

State of New York
Department of Correctional Services

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Statistical Overview
Year 2008 Court Commitments



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Statistical Overview

Year 2008 Court Commitments

This document describes the characteristics of inmates admitted to the New York State Department of Correctional Services during calendar year 2008 (N=25,892). The report concentrates on inmates admitted into a state prison facility for the first time on their current sentence (N=15,811). This overview presents information on various data points such as commitment offense, felony class, category of commitment offense, age at commitment, county of commitment and minimum sentence length. For comparative purposes, multiple tables throughout the report show trends in admission data across the years 2004 through 2008. Additionally, for comparison purposes, one table (Table 8.3) is included that shows the proportion of new commitments by gender between 1980 and 2008.

Statistical Overview
Year 2008 Admissions

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Section 1: Type of Admission

There were a total of 25,892 admissions to the facilities of the Department of Correctional Services during 2008 (see Table 1.1). Of the total admissions, 15,811 (61%) were new court commitments, another 9,243 (36%) were returned parole violators, and 838 (3%) were other admissions.

Figure 1
Type of Admission
(2008 Total Admissions, N=25,892)

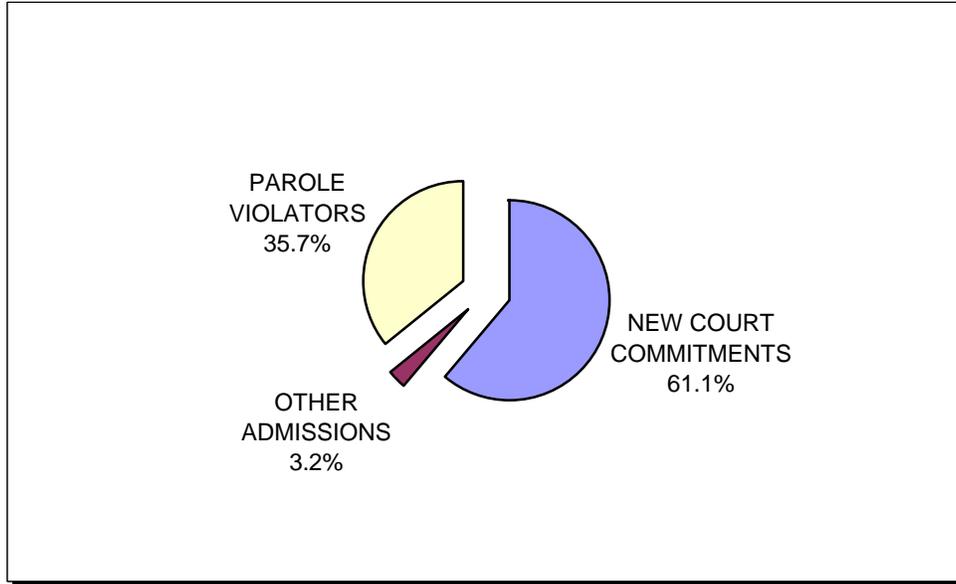


TABLE 1.1
ADMISSION TYPE BY SEX; 2008 TOTAL ADMISSIONS

	MEN		WOMEN		TOTAL	
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
NEW COURT COMMITMENTS						
NEW COMMITS	14,656	60.7%	1,146	65.7%	15,802	61.0%
NEW TERM ABSCONDER FROM TEMPORARY RELEASE	2	0.0%	0	0.0%	2	0.0%
NEW TERM TEMPORARY RELEASE ARREST	5	0.0%	2	0.1%	7	0.0%
SUBTOTAL	14,663	60.7%	1,148	65.8%	15,811	61.1%
RETURNED FROM PAROLE						
RETURN POST RELEASE SUPERVISION VIOLATOR	2,889	12.0%	151	8.7%	3,040	11.7%
RETURN PAROLE VIOLATOR	4,574	18.9%	381	21.8%	4,955	19.1%
RETURN CONDITIONAL RELEASE VIOLATOR	1,221	5.1%	27	1.5%	1,248	4.8%
SUBTOTAL	8,684	36.0%	559	32.0%	9,243	35.7%
OTHER ADMISSIONS						
RETURN FROM COURT ORDERED DISCHARGE	88	0.4%	2	0.1%	90	0.3%
RETURN ESCAPEE	0	0.0%	0	0.0%	0	0.0%
RETURN ABSCONDER FROM TEMPORARY RELEASE	81	0.3%	3	0.2%	84	0.3%
RETURN FROM OFFICE OF MENTAL HEALTH	458	1.9%	28	1.6%	486	1.9%
RETURN OTHER AGENCY	25	0.1%	4	0.2%	29	0.1%
RETURN TEMPORARY RELEASE ARREST	40	0.2%	0	0.0%	40	0.2%
RETURN ERROR DISCHARGE	8	0.0%	1	0.1%	9	0.0%
RETURN W/STAY OF RELEASE	100	0.4%	0	0.0%	100	0.4%
SUBTOTAL	800	3.3%	38	2.2%	838	3.2%
GRAND TOTAL	24,147	100.0%	1,745	100.0%	25,892	100.0%

Section 2: Commitment Offense

Thirty-one percent (4,866) of new court commitments in 2008 were violent felony offenders, 33% (5,190) were drug offenders, 11% (1,729) were other coercive crime offenders, 22% (3,395) were property crime offenders, and 4% (631) were juvenile/youthful offenders (see Table 2.1). Between 2004 and 2007, the proportion for all of the major crime groupings remained very stable. Between 2007 and 2008, the proportion of offenders committed for VFO's increased from 29.2% to 30.8%, property and other crimes increased from 20.5% to 21.5%, while the proportion committed for drug offenses decreased from 35.7% to 32.8%.

