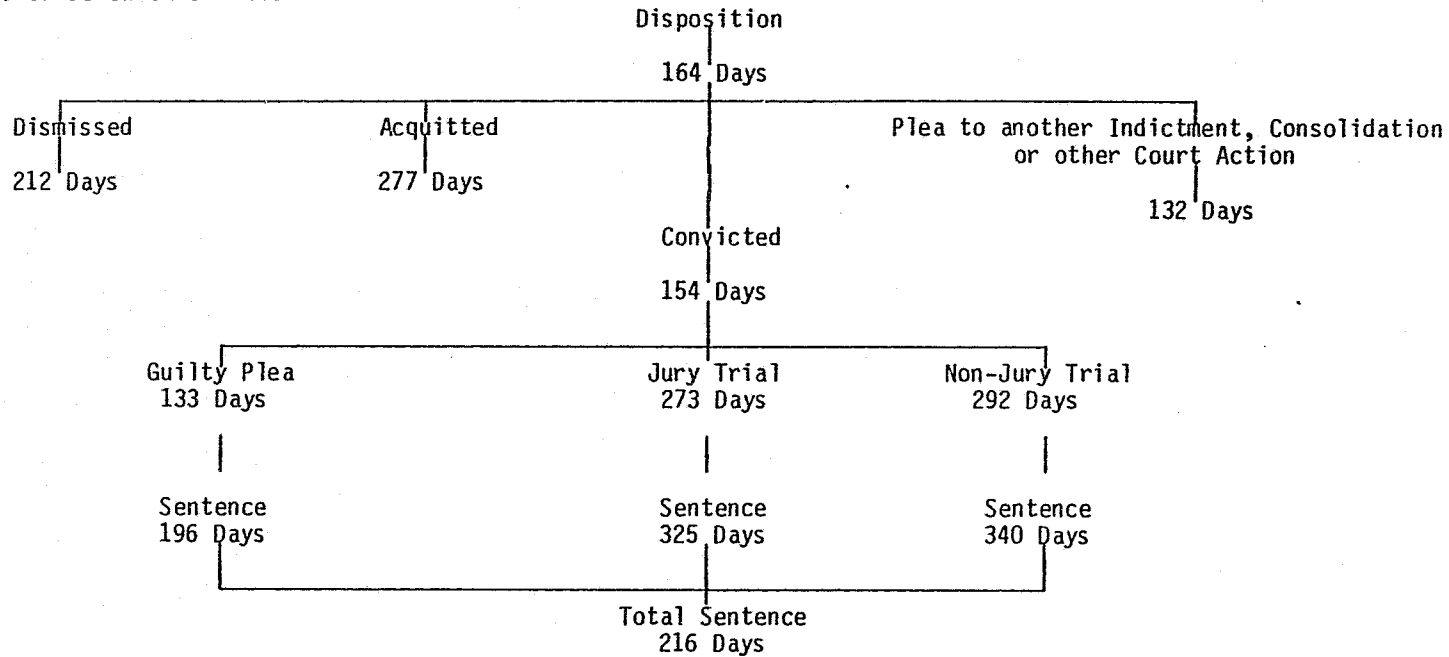
	REGION			
	Statewide	N.Y.C	Suburban	Upstate
Disposition	197	202	127	171
Dismissed	258	258	227	77
Acquitted	293	292	326	203
Other ¹	125	120	107	272
Convicted	190	196	110	168
Guilty Plea	165	173	97	118
Jury Trial	283	287	324	231
Non-Jury Trial	327	325	358	248
Sentence	247	253	173	212
Guilty Plea	225	231	151	168
Jury Trial	332	336	372	302
Non-Jury Trial	369	363	401	296

¹Includes: Plea to another indictment, consolidation, or other court action

FIGURE 9
Firearm/Armed Felony Defendant Processing Time:
Indictment to Disposition (Median Days)
New York State

Firearm Indictments from 08-12-80 thru 12-31-82 Disposed of 01-01-82 thru 12-31-82

No. of Defendants 8483



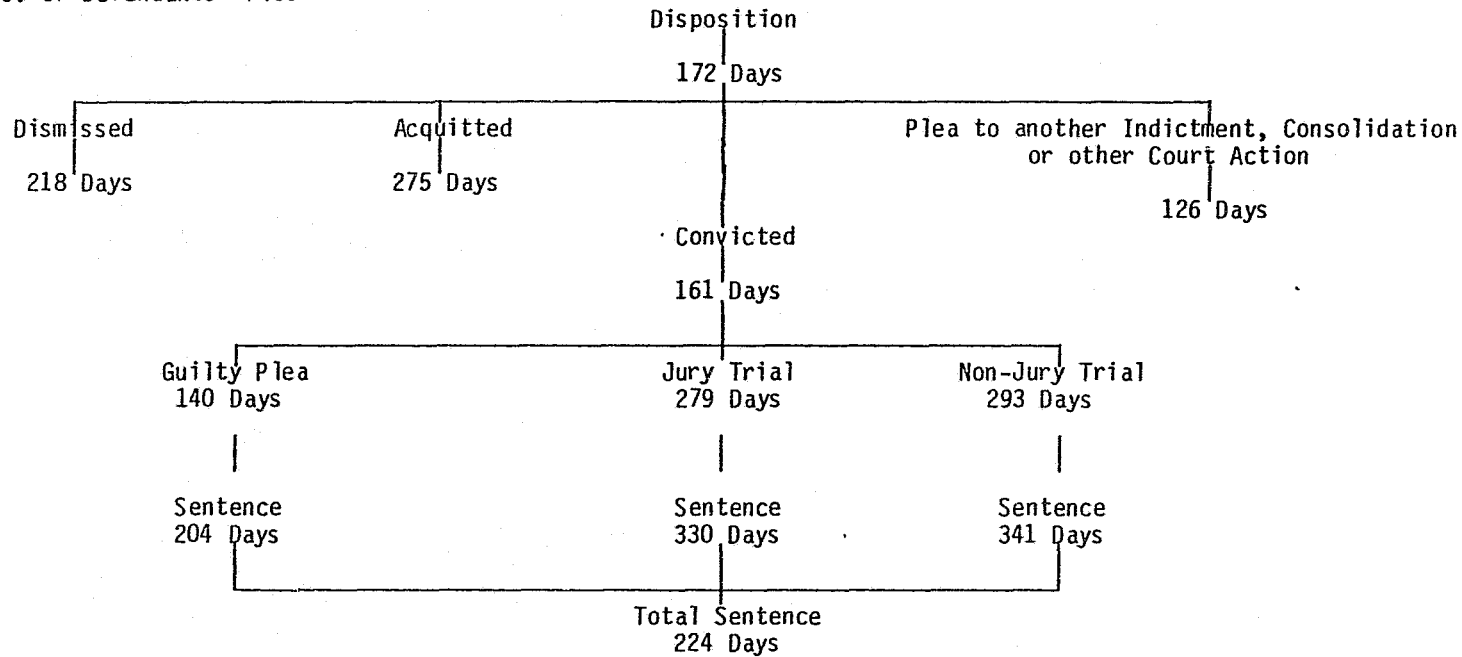
SUMMARY

	Minimum	Average	Median	Maximum
DISPOSITIONS	0	185	164	762
DISMISSED	0	228	212	755
ACQUITTED	0	284	277	745
OTHER COURT ACTION	1	168	132	708
CONVICTED	0	176	154	762
GUILTY PLEA	0	158	133	762
JURY TRIAL	18	289	273	681
NON-JURY TRIAL	20	296	292	610
SENTENCE	0	235	216	811
GUILTY PLEA	0	218	196	811
JURY TRIAL	40	342	325	757
NON-JURY TRIAL	20	344	340	634