TABLE 2.1
VIOLENT FELONY STATUS AND CRIME
BY YEAR RECEIVED: 2004-2008 NEW COURT COMMITMENTS

	2004		2005		2006		2007		2008		TOTAL	
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
VIOLENT FELONY												
MURDER	227	1.4%	215	1.3%	211	1.3%	184	1.1%	193	1.2%	1,030	1.2%
ATTEMPTED MURDER	104	0.6%	101	0.6%	103	0.6%	117	0.7%	109	0.7%	534	0.6%
MANSLAUGHTER 1ST	152	0.9%	189	1.2%	195	1.2%	210	1.2%	197	1.2%	943	1.1%
RAPE 1ST	158	1.0%	153	0.9%	147	0.9%	174	1.0%	140	0.9%	772	0.9%
ROBBERY 1ST	737	4.5%	662	4.0%	613	3.6%	584	3.4%	537	3.4%	3,133	3.8%
ROBBERY 2ND	923	5.6%	824	5.0%	814	4.8%	863	5.0%	766	4.8%	4,190	5.1%
ASSAULT 1ST	329	2.0%	329	2.0%	304	1.8%	285	1.7%	267	1.7%	1,514	1.8%
ASSAULT 2ND	464	2.8%	481	2.9%	496	2.9%	479	2.8%	486	3.1%	2,406	2.9%
BURGLARY 1ST	105	0.6%	86	0.5%	104	0.6%	118	0.7%	133	0.8%	546	0.7%
BURGLARY 2ND	708	4.3%	657	4.0%	692	4.1%	681	4.0%	715	4.5%	3,453	4.2%
ARSON 1ST,2ND	21	0.1%	35	0.2%	30	0.2%	24	0.1%	26	0.2%	136	0.2%
SODOMY 1ST	139	0.8%	112	0.7%	101	0.6%	111	0.6%	108	0.7%	571	0.7%
SEX.AB-1ST,Ag,2	246	1.5%	279	1.7%	254	1.5%	258	1.5%	253	1.6%	1,290	1.6%
WEAPONS OFFENSES	644	3.9%	606	3.7%	777	4.6%	916	5.3%	876	5.5%	3,819	4.6%
KIDNAPPING 1ST,2ND	24	0.1%	27	0.2%	31	0.2%	21	0.1%	14	0.1%	117	0.1%
OTHER VFO SEX OFFENSES	0	0.0%	0	0.0%	0	0.0%	0	0.0%	26	0.2%	26	0.0%
OTHER VIOLENT FELONIES	4	0.0%	6	0.0%	6	0.0%	10	0.1%	20	0.1%	46	0.1%
SUBTOTAL	4,985	30.4%	4,762	29.1%	4,878	28.9%	5,035	29.2%	4,866	30.8%	24,526	29.7%
OTHER COERCIVE												
MANSLAUGHTER 2ND	64	0.4%	51	0.3%	57	0.3%	55	0.3%	45	0.3%	272	0.3%
OTHER HOMICIDE	35	0.2%	44	0.3%	43	0.3%	27	0.2%	43	0.3%	192	0.2%
ROBBERY 3RD	488	3.0%	545	3.3%	549	3.3%	564	3.3%	490	3.1%	2,636	3.2%
ATT ASSAULT 2ND	208	1.3%	227	1.4%	232	1.4%	224	1.3%	214	1.4%	1,105	1.3%
CONSPIRACY 2,3,4	108	0.7%	97	0.6%	87	0.5%	115	0.7%	108	0.7%	515	0.6%
OTHER WEAPONS	252	1.5%	241	1.5%	248	1.5%	305	1.8%	320	2.0%	1,366	1.7%
OTHER SEX OFFENSES	320	2.0%	311	1.9%	342	2.0%	347	2.0%	326	2.1%	1,646	2.0%
OTHER COERCIVE	209	1.3%	207	1.3%	183	1.1%	185	1.1%	183	1.2%	967	1.2%
SUBTOTAL	1,684	10.3%	1,723	10.5%	1,741	10.3%	1,822	10.6%	1,729	10.9%	8,699	10.5%
DRUG OFFENSES												
DRUG SALE	3,264	19.9%	3,289	20.1%	3,560	21.1%	3,438	20.0%	2,736	17.3%	16,287	19.7%
DRUG POSSESSION	2,403	14.7%	2,550	15.6%	2,500	14.8%	2,710	15.7%	2,454	15.5%	12,617	15.3%
SUBTOTAL	5,667	34.6%	5,839	35.7%	6,060	35.9%	6,148	35.7%	5,190	32.8%	28,904	35.0%
PROPERTY AND OTHER												
BURGLARY 3RD	969	5.9%	890	5.4%	938	5.6%	974	5.7%	892	5.6%	4,663	5.6%
GRAND LARCENY	680	4.1%	743	4.5%	749	4.4%	741	4.3%	727	4.6%	3,640	4.4%
FORGERY	367	2.2%	348	2.1%	338	2.0%	364	2.1%	306	1.9%	1,723	2.1%
STOLEN PROPERTY	273	1.7%	276	1.7%	299	1.8%	262	1.5%	256	1.6%	1,366	1.7%
DRIVE INTOXICATED	563	3.4%	597	3.6%	611	3.6%	541	3.1%	574	3.6%	2,886	3.5%
CONTEMPT 1ST	166	1.0%	169	1.0%	152	0.9%	173	1.0%	161	1.0%	821	1.0%
ALL OTHER FELONIES	415	2.5%	424	2.6%	440	2.6%	470	2.7%	479	3.0%	2,228	2.7%
SUBTOTAL	3,433	20.9%	3,447	21.1%	3,527	20.9%	3,525	20.5%	3,395	21.5%	17,327	21.0%
YOUTHFUL OFFENDER												
YOUTHFUL OFFENDER	593	3.6%	573	3.5%	638	3.8%	682	4.0%	617	3.9%	3,103	3.8%
JUVENILE OFFENDER												
JUVENILE OFFENDER	26	0.2%	18	0.1%	23	0.1%	19	0.1%	14	0.1%	100	0.1%
GRAND TOTAL	16,388	100.0%	16,362	100.0%	16,867	100.0%	17,231	100.0%	15,811	100.0%	82,659	100.0%

Section 3: Second Felony Offender Status

More than half (56%) of 2008 new court commitments were sentenced as first felony offenders, 44% were sentenced as second felony offenders, and less than one percent (0.5%) were sentenced as persistent felony offenders.

Among offenders committed to state prison for a violent felony offense, there is a higher concentration of individuals sentenced as first felony offenders (70%) when compared with other coercive crimes (48%), drug offenses (43%), or property offenses (50%).

TABLE 3.1
CRIME BY FELONY STATUS (ROW PERCENTAGES); 2008 NEW COURT COMMITMENTS

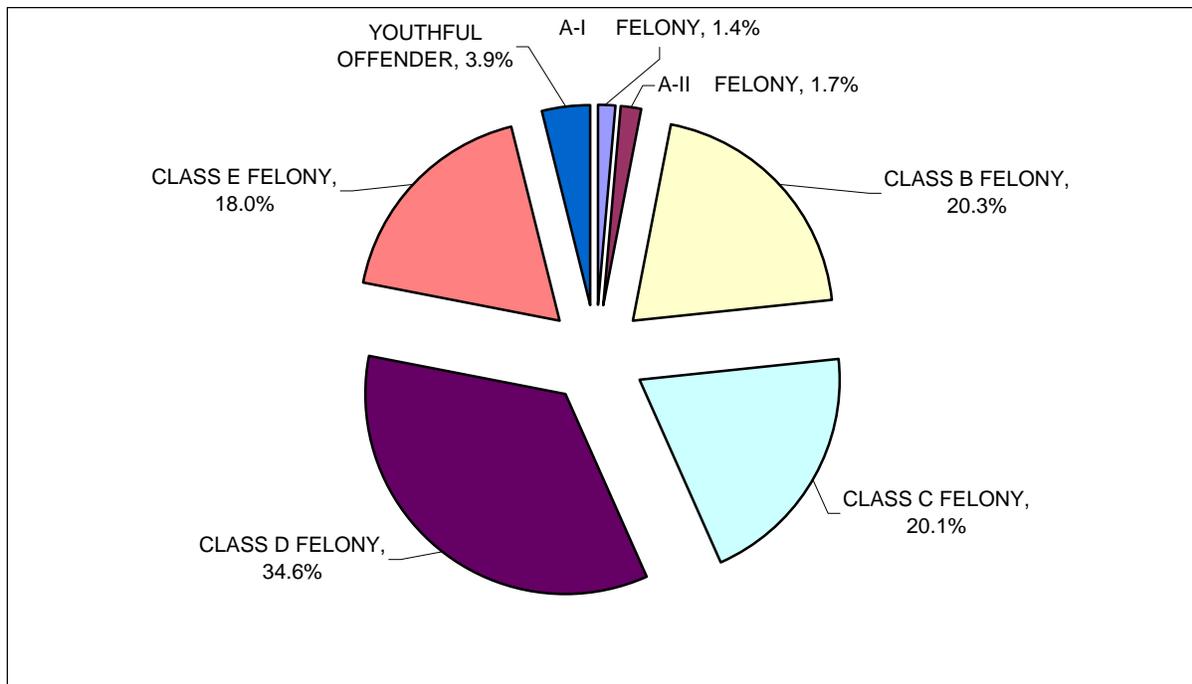
COMMITMENT CRIME	FIRST FELONY OFFENDER		SECOND FELONY OFFENDER		PERSIST FELONY OFFENDER		TOTAL	
	NUMBER	ROW PERCENT	NUMBER	ROW PERCENT	NUMBER	ROW PERCENT	NUMBER	ROW PERCENT
VIOLENT FELONY								
MURDER	193	100.0%	0	0.0%	0	0.0%	193	100.0%
ATTEMPTED MURDER	88	80.7%	21	19.3%	0	0.0%	109	100.0%
MANSLT 1ST,AG 2ND	140	71.1%	56	28.4%	1	0.5%	197	100.0%
RAPE 1ST	112	80.0%	26	18.6%	2	1.4%	140	100.0%
ROBBERY 1ST	356	66.3%	163	30.4%	18	3.4%	537	100.0%
ROBBERY 2ND	519	67.8%	232	30.3%	15	2.0%	766	100.0%
ASSAULT 1ST	197	73.8%	67	25.1%	3	1.1%	267	100.0%
ASSAULT 2ND	346	71.2%	136	28.0%	4	0.8%	486	100.0%
BURGLARY 1ST	89	66.9%	40	30.1%	4	3.0%	133	100.0%
BURGLARY 2ND	381	53.3%	313	43.8%	21	2.9%	715	100.0%
ARSON 1ST,2ND	17	65.4%	9	34.6%	0	0.0%	26	100.0%
SODOMY 1ST	94	87.0%	14	13.0%	0	0.0%	108	100.0%
SEX.AB-1ST,Ag.2	224	88.5%	28	11.1%	1	0.4%	253	100.0%
WEAPONS OFFENSES	596	68.0%	275	31.4%	5	0.6%	876	100.0%
KIDNAPPING 1ST,2ND	13	92.9%	1	7.1%	0	0.0%	14	100.0%
OTHER VFO SEX OFFENSES	21	80.8%	4	15.4%	1	3.8%	26	100.0%
OTHER VIOLENT FELONIES	15	75.0%	5	25.0%	0	0.0%	20	100.0%
SUBTOTAL	3,401	69.9%	1,390	28.6%	75	1.5%	4,866	100.0%
OTHER COERCIVE								
MANSLAUGHTER 2ND	37	82.2%	8	17.8%	0	0.0%	45	100.0%
OTHER HOMICIDE	37	86.0%	6	14.0%	0	0.0%	43	100.0%
ROBBERY 3RD	194	39.6%	294	60.0%	2	0.4%	490	100.0%
ATT ASSAULT 2ND	74	34.6%	140	65.4%	0	0.0%	214	100.0%
CONSPIRACY 2,3,4	67	62.0%	41	38.0%	0	0.0%	108	100.0%
OTHER WEAPONS	80	25.0%	237	74.1%	3	0.9%	320	100.0%
OTHER SEX OFFENSES	237	72.7%	89	27.3%	0	0.0%	326	100.0%
OTHER COERCIVE	105	57.4%	78	42.6%	0	0.0%	183	100.0%
SUBTOTAL	831	48.1%	893	51.6%	5	0.3%	1,729	100.0%
DRUG OFFENSES								
DRUG SALE	1,183	43.2%	1,551	56.7%	2	0.1%	2,736	100.0%
DRUG POSSESSION	1,057	43.1%	1,397	56.9%	0	0.0%	2,454	100.0%
SUBTOTAL	2,240	43.2%	2,948	56.8%	2	0.0%	5,190	100.0%
PROPERTY AND OTHER OFFENSES								
BURGLARY 3RD	335	37.6%	556	62.3%	1	0.1%	892	100.0%
GRAND LARCENY	294	40.4%	432	59.4%	1	0.1%	727	100.0%
FORGERY	115	37.6%	191	62.4%	0	0.0%	306	100.0%
STOLEN PROPERTY	65	25.4%	191	74.6%	0	0.0%	256	100.0%
DRIVE INTOXICATED	563	98.1%	11	1.9%	0	0.0%	574	100.0%
CONTEMPT 1ST	71	44.1%	90	55.9%	0	0.0%	161	100.0%
ALL OTHER FELONIES	248	51.8%	231	48.2%	0	0.0%	479	100.0%
SUBTOTAL	1,691	49.8%	1,702	50.1%	2	0.1%	3,395	100.0%
YOUTHFUL/JUVENILE								
YOUTHFUL OFFENDER	617	100.0%	0	0.0%	0	0.0%	617	100.0%
JUVENILE OFFENDER	14	100.0%	0	0.0%	0	0.0%	14	100.0%
SUBTOTAL	631	100.0%	0	0.0%	0	0.0%	631	100.0%
GRAND TOTAL	8,794	55.6%	6,933	43.8%	84	0.5%	15,811	100.0%