FIGURE 10
 Firearm/Armed Felony Defendant Processing Time:
 Indictment to Disposition (Median Days)
 NEW YORK CITY

Firearm Indictments from 08-12-80 thru 12-31-82 Disposed of 01-01-82 thru 12-31-82

No. of Defendants 7460



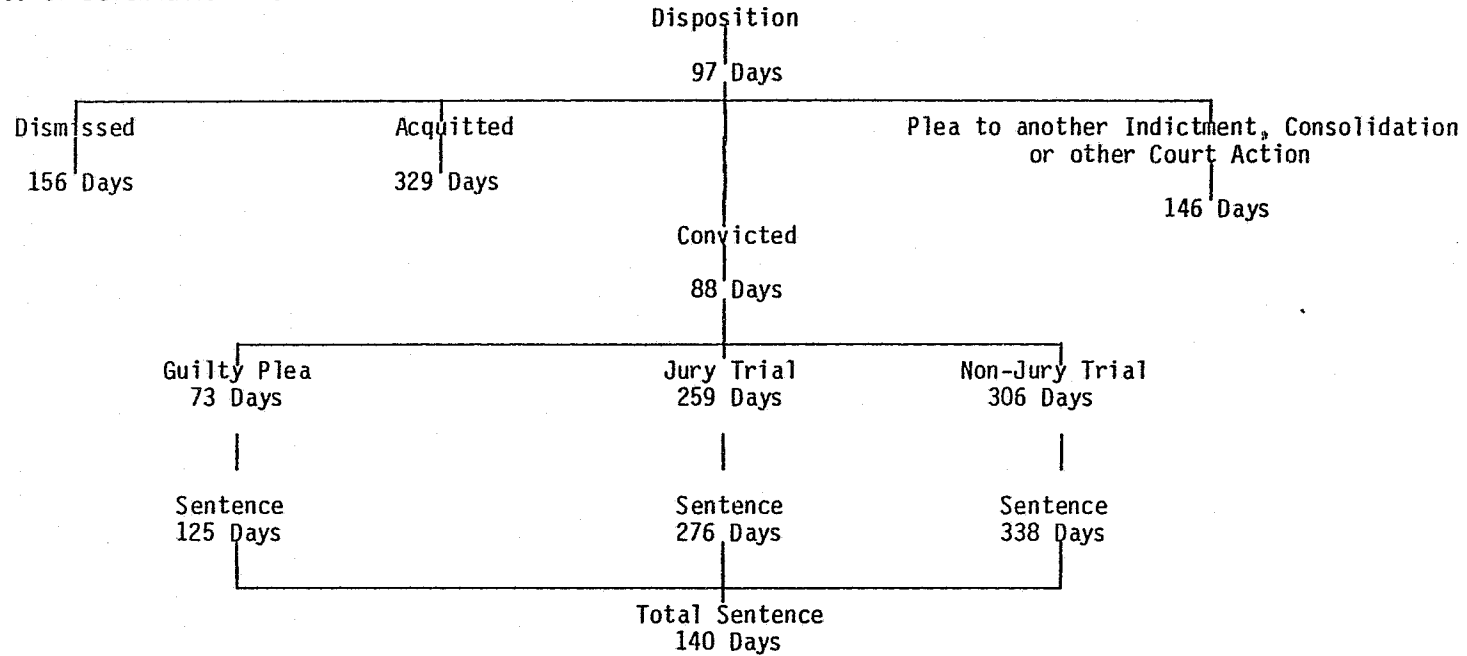
SUMMARY

	Minimum	Average	Median	Maximum
DISPOSITIONS	0	191	172	762
DISMISSED	5	232	218	755
ACQUITTED	0	284	275	737
OTHER COURT ACTION	1	165	126	708
CONVICTED	0	183	161	762
GUILTY PLEA	0	165	140	762
JURY TRIAL	18	293	279	681
NON-JURY TRIAL	20	297	293	610
SENTENCE	0	242	224	811
GUILTY PLEA	0	225	204	811
JURY TRIAL	40	346	330	757
NON-JURY TRIAL	20	344	341	634

FIGURE 11
 Firearm/Armed Felony Defendant Processing Time:
 Indictment to Disposition (Median Days)
 SUBURBAN New York City

Firearm Indictments from 08-12-80 thru 12-31-82 Disposed of 01-01-82 thru 12-31-82

No. of Defendants 595



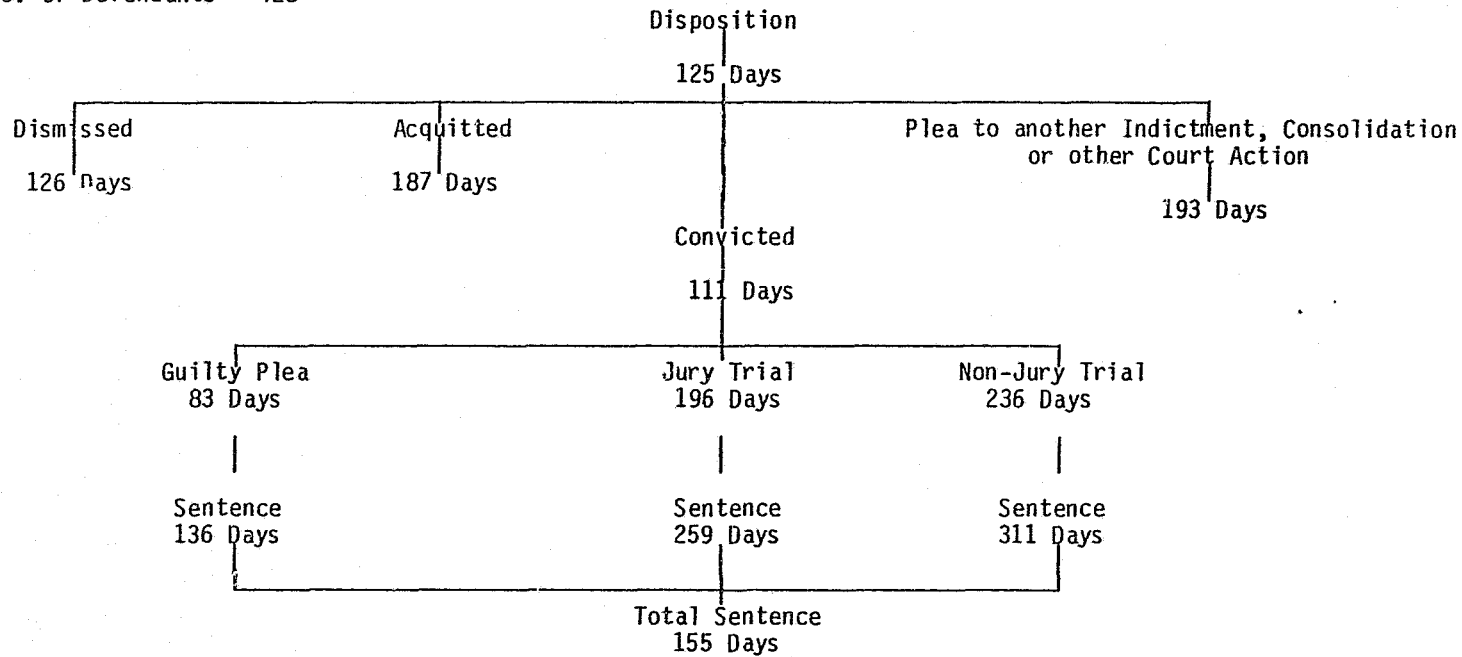
SUMMARY

	Minimum	Average	Median	Maximum
DISPOSITIONS	0	138	97	745
DISMISSED	32	208	156	500
ACQUITTED	181	347	329	745
OTHER COURT ACTION	14	154	146	525
CONVICTED	0	128	88	628
GUILTY PLEA	0	110	73	628
JURY TRIAL	42	288	259	584
NON-JURY TRIAL	190	340	306	587
SENTENCE	0	183	140	650
GUILTY PLEA	0	166	125	645
JURY TRIAL	109	334	276	650
NON-JURY TRIAL	239	381	338	611

FIGURE 12
Firearm Armed Felony Defendant Processing Time:
Indictment to Disposition (Median Days)
UPSTATE COUNTIES

Firearm Indictments from 08-12-80 thru 12-31-82 Disposed of 01-01-82 thru 12-31-82

No. of Defendants 428



SUMMARY

	Minimum	Average	Median	Maximum
DISPOSITIONS	0	150	125	657
DISMISSED	0	163	126	519
ACQUITTED	118	209	187	456
OTHER COURT ACTION	46	244	193	657
CONVICTED	0	140	111	626
GUILTY PLEA	0	119	83	626
JURY TRIAL	39	229	196	427
NON-JURY TRIAL	22	260	236	535
SENTENCE	0	189	155	657
GUILTY PLEA	0	167	136	657
JURY TRIAL	78	277	259	466
NON-JURY TRIAL	61	330	311	584

Mitigating Circumstances

Highlights

- * In 1982, DCJS received 1,086 transcripts of court cases reported to have mitigating circumstances affecting mandatory sentence terms.
- * A total of 736 (67.8%) cases were sentenced under the armed felony offender provision in PL §70.02; and 350 (32.2%) cases under the youthful offender provision in CPL §720.10.
- * Overall, in armed felony and youthful offender cases combined, mitigating factors were cited most often with weapons (62.0%) and robbery (32.5%) indictments.
- * In armed felony cases, robbery indictments had the highest percentage of mitigating circumstances with 78.1%. In youthful offender cases, weapon indictments dominated with 66.9%.
- * "No Priors" was the most common reason cited for mitigating circumstances in armed felony and youthful offender cases combined, accounting for 291 cases (26.8%) in 1982.
- * In armed felony cases, the highest percentage of sentences mitigated were due to "No Priors" (28.7%). In youthful offender cases, "No Reason Cited" was the predominant mitigating factor (21.5%).

The violent felony legislation of September 1, 1978 includes sentencing provisions which, when mitigating circumstances exist, allow the court to impose a sentence other than an indeterminate sentence of imprisonment. These mitigating factors are specified in Penal Law section 70.02 for armed felony offenders (possession of a loaded firearm or display of what appears to be a firearm or toy-gun-loaded/unloaded); and in Criminal Procedure Law article 720.10 for youthful offenders (defendant is at least 16 and less than 19 years old upon commission of an armed felony offense). Additionally, once a defendant is adjudicated a youthful offender all official records and papers pertaining to the case are considered confidential and the accusatory instrument is sealed.

The following are the specific circumstances under which sentences can be mitigated by the court:

- Circumstances which bear directly upon the manner in which the crime was committed (i.e. lack of intent to injure a specific party; passive possession of a gun found during a search of an automobile).

- Defendant's participation in the crime was minimal; although not so minor as to constitute a defense to the prosecution (i.e. defendant was a "look-out").
- Possible deficiencies in proof of the defendant's commission of the crime (i.e. failure to recover the gun in question).
- Defendant has no criminal involvement with the law within the past 5 years.
- The 1 year sentence is too harsh due to the circumstances/nature of the crime, and history/characteristics of the defendant.
- Defendant has a favorable probation report.
- District attorney recommends an alternative sentence.

The citing of specific mitigating circumstances does not appear to reflect the application of a uniform set of criteria and standards throughout the court system. When the court does sentence a defendant under one or more of these provisions, a transcript of the statement detailing the mitigating circumstances being applied (which shall set forth the recommendation of the District Attorney) is forwarded to the Division of Criminal Justice Services.

Generally, the firearm sentencing section revealed that significantly more than the 1,086 cases for which DCJS received minutes resulted in mitigated sentences. The exact number of cases for which DCJS should have received minutes requires: an assessment of the defendant's prior criminal history, controlling for conviction type, and an analysis of the disposition of the firearm/armed felony counts within the indictment. DCJS continues to identify those cases for which the case data indicates minutes should have been sent but were not received. The Office of Court Administration is periodically notified of these cases and, upon confirmation, takes appropriate action to see that the statements are forwarded.