Section 4: Felony Class Category

Over 3% of 2008 new court commitments were Class A-I or Class A-II felons. Eighty-nine percent (198 of 223) of the A-I commitments were for adult violent felony offenses. Nearly all (94%) of Class A-II felons were committed for drug crimes (see table 4.1).

Class B comprised 20% of new court commitments, Class C made up 20% of new commitments; Class D felons were the largest subset, encompassing 35% of new commitments in 2008. Class E offenders constituted 18% and Youthful Offenders represented 4% of 2008 new commitments.

**Figure 4
Felony Class
(2008 New Commitment Population, N=15,811)**



**TABLE 4.1
COMMITMENT CRIME BY FELONY CLASS; 2008 NEW COURT COMMITMENTS**

COMMITMENT OFFENSE	FELONY CLASS							TOTAL
	A-I	A-II	B	C	D	E	Y.O.	
VIOLENT FELONY	198	16	1,153	1,519	1,941	39	0	4,866
OTHER COERCIVE	0	0	49	113	762	805	0	1,729
DRUG OFFENSES	23	253	1,941	1,433	1,323	217	0	5,190
PROPERTY AND OTHER	0	0	48	112	1,445	1,790	0	3,395
YOUTHFUL OFFENDER	0	0	0	0	0	0	617	617
JUVENILE OFFENDER	2	0	11	1	0	0	0	14
TOTAL	223	269	3,202	3,178	5,471	2,851	617	15,811
PERCENT	1.4%	1.7%	20.3%	20.1%	34.6%	18.0%	3.9%	100.0%

TABLE 4.2
 CRIME BY FELONY CRIME CLASS BY FELONY OFFENDER STATUS: 2008 NEW COURT COMMITMENTS (1 OF 2)