TABLE 57
 Mitigating Circumstances - Statewide
 70.02 PL (Armed Felony Offenders)
 1982

Penal Law Article	Circumstances Cited								
	Total	Manner of Commission	Minor Participation	Deficiency of Proof	No Priors	Unduly Harsh	Probation Report	D.A.'s Recommend.	No Reason Cited
Robbery (PL 160)	119 (100.0%)	9 (7.6%)	20 (16.8%)	9 (7.6%)	13 (10.9%)	3 (2.5%)	9 (7.6%)	15 (12.6%)	41 (34.5%)
Sex Off. (PL 130)	6 (100.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	2 (33.3%)	4 (66.7%)
Burglary (PL 140)	3 (100.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	1 (33.3%)	2 (66.7%)	0 (0.0%)
Assault (PL 120)	19 (100.0%)	2 (10.5%)	1 (5.3%)	0 (0.0%)	4 (21.1%)	7 (36.8%)	1 (5.3%)	1 (5.3%)	3 (15.8%)
Homicide (PL 125)	14 (100.0%)	2 (14.3%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	2 (14.3%)	2 (14.3%)	1 (7.1%)	7 (50.0%)
Weapons (PL 265)	575 (100.0%)	89 (15.5%)	9 (1.6%)	9 (1.6%)	194 (33.7%)	115 (20.0%)	45 (7.8%)	11 (1.9%)	103 (17.9%)
TOTAL	736 (100.0%)	102 (13.9%)	30 (4.1%)	18 (2.4%)	211 (28.7%)	127 (17.3%)	58 (7.9%)	32 (4.3%)	158 (21.5%)

-97-

Percentages may not add to 100.0% due to rounding.

TABLE 58
Mitigating Circumstances - Statewide
720.10 CPL (Youthful Offenders)
1982

Penal Law Article	Circumstances Cited								
	Total	Manner of Commission	Minor Participation	Deficiency of Proof	No Priors	Unduly Harsh	Probation Report	D.A.'s Recommend.	No Reason Cited
Robbery (PL 160)	234 (100.0%)	9 (3.8%)	58 (24.8%)	24 (10.3%)	35 (15.0%)	4 (1.7%)	26 (11.1%)	4 (1.7%)	74 (31.6%)
Sex Off. (PL 130)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)
Burglary (PL 140)	10 (100.0%)	0 (0.0%)	1 (10.0%)	0 (0.0%)	3 (30.0%)	2 (20.0%)	1 (10.0%)	0 (0.0%)	3 (30.0%)
Assault (PL 120)	2 (100.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	1 (50.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	1 (50.0%)
Homicide (PL 125)	6 (100.0%)	0 (0.0%)	2 (33.3%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	2 (33.3%)	0 (0.0%)	2 (33.3%)
Weapons (PL 265)	98 (100.0%)	13 (13.3%)	3 (3.1%)	0 (0.0%)	41 (41.8%)	9 (9.2%)	15 (15.3%)	1 (1.0%)	16 (16.3%)
TOTAL	350 (100.0%)	22 (6.3%)	64 (18.3%)	24 (6.9%)	80 (22.9%)	15 (4.3%)	44 (12.6%)	5 (1.4%)	96 (27.4%)

Percentages may not add to 100.0% due to rounding.

Appendix A

APPENDIX A

DEFINITIONS AND TECHNICAL SPECIFICATIONS

Data Sources

The felony arrest statistics in this report were generated from the Computerized Criminal History (CCH) System maintained by the Division. Section 160.20 of the NYS Criminal Procedure Law requires that a fingerprint card be submitted to DCJS as a result of each felony arrest.

The data concerning indictments and their dispositions were generated from the Indictment Statistical System (ISS). The District Attorney and Special Prosecutors of New York State report detailed case specific information to DCJS on individual case forms (DCJS-1020, see Appendix B) under Sections 837-a and 837-b of the Executive Law.

At the time of indictment or superior court information, prosecutors submit a form identifying the defendant and charges against him. A follow up form is submitted when the disposition of the indictment is completed.

Felony arrests are not linked to indictments in a continuing data collection process. Therefore the indictment and disposition statistics presented in this report are not necessarily related to the felony arrest events that occurred during the period.

Coverage

The violent felony statistics in this report pertain solely to arrests and indictments that contain at least one violent felony charge.

The felony firearm arrest statistics pertain solely to arrests that contain a specified PL 265 felony firearm charge. The firearm indictment statistics include both indictments charging a specific firearm offense or contain a designated "armed felony offense" as defined under CPL §1.20 (41).

All arrests and indictments meeting the above criteria are included in the statistics presented in this report regardless of whether or not the violent felony/firearm offense was the most serious charge.

The indictment and disposition data covers all actions involving indictments, and any actions on superior court informations occurring during the period specified.

An arrest or indictment can be counted as both a Violent Felony and a Firearm arrest or indictment (therefore, the statistics in these two sections cannot be simply added to each other).

Units of Count

The unit of count for arrests is the arrest event. An arrest event consists of all charges placed against an offender for any given arrest. For an offender arrested multiple times during the period, multiple arrest events are counted. For example, an offender arrested on three separate occasions during the period will be counted as three arrest events.

The unit of count for indictments, superior court informations and dispositions is defendant-indictment. Using this unit of count:

- each defendant named in a felony indictment or superior court information is counted separately;
- each indictment or superior court information returned against a defendant is counted separately;
- each defendant disposed of in an indictment is counted separately;
- each disposition of an indictment against a defendant is counted separately;
- an indictment can be counted as both a Violent Felony and a Firearm indictment (therefore, the statistics in these two sections cannot be simply added to each other).

As a result, a defendant who has three indictments pending against him, each of which was disposed of by plea, will be counted as three disposed defendant-indictments.

Classification of Felonies

Arrests and indictments containing more than one charge or offense are initially categorized by the highest felony class charge reported. The New York State Penal Law has established a felony class hierarchy in which all offenses are classified, in descending order of seriousness, as Class A-I, A-II, B, C, D, and E felonies.

When a conflict existed, between one or more charges of the same class, the following priority table was used in 1982 to determine which offense to count for the arrest or indictment.

1. PL ART 125 - Homicide
2. PL ART 135 - Kidnapping
3. PL ART 130 - Sex Offenses
4. PL ART 160 - Robbery
5. PL ART 120 - Assault
6. PL ART 220 - Criminal Sale of a Controlled Substance
7. PL ART 220 - Criminal Possession of a Controlled Substance
8. PL ART 220 - Controlled Substances
9. PL ART 265 - Firearms
10. PL ART 140 - Burglary
11. PL ART 150 - Arson
12. PL ART 155 - Larceny
13. PL ART 165 - Theft
14. PL ART 145 - Criminal Mischief
15. PL ART 200 - Bribery
16. PL ART 225 - Gambling
17. Other PL ART in numerical sequence.
18. Charges listed under other law titles

In the event that the highest violent felony charge was not the highest class indictment charge it was reported to DCJS as a secondary charge and categorized by that violent felony charge.

In the event that the highest firearm charge was not the highest class indictment charge, it was reported to DCJS as a secondary charge and categorized by the highest class indictment charge.

Please note that both the indictment data collection form and charge priority table have been subsequently amended.

Date of Action and Convictions

The data presented in this report include both defendant-indictments, and defendant-indictment cases that were disposed during the reporting period. Because convictions are not reported until time of sentencing, the disposition category includes the following types of cases:

1. Defendant-indictment convictions and sentences occurring in the reporting period.
2. Defendant-indictment convictions occurring during a previous period but not sentenced until the current reporting period.
3. Non-conviction dispositions occurring during the reporting period.

Thus, the report excludes convictions occurring in 1982 which were pending sentence at the close of 1982.

Comparisons with Other Published Data

Some caution should be exercised in comparing this data with other available data on felony case processing. Differences exist between DCJS data systems and other systems with regard to data collection methods, accounting procedures, and definitions.

Appendix B

1. NYSID No.		2. Name (Last, First, Middle)				3. OBTS/Court Control No. 8430001P			4. Classification (Leave Blank)				
5. Street No.		6. Street Name			7. City/State Address/Zip			8.					
9. Alias or Maiden Name				10. Place of Birth (State or Country)			11.	12. Facsimile Control No.					
13. Date of Birth (M/D/Y)		14. Age	15. Sex	16. Race	17. Skin	18. Hair	19. Eye	20. Height Ft. In.	21. Weight				
22. Arrest Officer ID. No.		23. Arresting Agency Name				24.		25. Arrest No.					
27. Date of Arrest		28. Place of Arrest (City & State)			29.			30. Time of Arrest					
31. Date of Crime		32. Place of Crime (City, County & State)			33.			34. Type of Arrest					
36. CHARGES(S)	Law	Section No.	Sub Div	Cls	Off Cat	Att Cd	Deg	Name of Offense	Cls	NCIC Code	Victim's Age, Sex	39. Type of Weapon	40.
												41. Social Security No.	42. FBI Number
												43. Signature of Arrestee	
44. Arrest Agency Case No.				45. No. of Offenders			46. No. of Victims				X		
1. Right Thumb			2. Right Index			3. Right Middle			4. Right Ring		5. Right Little		
6. Left Thumb			7. Left Index			8. Left Middle			9. Left Ring		10. Left Little		
Left Four Fingers Taken Simultaneously				Left Thumb		Right Thumb		Right Four Fingers Taken Simultaneously					

INITIAL COURT REPORT OF CRIMINAL CASES		▲ Tear off on dotted line ▲		OCA-501 (REV. 4/83)		Court Case Number(s) (For Court Use)	
Arresting Officer: (NYC) Submit to ADA (outside NYC) Submit to Initial Court of Arraignment		See back for full instructions - Please print or type Always complete items in Section 1					
Defendant (Last Name, First Name)			Court Control No. 8430001 P			Pct. & Arrest No.	
Date of Birth (M/D/Y)		County & Name of Court				Date of Arrest	
Facsimile Control No.						Date of Arraignment	
(outside NYC) Arresting Officer: Please enter the top 2 charges.							
Law		Section No.		Name of Offense		Cls	
_____		_____		_____		_____	
For ADA Use — Dismissals Prior To Arraignment						Date of Dismissal	Initials
2		<input type="checkbox"/> All charges against this defendant on this arrest dismissed by ADA prior to arraignment.					

1. COUNTY	
Code	Name of County

-109-
 STATE OF NEW YORK
 DIVISION OF CRIMINAL JUSTICE SERVICES
**INDICTMENT & PROSECUTION
 REPORT**

CONTROL NUMBER 902174

A. DEFENDANT/GRAND JURY INFORMATION (Read Instructions on Reverse Side of Form)

2. TYPE OF ACTION <input type="checkbox"/> a. INDICTMENT <input type="checkbox"/> b. SUPERIOR COURT INFORMATION <input type="checkbox"/> c. DISMISSED—NO BILL <input type="checkbox"/> d. REFERRED TO LOWER COURT <input type="checkbox"/> e. REMOVED TO FAMILY COURT		3. NAME OF DEFENDANT (Last, First, Middle)			4. NYSID NUMBER		
5. DATE OF ACTION Mo. Day Yr.		6. INDICTMENT / CASE NUMBER			7. DATE OF ARREST Mo. Day Yr.		8. DATE OF BIRTH Mo. Day Yr.
9. HIGHEST CLASS CHARGE: (Refer to type action in Item #2) Law Title Section No. Sub-Section Offense Category Attempt? <input type="checkbox"/> Fel. <input type="checkbox"/> Misd. <input type="checkbox"/> Viol. <input type="checkbox"/> Yes <input type="checkbox"/> No							10. DEFENDANT STATUS <input type="checkbox"/> a. Jail <input type="checkbox"/> b. Bail <input type="checkbox"/> c. P.O.R. <input type="checkbox"/> d. Fugitive
11. PRIOR VIOLENT OFFENDER CONVICTION <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> UNK.		12. VICTIM STATUS <input type="checkbox"/> a. Elderly <input type="checkbox"/> b. Handicapped <input type="checkbox"/> c. Especially Vulnerable <input type="checkbox"/> d. None of the Above			13. YOUNGEST VICTIM Sex <input type="checkbox"/> F <input type="checkbox"/> M <input type="checkbox"/> U Age		14. OLDEST VICTIM Sex <input type="checkbox"/> F <input type="checkbox"/> M <input type="checkbox"/> U Age
15. HIGHEST VIOLENT FELONY INDICTMENT CHARGE (If different from 9) Law Title Section No. Sub-Section Offense Category Attempt? <input type="checkbox"/> Yes <input type="checkbox"/> No					16. TYPE OF OFFENSE <input type="checkbox"/> a. Violent Felony <input type="checkbox"/> b. Juvenile Offender <input type="checkbox"/> c. Armed Felony		

B. PROSECUTION INFORMATION (Complete following prosecution information ONLY if item 2a or 2b is checked)

17. FINAL DISPOSITION <input type="checkbox"/> a. Convicted—Verdict <input type="checkbox"/> f. Dismissed—Other <input type="checkbox"/> b. Convicted—Plea <input type="checkbox"/> g. Acquitted <input type="checkbox"/> c. Covered by Plea to another case <input type="checkbox"/> h. Abated by Death <input type="checkbox"/> d. Not Guilty by reason of Insanity <input type="checkbox"/> i. Disposed of by Other Court Action <input type="checkbox"/> e. Dismissed—Ment of Case <input type="checkbox"/> j. Removed to Family Court		18. TYPE OF PROCEEDING <input type="checkbox"/> a. Pre-Trial <input type="checkbox"/> b. Jury Trial <input type="checkbox"/> c. Non-Jury Trial		19. ADA IDENTIFIER	20. JUDICIAL IDENTIFIER
25. VIOLENT FELONY CHARGE DISPOSITION Final Disposition Type _____		26. DEFENSE TYPE <input type="checkbox"/> a. Private <input type="checkbox"/> b. 18-B <input type="checkbox"/> c. Legal Aid			

Complete the following sentence information ONLY when 17a or 17b is checked.