	FIRST FELONY OFFENDER								SECOND FELONY OFFENDER						
	A-I	A-II	CLASS B	CLASS C	CLASS D	CLASS E	Y.O.	SUBTOTAL	A-I	A-II	CLASS B	CLASS C	CLASS D	CLASS E	SUBTOTAL
VIOLENT FELONY															
MURDER	193	0	0	0	0	0	0	193	0	0	0	0	0	0	0
ATTEMPTED MURDER	5	0	83	0	0	0	0	88	0	0	21	0	0	0	21
MANSLT 1ST,AG 2ND	0	0	136	4	0	0	0	140	0	0	55	1	0	0	56
RAPE 1ST	0	0	68	44	0	0	0	112	0	0	14	12	0	0	26
ROBBERY 1ST	0	0	235	121	0	0	0	356	0	0	98	65	0	0	163
ROBBERY 2ND	0	0	0	209	310	0	0	519	0	0	0	109	123	0	232
ASSAULT 1ST	0	0	128	69	0	0	0	197	0	0	34	33	0	0	67
ASSAULT 2ND	0	0	0	8	338	0	0	346	0	0	0	1	135	0	136
BURGLARY 1ST	0	0	70	19	0	0	0	89	0	0	33	7	0	0	40
BURGLARY 2ND	0	0	0	193	188	0	0	381	0	0	0	163	150	0	313
ARSON 1ST,2ND	0	0	6	11	0	0	0	17	0	0	6	3	0	0	9
SODOMY 1ST	0	0	69	25	0	0	0	94	0	0	12	2	0	0	14
SEX.AB-1ST,Ag.2	0	0	47	10	167	0	0	224	0	0	1	1	25	1	28
WEAPONS OFFENSES	0	0	2	259	324	11	0	596	0	0	4	118	129	24	275
KIDNAPPING 1ST,2ND	0	0	9	4	0	0	0	13	0	0	1	0	0	0	1
OTHER VFO SEX OFFENSES	0	12	0	0	9	0	0	21	0	3	0	0	1	0	4
OTHER VIOLENT FELONIES	0	0	0	0	14	1	0	15	0	0	0	0	3	2	5
SUBTOTAL	198	12	853	976	1,350	12	0	3,401	0	3	279	515	566	27	1,390
	5.8%	0.4%	25.1%	28.7%	39.7%	0.4%	0.0%	100.0%	0.0%	0.2%	20.1%	37.1%	40.7%	1.9%	100.0%
OTHER COERCIVE															
MANSLAUGHTER 2ND	0	0	0	37	0	0	0	37	0	0	0	8	0	0	8
OTHER HOMICIDE	0	0	3	9	13	12	0	37	0	0	0	2	1	3	6
ROBBERY 3RD	0	0	0	0	165	29	0	194	0	0	0	0	186	108	294
ATT ASSAULT 2ND	0	0	0	0	1	73	0	74	0	0	0	0	0	140	140
CONSPIRACY 2,3,4	0	0	37	7	1	22	0	67	0	0	9	9	2	21	41
OTHER WEAPONS	0	0	0	0	59	21	0	80	0	0	0	0	131	106	237
OTHER SEX OFFENSES	0	0	0	6	90	141	0	237	0	0	0	0	25	64	89
OTHER COERCIVE	0	0	0	28	50	27	0	105	0	0	0	7	34	37	78
SUBTOTAL	0	0	40	87	379	325	0	831	0	0	9	26	379	479	893
	0.0%	0.0%	4.8%	10.5%	45.6%	39.1%	0.0%	100.0%	0.0%	0.0%	1.0%	2.9%	42.4%	53.6%	100.0%
DRUG OFFENSES															
DRUG SALE	3	100	744	191	135	10	0	1,183	4	24	460	566	440	57	1,551
DRUG POSSESSION	8	95	454	230	243	27	0	1,057	8	33	283	446	504	123	1,397
SUBTOTAL	11	195	1,198	421	378	37	0	2,240	12	57	743	1,012	944	180	2,948
	0.5%	8.7%	53.5%	18.8%	16.9%	1.7%	0.0%	100.0%	0.4%	1.9%	25.2%	34.3%	32.0%	6.1%	100.0%
PROPERTY AND OTHER															
BURGLARY 3RD	0	0	0	0	289	57	0	335	0	0	0	0	365	191	556
GRAND LARCENY	0	0	11	62	73	145	0	294	0	0	2	20	79	331	432
FORGERY	0	0	0	12	84	19	0	115	0	0	0	3	118	70	191
STOLEN PROPERTY	0	0	0	0	16	49	0	65	0	0	0	1	39	151	191
DRIVE INTOXICATED	0	0	0	0	212	351	0	563	0	0	0	0	5	6	11
CONTEMPT 1ST	0	0	0	0	0	71	0	71	0	0	0	0	0	90	90
ALL OTHER FELONIES	0	0	13	10	90	117	0	248	0	0	1	4	85	141	231
SUBTOTAL	0	0	24	84	753	809	0	1,691	0	0	3	28	691	980	1,702
	0.0%	0.0%	1.4%	5.0%	44.5%	47.8%	0.0%	100.0%	0.0%	0.0%	0.2%	1.6%	40.6%	57.6%	100.0%
YOUTHFUL OFFENDER															
YOUTHFUL OFFENDER	0	0	0	0	0	0	617	617	0	0	0	0	0	0	0
	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
JUVENILE OFFENDER															
JUVENILE OFFENDER	2	0	11	1	0	0	0	14	0	0	0	0	0	0	0
	0.0%	0.0%	78.6%	7.1%	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
GRAND TOTAL	211	207	2,147	1,569	2,860	1,183	617	8,794	12	60	1,034	1,581	2,580	1,666	6,933
	2.4%	2.4%	24.4%	17.8%	32.5%	13.5%	7.0%	100.0%	0.2%	0.9%	14.9%	22.8%	37.2%	24.0%	100.0%

(Continued)

TABLE 4.2
 CRIME BY FELONY CRIME CLASS BY FELONY OFFENDER STATUS: 2008 NEW COURT COMMITMENTS (2 OF 2)

	PERSISTENT FELONY OFFENDER						TOTAL							
	A-II	CLASS B	CLASS C	CLASS D	CLASS E	SUBTOTAL	A-I	A-II	CLASS B	CLASS C	CLASS D	CLASS E	Y.O.	TOTAL
VIOLENT FELONY														
MURDER	0	0	0	0	0	0	193	0	0	0	0	0	0	193
ATTEMPTED MURDER	0	0	0	0	0	0	5	0	104	0	0	0	0	109
MANSLT 1ST,AG 2ND	0	1	0	0	0	1	0	0	192	5	0	0	0	197
RAPE 1ST	0	2	0	0	0	2	0	0	84	56	0	0	0	140
ROBBERY 1ST	0	13	5	0	0	18	0	0	346	191	0	0	0	537
ROBBERY 2ND	0	0	6	9	0	15	0	0	0	324	442	0	0	766
ASSAULT 1ST	0	1	2	0	0	3	0	0	163	104	0	0	0	267
ASSAULT 2ND	0	0	0	4	0	4	0	0	0	9	477	0	0	486
BURGLARY 1ST	0	4	0	0	0	4	0	0	107	26	0	0	0	133
BURGLARY 2ND	0	0	10	11	0	21	0	0	0	366	349	0	0	715
ARSON 1ST,2ND	0	0	0	0	0	0	0	0	12	14	0	0	0	26
SODOMY 1ST	0	0	0	0	0	0	0	0	81	27	0	0	0	108
SEX.AB-1ST,Ag,2	0	0	0	1	0	1	0	0	48	11	193	1	0	253
WEAPONS OFFENSES	0	0	5	0	0	5	0	0	6	382	453	35	0	876
KIDNAPPING 1ST,2ND	0	0	0	0	0	0	0	0	10	4	0	0	0	14
OTHER VFO SEX OFFENSES	1	0	0	0	0	1	0	16	0	0	10	0	0	26
OTHER VIOLENT FELONIES	0	0	0	0	0	0	0	0	0	0	17	3	0	20
SUBTOTAL	1	21	28	25	0	75	198	16	1,153	1,519	1,941	39	0	4,866
	1.3%	28.0%	37.3%	33.3%	0.0%	100.0%	4.1%	0.3%	23.7%	31.2%	39.9%	0.8%	0.0%	100.0%
OTHER COERCIVE														
MANSLAUGHTER 2ND	0	0	0	0	0	0	0	0	0	45	0	0	0	45
OTHER HOMICIDE	0	0	0	0	0	0	0	0	3	11	14	15	0	43
ROBBERY 3RD	0	0	0	2	0	2	0	0	0	0	353	137	0	490
ATT ASSAULT 2ND	0	0	0	0	0	0	0	0	0	0	1	213	0	214
CONSPIRACY 2,3,4	0	0	0	0	0	0	0	0	46	16	3	43	0	108
OTHER WEAPONS	0	0	0	2	1	3	0	0	0	0	192	128	0	320
OTHER SEX OFFENSES	0	0	0	0	0	0	0	0	0	6	115	205	0	326
OTHER COERCIVE	0	0	0	0	0	0	0	0	0	35	84	64	0	183
SUBTOTAL	0	0	0	4	1	5	0	0	49	113	762	805	0	1,729
	0.0%	0.0%	0.0%	80.0%	20.0%	100.0%	0.0%	0.0%	2.8%	6.5%	44.1%	46.6%	0.0%	100.0%
DRUG OFFENSES														
DRUG SALE	1	0	0	1	0	2	7	125	1,204	757	576	67	0	2,736
DRUG POSSESSION	0	0	0	0	0	0	16	128	737	676	747	150	0	2,454
SUBTOTAL	1	0	0	1	0	2	23	253	1,941	1,433	1,323	217	0	5,190
	50.0%	0.0%	0.0%	50.0%	0.0%	100.0%	0.4%	4.9%	37.4%	27.6%	25.5%	4.2%	0.0%	100.0%
PROPERTY AND OTHER														
BURGLARY 3RD	0	0	0	1	0	1	0	0	0	0	644	248	0	892
GRAND LARCENY	0	0	0	0	1	1	0	0	16	82	152	477	0	727
FORGERY	0	0	0	0	0	0	0	0	0	15	202	89	0	306
STOLEN PROPERTY	0	0	0	0	0	0	0	0	0	1	55	200	0	256
DRIVE INTOXICATED	0	0	0	0	0	0	0	0	0	0	217	357	0	574
CONTEMPT 1ST	0	0	0	0	0	0	0	0	0	0	0	161	0	161
ALL OTHER FELONIES	0	0	0	0	0	0	0	0	32	14	175	258	0	479
SUBTOTAL	0	0	0	1	1	2	0	0	48	112	1,445	1,790	0	3,395
	0.0%	0.0%	0.0%	50.0%	50.0%	100.0%	0.0%	0.0%	1.4%	3.3%	42.6%	52.7%	0.0%	100.0%
YOUTHFUL OFFENDER														
YOUTHFUL OFFENDER	0	0	0	0	0	0	0	0	0	0	0	0	617	617
	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%	100.0%
JUVENILE OFFENDER														
JUVENILE OFFENDER	0	0	0	0	0	0	2	0	11	1	0	0	0	14
	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	14.3%	0.0%	78.6%	7.1%	0.0%	0.0%	0.0%	100.0%
GRAND TOTAL	2	21	28	31	2	84	223	269	3,202	3,178	5,471	2,851	617	15,811
	2.4%	25.0%	33.3%	36.9%	2.4%	100.0%	1.4%	1.7%	20.3%	20.1%	34.6%	18.0%	3.9%	100.0%

Section 5: *Minimum and Maximum Sentences*

The minimum sentence reflects the shortest period of time that a person must serve before being considered for release on parole. The overall minimum sentence for all types of crime decreased from 45 months in 2004 to 42 months in 2008 (see Table 5.3).

For violent felons the average minimum sentence decreased from 83 months in 2004 to 80 months in 2008. For non-violent felons the average minimum sentence dropped from 29 months in 2004 to 26 months in 2008 (see Figure 5.1 and Table 5.3).

Figure 5.1
Average Minimum Sentence by Crime Type
(2004-2008 New Court Commitments)

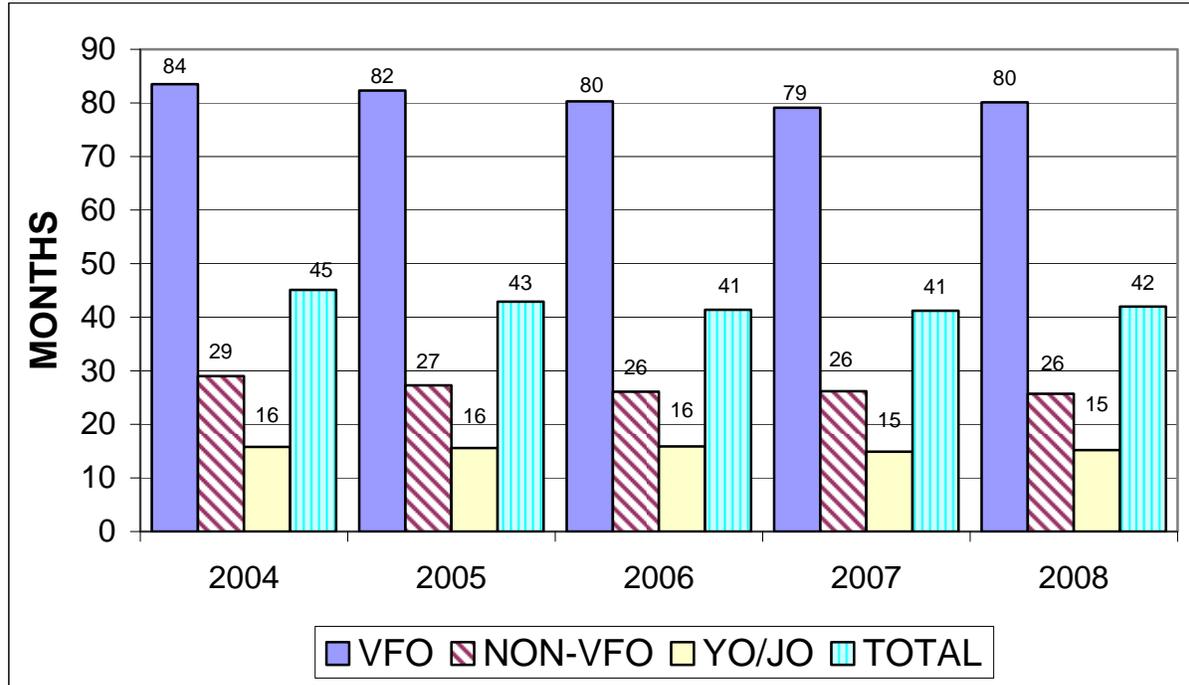


Figure 5.2
Minimum Sentence in Months
(2008 New Court Commitments, N=15,811)

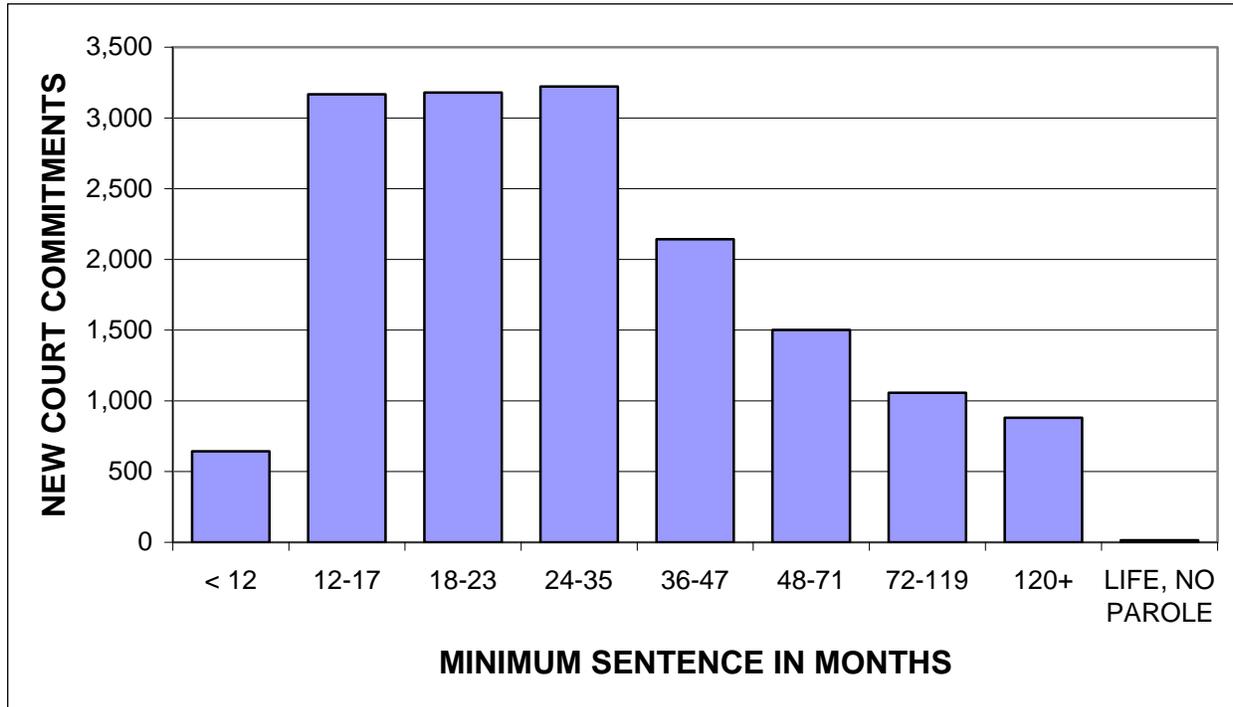


TABLE 5.1
MINIMUM SENTENCE BY CRIME TYPE; 2008 NEW COURT COMMITMENTS

MINIMUM SENTENCE	VIOLENT FELONY OFFENSES	OTHER COERCIVE OFFENSES	DRUG OFFENSES	PROPERTY AND OTHER OFFENSES	YOUTHFUL & JUVENILE OFFENDERS	TOTAL	PERCENT
< 12 MONTHS	4	1	618	0	21	644	4.1%
12-17 MONTHS	22	467	878	1,255	545	3,167	20.0%
18-23 MONTHS	750	453	1,034	921	21	3,179	20.1%
24-35 MONTHS	623	517	1,171	880	31	3,222	20.4%
36-47 MONTHS	834	163	902	235	9	2,143	13.6%
48-71 MONTHS	959	82	398	61	2	1,502	9.5%
72-119 MONTHS	831	37	158	31	1	1,058	6.7%
120+ MONTHS	828	9	31	12	1	881	5.6%
LIFE, NO PAROLE	15	0	0	0	0	15	0.1%
TOTAL	4,866	1,729	5,190	3,395	631	15,811	100.0%