27. HIGHEST CONVICTION CHARGE Law Title Section No. Sub-Section Offense Category <input type="checkbox"/> Fel. <input type="checkbox"/> Misd. <input type="checkbox"/> Viol. Attempt? <input type="checkbox"/> Yes <input type="checkbox"/> No Armed Felony? <input type="checkbox"/> Yes <input type="checkbox"/> No					28. DATE OF SENTENCING Mo. Day Yr.		
29. SENTENCE IMPOSED <input type="checkbox"/> A. Imprisonment—State <input type="checkbox"/> e. Probation <input type="checkbox"/> i. Unconditional Discharge <input type="checkbox"/> b. Imprisonment—Local <input type="checkbox"/> f. Probation & ODAS Commitment <input type="checkbox"/> j. Removed to Family Court <input type="checkbox"/> c. Intermittent Imprisonment <input type="checkbox"/> g. Conditional Discharge <input type="checkbox"/> k. Other (Specify) _____ <input type="checkbox"/> d. Imprisonment & Probation <input type="checkbox"/> h. Fine Only					30. TERM OF SENTENCE Minimum Maximum <input type="checkbox"/> a. Single <input type="checkbox"/> b. Concurrent <input type="checkbox"/> c. Consecutive		
31. SELECTED CONDITIONS OF SENTENCE <input type="checkbox"/> a. Youthful Offender <input type="checkbox"/> c. Persistent Felony Offender <input type="checkbox"/> e. Violent Felony Offender <input type="checkbox"/> g. Persistent Violent Felony Offender <input type="checkbox"/> b. Second Felony Offender <input type="checkbox"/> d. Juvenile Offender <input type="checkbox"/> f. Second Violent Felony Offender							
32. HIGHEST VIOLENT FELONY CONVICTION CHARGE (If different from 27.) Law Title Section No. Sub-Section Offense Category <input type="checkbox"/> Fel. <input type="checkbox"/> Misd. <input type="checkbox"/> Viol. Attempt? <input type="checkbox"/> Yes <input type="checkbox"/> No Armed Felony? <input type="checkbox"/> Yes <input type="checkbox"/> No					33. SENTENCE TYPE & TERM Type Minimum Maximum		34. CONDITIONS OF SENTENCE

Shaded Boxes Required for Violent Felony Cases

Please submit Page 1 Defendant/Grand Jury Information and Page 2 Prosecution Information when each is completed to:

DCJS—Statistical Control Unit
 Executive Park Tower
 Stuyvesant Plaza
 Albany, New York 12203

A. FILING OF REPORT

Section 837-a and 837-b of the Executive Law contain provisions requiring every District Attorney, as well as other criminal justice agencies, in New York State to submit such information to the Division of Criminal Justice Services as may be necessary for the Division to comply with statistical reporting requirements of the law.

B. REPORTING PROCEDURES

1. This is a two-part reporting system reporting action of the Grand Jury and information concerning defendants prosecuted in Superior Courts (County Courts and Supreme Courts):
 - a. Submit Page 1 "Defendant/Grand Jury Information" for each defendant acted upon by the Grand Jury or who has had a Superior Court Information filed, within 10 days after such action.
 - b. Submit Page 2 "Prosecution Information" for each defendant indicted or charged in a Superior Court Information filing, within 10 days after either of the following:
 - (1) Final disposition, if not convicted.
 - (2) Pronouncement of Sentence, if convicted.
 - c. When "Prosecution Information" becomes available for defendants indicted prior to September 1, 1973, submit Pages 1 and 2 together.
 - d. For cases Dismissed, Referred to a Lower Court by the Grand Jury, or Removed to Family Court, only Page 1 need be submitted. Page 2 should be destroyed for such cases.
2. The unit of count is the Defendant-Indictment. When several defendants are named in one proceeding or indictment, a separate form should be completed for each defendant. When one defendant is named in multiple proceedings or indictments, a separate form should be completed for the defendant for each proceeding or indictment.
3. When an indictment contains multiple charges against the defendant, always report the highest class charge, as indicated in the Penal Law. If two or more offenses have the same classification, refer to the following Priority Sequence of Offenses:

- | | | |
|---------------|---|--|
| 1. PL ART 125 | 6. PL ART 220 | 10. PL ART 150 |
| 2. PL ART 135 | In cases of multiple charges for controlled substances of the same class, charges for sale of a controlled substance take precedence over possession of controlled substance. | 11. PL ART 155 |
| 3. PL ART 130 | | 12. PL ART 165 |
| 4. PL ART 160 | | 13. PL ART 145 |
| 5. PL ART 120 | | 14. PL ART 200 |
| | 7. PL ART 221 | 15. PL ART 225 |
| | 8. PL ART 265 | 16. Other PL ART in numerical sequence. |
| | 9. PL ART 140 | 17. Charges listed under other law titles. |

4. When an indictment includes a violent felony, armed felony or Juvenile offense the shaded items must be completed.

C. DATA REQUIREMENTS

- ITEM NO. 1 - Enter your two digit county code and the name of your county.
- ITEM NO. 2,5,6,9 - These items are completed only when:
- an indictment or Superior Court Information is filed against the defendant or;
- the Grand Jury dismissed the charges against the defendant and files a finding of dismissal with the court or;
- the Grand Jury directs the District Attorney to file, in a local criminal court, a prosecutors information charging the defendant with an offense other than a felony or;
- the case is removed to Family Court by the Grand Jury.
- ITEM NO. 4 - The NYSID No. should always be reported. Enter (on page 2) when completing the Prosecution Information if not available at the time Part A is completed.
- ITEM NO. 7 - When the defendant is arrested after the indictment or Information is filed, complete this item when the Prosecution Information (page 2) is submitted.
- ITEM NO. 13 & 14 - When there is only one victim enter the victim data in item 13.
- ITEM NO. 15 - Complete only if item no. 9 is not a violent felony and there is a violent felony contained in the action.
- ITEM NO. 22 - For NYC District Attorney Offices Only:
When cases are transferred to the Special Narcotic Part (SNP) for prosecution:
a) Complete Page 1 of the form.
b) Submit the completed Page 1 to DCJS.
c) Forward Pages 2 and 3 of the form to the SNP Prosecutor with case papers and item 22 checked.
d) The SNP Prosecutor should complete Part B "Prosecution Information" and submit Page 2, according to B.1.b above.
- ITEM NO. 24 - Enter the number or letters which identify the part number or letter of the court in which the case was disposed.
- ITEM NO. 25 - When the Violent Felony Charge final disposition type is different than the final disposition checked in item 17, enter the letter of the item no. 17 that does apply.
- ITEM NO. 30 - Specify the minimum and maximum terms of the sentence in years, months and days. If the maximum term is life, enter as "Life". For sentences of intermittent imprisonment, enter the duration of the term, not the number of days to be spent in confinement. Also indicate whether this sentence involves only the one sentence (single) or whether it runs concurrently or consecutively with sentences on other indictments.
- ITEM NO. 32,33,34 - Complete these items only if item no. 27 is not a violent felony and there is a violent felony conviction.
- ITEM NO. 33 - Use the letter prefix from item no. 29 which describes the sentence imposed.
- ITEM NO. 34 - Use the letter prefix from item no. 31 which describes the conditions of sentence, if any.