TABLE 5.2
 AVERAGE AND MEDIAN MINIMUM SENTENCE (IN MONTHS) BY CRIME
 AND BY 1ST OR 2ND FELONY OFFENDER STATUS; 2008 NEW COURT COMMITMENTS

COMMITMENT CRIME	FIRST FELONY OFFENDER			SECOND FELONY OFFENDER			PERSISTENT FELONY OFFENDER			TOTAL		
	NUMBER	AVERAGE	MEDIAN	NUMBER	AVERAGE	MEDIAN	NUMBER	AVERAGE	MEDIAN	NUMBER	AVERAGE	MEDIAN
VIOLENT FELONY												
MURDER	193	348.3	300.0	0	.	.	0	.	.	193	348.3	300.0
ATTEMPTED MURDER	88	196.4	103.0	21	183.8	165.0	0	.	.	109	194.0	103.0
MANSLT 1ST,AG 2ND	140	163.9	169.5	56	179.8	182.5	1	300.0	300.0	197	169.1	175.0
RAPE 1ST	112	105.5	82.0	26	114.7	103.0	2	762.0	762.0	140	116.6	82.0
ROBBERY 1ST	356	71.4	51.0	163	112.5	102.0	18	249.3	240.0	537	89.8	72.0
ROBBERY 2ND	519	33.9	31.0	232	58.9	51.0	15	246.4	168.0	766	45.6	36.0
ASSAULT 1ST	197	79.1	72.0	67	112.9	102.0	3	232.0	240.0	267	89.3	72.0
ASSAULT 2ND	346	30.1	21.0	136	45.5	41.0	4	144.0	144.0	486	35.3	31.0
BURGLARY 1ST	89	80.2	62.0	40	127.0	103.0	4	249.0	240.0	133	99.3	82.0
BURGLARY 2ND	381	40.2	36.0	313	60.5	51.0	21	176.6	144.0	715	53.1	46.0
ARSON 1ST,2ND	17	69.8	51.0	9	132.3	103.0	0	.	.	26	91.5	67.0
SODOMY 1ST	94	102.3	82.0	14	183.2	141.5	0	.	.	108	112.8	82.0
SEX.AB-1ST,Ag.2	224	55.3	38.5	28	62.8	51.0	1	180.0	180.0	253	56.6	41.0
WEAPONS OFFENSES	596	36.8	31.0	275	57.0	51.0	5	228.0	216.0	876	44.2	36.0
KIDNAPPING 1ST,2ND	13	89.6	72.0	1	93.0	93.0	0	.	.	14	89.9	77.0
OTHER VFO SEX OFFENSES	21	175.0	120.0	4	277.8	240.0	1	2,100.0	2,100.0	26	264.8	120.0
OTHER VIOLENT FELONIES	15	27.9	21.0	5	41.6	46.0	0	.	.	20	31.3	21.0
SUBTOTAL	3,401	76.8	41.0	1,390	78.6	61.0	75	258.7	192.0	4,866	80.1	51.0
OTHER COERCIVE												
MANSLAUGHTER 2ND	37	43.9	48.0	8	75.0	75.0	0	.	.	45	49.5	48.0
OTHER HOMICIDE	37	25.6	18.0	6	41.0	33.0	0	.	.	43	27.8	18.0
ROBBERY 3RD	194	17.3	12.0	294	27.6	24.0	2	102.0	102.0	490	23.8	24.0
ATT ASSAULT 2ND	74	15.1	12.0	140	20.2	18.0	0	.	.	214	18.5	18.0
CONSPIRACY 2,3,4	67	26.7	20.0	41	37.9	24.0	0	.	.	108	30.9	20.0
OTHER WEAPONS	80	19.9	18.0	237	24.7	24.0	3	114.0	144.0	320	24.4	24.0
OTHER SEX OFFENSES	237	24.7	16.0	89	29.9	24.0	0	.	.	326	26.1	20.0
OTHER COERCIVE	105	19.2	16.0	78	29.0	24.0	0	.	.	183	23.4	20.0
SUBTOTAL	831	22.0	16.0	893	27.0	24.0	5	109.2	144.0	1,729	24.9	20.0
DRUG OFFENSES												
DRUG SALE	1,183	23.3	21.0	1,551	33.6	31.0	2	216.0	216.0	2,736	29.3	26.0
DRUG POSSESSION	1,057	23.8	21.0	1,397	32.1	26.0	0	.	.	2,454	28.5	21.0
SUBTOTAL	2,240	23.6	21.0	2,948	32.9	30.0	2	216.0	216.0	5,190	28.9	25.0
PROPERTY AND OTHER												
BURGLARY 3RD	335	18.1	12.0	556	27.6	24.0	1	16.0	16.0	892	24.0	24.0
GRAND LARCENY	294	20.5	16.0	432	23.8	18.0	1	180.0	180.0	727	22.7	18.0
FORGERY	115	18.4	12.0	191	25.6	24.0	0	.	.	306	22.9	24.0
STOLEN PROPERTY	65	15.2	12.0	191	21.8	18.0	0	.	.	256	20.1	18.0
DRIVE INTOXICATED	563	14.7	12.0	11	20.4	18.0	0	.	.	574	14.8	12.0
CONTEMPT 1ST	71	14.9	12.0	90	20.6	18.0	0	.	.	161	18.1	18.0
ALL OTHER FELONIES	248	18.9	12.0	231	23.8	18.0	0	.	.	479	21.2	18.0
SUBTOTAL	1,691	17.3	12.0	1,702	24.8	24.0	2	98.0	98.0	3,395	21.1	18.0
YOUTHFUL OFFENDER												
YOUTHFUL OFFENDER	617	14.4	12.0	0	.	.	0	.	.	617	14.4	12.0
JUVENILE OFFENDER												
JUVENILE OFFENDER	14	52.9	40.0	0	.	.	0	.	.	14	52.9	40.0
GRAND TOTAL	8,794	42.2	21.0	6,933	39.3	26.0	84	245.0	192.0	15,811	42.0	24.0

Note: Life without parole sentences treated as 45 years (540 months) for this table.

TABLE 5.3
CRIME BY AVERAGE MINIMUM SENTENCE BY FELONY OFFENDER STATUS: 2004 - 2008 NEW COURT COMMITMENTS

	2004			2005			2006			2007			2008			2004-2008 TOTAL		
	FIRST FELONY	2ND / PERSIST. FELONY	TOTAL															
	AVERAGE	AVERAGE	AVERAGE	AVERAGE	AVERAGE	AVERAGE	AVERAGE	AVERAGE	AVERAGE	AVERAGE	AVERAGE	AVERAGE	AVERAGE	AVERAGE	AVERAGE	AVERAGE	AVERAGE	AVERAGE
VIOLENT FELONY																		
MURDER	330.3	.	330.3	314.2	.	314.2	331.2	.	331.2	326.7	.	326.7	348.3	.	348.3	348.3	.	348.3
ATTEMPTED MURDER	130.6	232.3	156.0	124.8	214.2	148.7	121.7	164.0	132.0	121.9	177.2	136.6	196.4	183.8	194.0	196.4	183.8	194.0
MANSLAUGHTER 1ST	149.1	168.0	153.5	151.4	207.0	160.0	158.7	179.1	162.8	152.7	171.4	156.0	163.9	181.9	169.1	163.9	181.9	169.1
RAPE 1ST	114.4	229.2	145.6	104.7	201.8	136.4	120.8	215.5	142.1	110.6	230.2	134.6	105.5	161.0	116.6	105.5	161.0	116.6
ROBBERY 1ST	70.8	154.3	99.2	66.5	124.5	88.7	70.4	126.2	88.6	74.1	136.5	95.8	71.4	126.1	89.8	71.4	126.1	89.8
ROBBERY 2ND	36.0	67.6	47.8	34.5	66.6	45.4	35.1	70.9	46.2	34.6	65.3	44.5	33.9	70.3	45.6	33.9	70.3	45.6
ASSAULT 1ST	75.2	115.8	84.9	81.5	109.9	89.1	79.1	116.8	89.1	76.1	122.0	89.8	79.1	118.0	89.3	79.1	118.0	89.3
ASSAULT 2ND	31.9	51.4	38.2	32.5	52.4	39.0	30.8	49.1	37.0	32.2	52.4	39.0	30.1	48.3	35.3	30.1	48.3	35.3
BURGLARY 1ST	87.1	116.9	100.5	106.5	145.8	123.9	85.4	121.3	96.8	101.1	145.4	118.7	80.2	138.0	99.3	80.2	138.0	99.3
BURGLARY 2ND	38.9	76.9	59.4	40.1	75.3	58.1	41.4	77.2	59.4	38.8	75.4	56.3	40.2	67.8	53.1	40.2	67.8	53.1
ARSON 1ST,2ND	104.8	84.5	95.1	74.2	78.5	74.9	58.1	135.9	81.4	79.4	89.8	81.1	69.8	132.3	91.5	69.8	132.3	91.5
SODOMY 1ST	104.0	166.3	117.0	107.0	284.9	143.5	98.4	180.2	121.1	122.6	146.3	127.3	102.3	183.2	112.8	102.3	183.2	112.8
SEX.AB-1ST.Ag.2	59.3	84.1	64.2	53.3	81.0	58.5	58.5	69.0	59.8	61.7	93.1	66.7	55.3	66.9	56.6	55.3	66.9	56.6
WEAPONS OFFENSES	34.0	47.7	40.3	36.6	53.9	44.2	35.0	51.7	42.3	35.0	53.1	41.7	36.8	60.1	44.2	36.8	60.1	44.2
KIDNAPPING 1ST,2ND	91.5	366.0	137.3	96.8	226.0	120.7	123.9	122.8	123.7	158.8	115.0	148.4	89.6	93.0	89.9	89.6	93.0	89.9
OTHER VFO SEX OFFENSES	.	.	.	.	.	.	.	.	.	103.0	.	103.0	89.6	93.0	89.9	89.6	93.0	89.9
OTHER VIOLENT FELONIES	32.3	18.0	28.8	12.0	57.6	50.0	76.0	47.3	61.7	21.7	22.0	21.8	27.9	41.6	31.3	27.9	41.6	31.3
SUBTOTAL	79.0	92.0	83.5	77.6	91.5	82.3	77.7	85.7	80.3	75.0	87.8	79.1	76.8	87.8	80.1	76.8	87.8	80.1
NON VIOLENT FELONY																		
MANSLAUGHTER 2ND	40.2	70.6	47.4	43.5	72.7	46.9	39.9	60.5	44.6	42.9	64.7	46.4	43.9	75.0	49.5	43.9	75.0	49.5
OTHER HOMICIDE	17.9	34.5	19.8	18.7	30.0	19.2	17.7	23.5	19.4	19.2	21.0	19.3	25.6	41.0	27.8	25.6	41.0	27.8
ROBBERY 3RD	18.9	29.2	25.5	19.0	31.4	26.9	17.8	29.0	24.2	18.0	30.4	25.0	17.3	28.1	23.8	17.3	28.1	23.8
ATT ASSAULT 2ND	14.3	20.2	18.7	14.7	23.5	20.1	14.9	20.7	18.7	16.3	20.3	19.1	15.1	20.2	18.5	15.1	20.2	18.5
CONSPIRACY 2,3,4	31.1	42.2	34.9	31.3	44.9	36.6	25.2	40.1	32.2	31.3	33.9	32.4	26.7	37.9	30.9	26.7	37.9	30.9
OTHER WEAPONS	18.5	26.3	24.1	18.6	25.1	23.3	21.6	27.2	25.8	19.5	26.9	25.0	19.9	25.8	24.4	19.9	25.8	24.4
OTHER SEX OFFENSES	19.5	28.6	22.7	19.5	29.0	22.5	16.8	28.5	20.8	23.7	31.3	25.6	24.7	29.9	26.1	24.7	29.9	26.1
OTHER COERCIVE	18.7	25.3	21.7	20.2	27.8	23.4	18.5	28.9	23.9	18.8	28.2	22.7	19.2	29.0	23.4	19.2	29.0	23.4
DRUG SALE	28.7	38.2	34.7	25.6	35.1	31.4	23.3	34.6	30.0	23.6	33.7	29.5	23.3	33.8	29.3	23.3	33.8	29.3
DRUG POSSESSION	32.0	37.6	35.2	28.1	34.3	31.7	26.2	32.4	29.4	23.9	32.5	28.6	23.8	32.1	28.5	23.8	32.1	28.5
BURGLARY 3RD	18.0	27.2	24.2	18.5	29.6	25.5	17.3	29.1	24.3	18.9	28.1	24.7	18.1	27.6	24.0	18.1	27.6	24.0
GRAND LARCENY	19.1	24.0	22.2	19.0	24.1	22.2	20.9	23.6	22.5	19.2	25.4	22.7	20.5	24.2	22.7	20.5	24.2	22.7
FORGERY	17.5	26.2	23.1	18.5	26.9	23.8	18.7	26.0	23.2	17.2	25.6	22.4	18.4	25.6	22.9	18.4	25.6	22.9
STOLEN PROPERTY	17.3	22.8	21.3	15.9	21.7	20.1	16.8	21.2	20.1	15.9	21.6	20.0	15.2	21.8	20.1	15.2	21.8	20.1
DRIVE INTOXICATED	14.6	15.8	14.6	15.1	28.2	15.3	14.5	16.7	14.5	14.7	43.9	15.1	14.7	20.4	14.8	14.7	20.4	14.8
CONTEMPT 1ST	13.9	19.6	17.3	13.8	19.5	17.0	15.3	19.3	17.4	14.2	20.7	17.8	14.9	20.6	18.1	14.9	20.6	18.1
ALL OTHER FELONIES	18.3	27.5	22.4	16.5	23.6	19.7	17.2	25.3	20.7	17.6	27.2	22.1	18.9	23.8	21.2	18.9	23.8	21.2
SUBTOTAL	24.0	32.8	29.0	22.3	31.4	27.3	21.1	30.5	26.1	21.2	30.4	26.2	21.1	29.6	25.7	21.1	29.6	25.7
YO/JO																		
YOUTHFUL OFFENDER	14.2	.	14.2	14.3	.	14.3	14.5	.	14.5	14.4	.	14.4	14.4	.	14.4	14.4	.	14.4
JUVENILE OFFENDER	53.9	.	53.9	58.1	.	58.1	55.2	.	55.2	33.4	.	33.4	52.9	.	52.9	52.9	.	52.9
SUBTOTAL	15.8	.	15.8	15.6	.	15.6	15.9	.	15.9	14.9	.	14.9	15.2	.	15.2	15.2	.	15.2
GRAND TOTAL	44.3	45.9	45.1	42.0	43.9	42.9	40.9	42.0	41.4	40.3	42.3	41.2	42.2	41.8	42.0	42.2	41.8	42.0

Note: Life without parole sentences treated as 45 years (540 months) for this table.