D. OPTIONAL DATA ELEMENTS

- For use by DA Offices, for internal purposes. These items are designed for use by District Attorney Offices which desire special statistical reports regarding cases handled by particular ADA's or Judges.
- ITEM NO. 19 - An internal code identifying individual ADA's. The ADA identifier code should consist of no more than three characters, such as 001, 027, 078. A separate code should be assigned for each ADA in the DA's office. The name of the ADA should not be reported to DCJS.
- ITEM NO. 20 - An internal code identifying the presiding judge. Should be entered and used in the same manner as item no. 19.

Appendix C

VIOLENT FELONY OFFENSES (PL 70.02)*

Class B Violent Felony Offenses:

- A. An attempt to commit the class A-I felonies of:
1. PL 125.25 - Murder 2°
 2. PL 135.25 - Kidnapping 1°
 3. PL 150.20 - Arson 1°
- B. The crimes of:
1. PL 120.11 - Aggravated Assault on a Peace Officer¹
 2. PL 125.20 - Manslaughter 1°
 3. PL 130.35 - Rape 1°
 4. PL 130.50 - Sodomy 1°
 5. PL 130.70 - Aggravated Sexual Abuse²
 6. PL 135.20 - Kidnapping 2°
 7. PL 140.30 - Burglary 1°
 8. PL 150.15 - Arson 2°
 9. PL 160.15 - Robbery 1°
 10. PL 265.04 - Criminal Possession of a Dangerous Weapon 1°
 11. PL 265.09 - Criminal Use of a Firearm 1°³

Class C Violent Felony Offenses:

- A. An attempt to commit any of the Class B violent felony offenses
- B. The crimes of:
1. PL 120.10 - Assault 1°
 2. PL 140.25 - Burglary 2°
 3. PL 160.10 - Robbery 2°
 4. PL 265.03 - Criminal Possession of a Weapon 2°
 5. PL 265.08 - Criminal Use of a Firearm 2°⁴

* The following violent felony offenses were enacted under Chapter 481 of the New York State Laws (effective September 1, 1978) unless otherwise noted.

- 1 New York State Laws, Chapter 233, effective August 12, 1980.
- 2 New York State Laws, Chapter 583, effective September 1, 1980.
- 3 New York State Laws, Chapter 233, effective August 12, 1980.
- 4 Ibid.

Class D Violent Felony Offenses:

- A. An attempt to commit any of the Class C violent felony offenses
- B. The crimes of:
 - 1. PL 120.05 - Assault 2°
 - 2. PL 130.65 - Sexual Abuse 1°
 - 3. PL 265.02 (4)&(5) - Criminal Possession of a Weapon 3°⁵
 - a. Possession of any loaded firearm outside such person's home or place of business;
 - b. Possession of twenty or more firearms;
 - c. Possession of any firearm outside home or place of business, and having been convicted of a felony or class A misdemeanor within five years immediately preceding the commission of the offense.
 - 4. PL 265.12 - Criminal Sale of a Firearm 1°⁶

Class E Violent Felony Offenses:⁷

- A. An attempt to commit Criminal Possession of a Weapon 3° - PL 265.02 (4)&(5) (see above 3a-c) if plead guilty to as a lesser included offense of the substantive crime.

Other Offenses Included as VFO's*

Class A-1 Offenses:

- A. The crimes of:
 - 1. PL 125.27 - Murder 1°
 - 2. PL 125.25 - Murder 2°
 - 3. PL 135.25 - Kidnapping 1°
 - 4. PL 150.20 - Arson 1°

5 Ibid.

6 Ibid.

7 Ibid.

* Not designated as VFO's, but are included as such for statistical purposes.

FIREARM/ARMED FELONY OFFENSE (PL 70.02)

Class B Firearm/Armed Felony Offenses:

- A. The crimes of:
1. PL 120.11 - Aggravated Assault on a Peace Officer
 2. PL 140.30 (1) & (4) - Burglary 1°
 3. PL 160.15 (2) & (4) - Robbery 1°
 4. PL 265.04 - Criminal Possession of a Dangerous Weapon 1°
 5. PL 265.09 (1) & (2) - Criminal Use of a Firearm 1°

Class C Firearm/Armed Felony Offenses:

- A. An attempt to commit any of the Class B firearm/armed felony offenses.
- B. The crimes of:
1. PL 120.10 (1) - Assault 1°
 2. PL 140.25 (1a) & (1d) - Burglary 2°
 3. PL 160.10 (2b) - Robbery 2°
 4. PL 265.03 - Criminal Possession of a Weapon 2°
 5. PL 265.08 (1) & (2) - Criminal Use of a Firearm 2°

Class D Firearm/Armed Felony Offenses:

- A. An attempt to commit any of the Class C firearm/armed felony offenses
- B. The crimes of:
1. PL 120.05 - Assault 2°
 2. PL 265.02 (4) & (5) - Criminal Possession of a Weapon 3°
 3. PL 265.12 - Criminal Sale of a Firearm 1°

Class E Firearm/Armed Felony Offenses:

- A. An attempt to commit Criminal Possession of a Weapon 3° - PL 265.02 (4) & (5) if plead guilty to as a lesser included offense of the Substantive Crime.

Violent Felonies

Lowest Permissible Charge Reductions and Pleas

<u>Offense Charge</u>	<u>Pre-Felony Hearing</u>	<u>Post-Felony Hearing</u>	<u>Post-Indictment</u>
Class A Felony Other than PL 220	No Reduction to Misdemeanor	No Reduction to Misdemeanor	Must Plead to a Class C Violent Felony
Class B Armed Violent Felony	No Reduction to Misdemeanor	No Reduction to Misdemeanor	Must Plead to a Class C Violent Felony
Other Class B Violent Felony	Reduced to Misdemeanor Interest of Justice with D.A. consent	Reduced to Misdemeanor Interest of Justice with D.A. consent	Must Plead to a Class D Violent Felony
Class C Armed Violent Felony	No Reduction to Misdemeanor	No Reduction to Misdemeanor	Must Plead to a Class D Violent Felony
Other Class C Violent Felony	Reduced to Misdemeanor Interest of Justice with D.A. consent	Reduced to Misdemeanor Interest of Justice with D.A. consent	Must Plead to a Class D Violent Felony
Class D Violent Felony of PL 265.12 and PL 265.02 (5)	No Reduction to Misdemeanor	No Reduction to Misdemeanor	Must Plead to a Class E Violent Felony
Class D Violent Felony of PL 265.02 (4)	No Reduction to Misdemeanor	No Reduction to Misdemeanor	Must Plead to a Class E Violent Felony Except if No Prior Felony (10 yrs.) or a Misdemeanor (5 yrs.) Conviction, than Plea to a Misdemeanor of PL 265.01
Other Class D Armed Violent Felony	No Reduction to Misdemeanor	No Reduction to Misdemeanor	Can Plead to Misdemeanor except if Predicate Felon than Class E Felony
Other Class D Violent Felony	Reduced to Misdemeanor interest of justice consent of D.A.	Reduced to Misdemeanor interest of justice consent of D.A.	Can Plead to Misdemeanor except if predicate felon than Class E Felony

SENTENCING

VIOLENT FELONY OFFENDERS - PL 70.02
(NO PRIOR VIOLENT OR FELONY OFFENSE CONVICTIONS)

Class B Violent Felony Offenses

- A. For all attempted class A-I violent felony offenses; class B violent felony offenses
1. Mandatory indeterminate sentence of imprisonment:
Minimum term - One third of the maximum term imposed
(in armed violent felony offense convictions, the minimum can also be one third to one half the maximum)
Maximum term - Between six years and twenty-five years;
The amount of time must be specified in the sentence.

Class C Violent Felony Offenses

- A. For all attempted class B violent felony offenses; class C violent felony offenses
1. Mandatory indeterminate sentence of imprisonment:
Minimum term - One third of the maximum term imposed
Maximum term - Between four and one half years and fifteen years;
The amount of time must be specified in the sentence.

Class D Violent Felony Offenses

- A. For all attempted class C violent felony offenses; sexual abuse 1° - PL 130.65; or Assault 2° - PL 120.05: If plea entered in satisfaction of "armed felony" indictment and no mitigating factors are found.
1. Mandatory indeterminate sentence of imprisonment:
Minimum term - One year to one third of the maximum term imposed
Maximum term - Between three years and seven years;
The amount of time must be specified in the sentence.
- B. For attempted assault 1° - PL 120.10; assault 2° - PL 120.05 not covered by A.
- One of the following options:
1. Indeterminate sentence of imprisonment as per A 1.
 2. Definite sentence up to one year.
 3. Intermittent sentence up to one year.

- C. For all attempted class C violent felony offenses; sexual abuse 1° - PL 130.65 not covered by A or B.
One or the following options:
1. Indeterminate sentence of imprisonment as per A 1.
 2. Definite sentence up to one year.
 3. Intermittent sentence up to one year.
 4. Intermittent up to 4 months or 6 months plus probation or conditional discharge.
 5. Probation (5 years).
 6. Conditional discharge (3 years).
 7. Unconditional discharge.
- D. For criminal possession of a weapon 3° - PL 265.02 (4) & (5); criminal sale of a firearm 1° - PL 265.12
One or the the following options:
1. Indeterminate sentence of imprisonment as per A 1.
 2. Definite sentence of one year;
 3. When the court finds mitigating factors in the case¹ for a defendant with a prior felony or A misdemeanor conviction within the past five years immediately preceding the commission of the offense or the court finds the sentence to be unduly harsh for a defendant with no such conviction, than one of the following options:
 - a. Conditional discharge (3 years).
 - b. Five years probation.
 - c. Intermittent sentence to four months or six months plus probation or conditional discharge.
 - d. Definite sentence of less than one year.
 - e. Unconditional discharge.

Class E Violent Felony Offenses

- A. For attempted criminal possession of a weapon 3° - PL 265.02 (4)&(5)
One or more of the following:
1. Indeterminate sentence of imprisonment:
Minimum term - One year to one third of the maximum term imposed
Maximum term - Between three years and four years;
The amount of time must be specified in the sentence.
 2. See class D violent felony offense sentencing guidelines under criminal possession of a weapon 3° - PL 265.02 (4)&(5): C1-3 above.

¹See mitigating circumstance section in this report for further information

SENTENCING

SECOND VIOLENT FELONY OFFENDERS - PL 70.04
(ONE PRIOR VIOLENT FELONY OFFENSE CONVICTION)

Class B Violent Felony Offenses

- A. Mandatory indeterminate sentence of imprisonment:
Minimum - One half the maximum term imposed
Maximum - Between twelve years and twenty-five years;
The amount of time must be specified in the sentence.

Class C Violent Felony Offenses

- A. Mandatory indeterminate sentence of imprisonment:
Minimum - One half the maximum term imposed
Maximum - Between eight years and fifteen years;
The amount of time must be specified in the sentence.

Class D Violent Felony Offenses

- A. Mandatory indeterminate sentence of imprisonment:
Minimum - One half the maximum term imposed
Maximum - Between five years and seven years;
The amount of time must be specified in the sentence.

Class E Violent Felony Offenses

- A. Mandatory indeterminate sentence of imprisonment:
Minimum - One half the maximum term imposed
Maximum - At least four years;
The amount of time must be specified in the sentence.

SENTENCING

PERSISTENT VIOLENT FELONY OFFENDERS - PL 70.08
(TWO OR MORE PRIOR VIOLENT FELONY OFFENSE CONVICTIONS)

Class B Violent Felony Offenses

- A. Mandatory indeterminate sentence of imprisonment:
Minimum - Between ten years and twenty-five years
Maximum - Life;
The amount of time must be specified in the sentence.

Class C Violent Felony Offenses

- A. Mandatory indeterminate sentence of imprisonment:
Minimum - Between eight years and twenty-five years
Maximum - Life;
The amount of time must be specified in the sentence.

Class D Violent Felony Offenses

- A. Mandatory indeterminate sentence of imprisonment:
Minimum - Between six years and twenty-five years
Maximum - Life;
The amount of time must be specified in the sentence.

GENERAL REFERENCE GUIDE TO OTHER SENTENCING PROVISIONS APPLICABLE TO CONVICTIONS

1. Youthful Offender - see PL Section 60.02.
2. First Felony Offender - see PL Section 60.05, 60.01, 70.00.
3. Second Felony Offender - see PL Section 60.05, 70.06.
4. Persistent Felony Offender - see PL Section 60.05, 70.10.
5. Misdemeanor Convictions - see PL Section 60.01 and 60.11.