TABLE 5.4
CRIME CLASS BY MINIMUM SENTENCE BY FELONY OFFENDER STATUS;
2004 - 2008 NEW COURT COMMITMENTS

	2004			2005			2006			2007			2008			TOTAL 2004-2008		
	AGGREGATE MINIMUM IN MONTHS			AGGREGATE MINIMUM IN MONTHS			AGGREGATE MINIMUM IN MONTHS			AGGREGATE MINIMUM IN MONTHS			AGGREGATE MINIMUM IN MONTHS			AGGREGATE MINIMUM IN MONTHS		
	NUMBER	AVERAGE	MEDIAN	NUMBER	AVERAGE	MEDIAN	NUMBER	AVERAGE	MEDIAN	NUMBER	AVERAGE	MEDIAN	NUMBER	AVERAGE	MEDIAN	NUMBER	AVERAGE	MEDIAN
FIRST FELONY																		
VIOLENT FELONY																		
A-I FELONY	236	329.5	300.0	223	312.9	300.0	218	333.4	300.0	190	328.3	300.0	198	372.2	300.0	1,065	336.7	300.0
A-II FELONY	.	.	.	.	.	.	.	.	.	.	.	.	12	279.2	180.0	12	279.2	.
CLASS B FELONY	917	105.7	82.0	899	107.8	82.0	904	110.6	82.0	898	116.9	102.0	853	113.3	93.0	4,471	112.2	87.5
CLASS C FELONY	870	52.6	41.0	828	50.3	41.0	852	51.3	41.0	971	51.4	41.0	976	49.7	41.0	4,497	50.7	41.0
CLASS D FELONY	1,179	29.3	21.0	1,157	30.5	26.0	1,246	30.0	21.0	1,330	29.1	21.0	1,350	28.7	21.0	6,262	29.6	21.0
CLASS E FELONY	35	17.9	15.0	41	19.0	16.0	63	20.7	15.0	33	18.3	15.0	12	16.8	15.0	184	18.7	15.0
TOTAL	3,237	79.0	41.0	3,148	77.6	41.0	3,283	77.7	41.0	3,422	75.0	41.0	3,401	76.8	41.0	16,491	76.8	41.0
NON VIOLENT FELONY																		
A-I FELONY	26	195.2	180.0	36	152.9	113.0	34	130.7	98.0	28	142.6	98.0	11	105.5	82.0	135	145.4	131.0
A-II FELONY	362	56.4	48.0	245	49.7	41.0	213	43.0	41.0	239	45.5	41.0	195	44.8	36.0	1,254	47.9	42.0
CLASS B FELONY	1,173	25.4	24.0	1,187	24.0	21.0	1,349	23.6	21.0	1,412	22.9	21.0	1,283	23.0	21.0	6,404	23.8	22.5
CLASS C FELONY	523	25.6	24.0	594	24.8	21.0	693	23.9	21.0	667	23.1	21.0	592	25.5	21.0	3,069	24.6	22.5
CLASS D FELONY	1,478	18.7	16.0	1,654	18.7	16.0	1,751	18.0	15.0	1,711	18.6	15.0	1,510	18.9	16.0	8,104	18.6	16.0
CLASS E FELONY	1,086	14.1	12.0	1,168	14.6	12.0	1,226	14.5	12.0	1,241	14.6	12.0	1,171	14.8	12.0	5,892	14.5	12.0
TOTAL	4,648	24.0	16.0	4,884	22.3	16.0	5,266	21.1	16.0	5,298	21.2	16.0	4,762	21.1	16.0	24,858	21.9	16.0
YO/JO																		
A-I FELONY	8	101.0	108.0	5	118.4	120.0	8	93.0	96.0	.	.	.	2	156.0	156.0	23	117.1	132.0
CLASS B FELONY	15	34.3	36.0	10	36.6	40.0	13	35.5	36.0	15	31.9	36.0	11	36.4	40.0	64	34.9	38.0
CLASS C FELONY	3	26.0	24.0	3	29.3	24.0	2	32.0	32.0	4	39.0	38.0	1	28.0	28.0	13	30.9	26.0
CLASS D FELONY	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.
YOUTHFUL OFFENDER	593	14.2	12.0	573	14.3	12.0	638	14.5	12.0	682	14.4	12.0	617	14.4	12.0	3,103	14.4	12.0
TOTAL	619	15.8	12.0	591	15.6	12.0	661	15.9	12.0	701	14.9	12.0	631	15.2	12.0	3,203	15.5	12.0
2ND & PERSIST FELONY																		
VIOLENT FELONY																		
A-II FELONY	.	.	.	.	.	.	.	.	.	.	.	.	4	795.0	420.0	.	.	.
CLASS B FELONY	371	187.1	144.0	369	176.7	134.0	306	168.2	136.0	316	182.0	154.0	300	164.8	146.5	1,662	175.8	145.3
CLASS C FELONY	556	91.9	72.0	516	87.7	72.0	509	93.4	72.0	569	85.2	72.0	543	86.1	72.0	2,693	88.9	72.0
CLASS D FELONY	720	52.1	41.0	642	54.1	51.0	665	51.5	51.0	663	51.7	51.0	591	48.3	41.0	3,281	51.5	41.0
CLASS E FELONY	101	28.3	30.0	86	28.5	30.0	115	29.2	30.0	73	28.1	31.0	27	28.1	26.0	402	28.4	28.0
TOTAL	1,748	92.0	62.0	1,613	91.5	66.0	1,595	85.7	62.0	1,621	87.8	62.0	1,465	87.8	62.0	8,042	89.0	62.0
NON VIOLENT FELONY																		
A-I FELONY	.	.	.	8	123.1	123.0	7	158.4	165.0	5	125.0	123.0	12	160.9	154.0	32	141.9	154.0
A-II FELONY	110	83.9	72.0	62	81.7	74.5	69	76.4	72.0	83	82.6	82.0	58	82.2	78.0	382	81.4	75.0
CLASS B FELONY	644	62.6	54.0	689	55.7	54.0	821	51.4	51.0	883	49.1	41.0	755	49.0	41.0	3,792	53.6	47.5
CLASS C FELONY	978	41.0	36.0	1,090	36.2	36.0	1,275	32.7	31.0	1,338	31.8	31.0	1,066	32.2	31.0	5,747	34.8	33.5
CLASS D FELONY	2,532	29.4	24.0	2,433	29.2	24.0	2,207	27.5	24.0	2,180	27.8	24.0	2,020	26.9	24.0	11,372	28.2	24.0
CLASS E FELONY	1,872	19.7	18.0	1,844	20.2	18.0	1,683	20.1	18.0	1,717	20.1	18.0	1,641	19.6	18.0	8,757	19.9	18.0
TOTAL	6,136	32.8	24.0	6,126	31.4	24.0	6,062	30.5	24.0	6,206	30.4	24.0	5,552	29.6	24.0	30,082	30.9	24.0
GRAND TOTAL	16,388	45.1	28.0	16,362	42.9	24.0	16,867	41.4	24.0	17,248	41.2	24.0	15,811	42.0	24.0	82,676	42.5	26.0

Note: Life without parole sentences treated as 45 years (540 months) for this table.

TABLE 5.5
AVERAGE AND MEDIAN MAXIMUM SENTENCE (IN MONTHS) BY CRIME AND BY FELONY OFFENDER STATUS; 2008 NEW COURT COMMITMENTS

	FIRST FELONY OFFENDER			SECOND FELONY OFFENDER			PERSISTENT FELONY OFFENDER			TOTAL		
	NUMBER	AVERAGE	MEDIAN	NUMBER	AVERAGE	MEDIAN	NUMBER	AVERAGE	MEDIAN	NUMBER	AVERAGE	MEDIAN
VIOLENT FELONY												
MURDER	193	318.7	300.0	0	.	.	0	.	.	193	318.7	300.0
ATTEMPTED MURDER	88	160.6	120.0	21	214.6	192.0	0	.	.	109	171.0	120.0
MANSLT 1ST,AG 2ND	140	192.8	198.0	56	209.9	213.0	1	300.0	300.0	197	198.2	204.0
RAPE 1ST	112	126.3	96.0	26	136.4	132.0	2	300.0	300.0	140	130.7	96.0
ROBBERY 1ST	356	84.1	60.0	163	131.8	120.0	18	300.0	300.0	537	105.8	84.0
ROBBERY 2ND	519	39.7	36.0	232	68.9	60.0	15	300.0	300.0	766	53.6	42.0
ASSAULT 1ST	197	92.7	84.0	67	131.6	120.0	3	300.0	300.0	267	104.8	84.0
ASSAULT 2ND	346	34.9	24.0	136	53.3	48.0	4	300.0	300.0	486	42.3	36.0
BURGLARY 1ST	89	94.9	72.0	40	148.2	120.0	4	300.0	300.0	133	117.1	96.0
BURGLARY 2ND	381	46.8	42.0	313	71.3	60.0	21	300.0	300.0	715	64.9	54.0
ARSON 1ST,2ND	17	81.4	60.0	9	154.7	120.0	0	.	.	26	106.8	78.0
SODOMY 1ST	94	120.4	96.0	14	222.9	168.0	0	.	.	108	133.7	96.0
SEX.AB-1ST,Ag.2	224	66.1	48.0	28	74.1	60.0	1	300.0	300.0	253	68.0	48.0
WEAPONS OFFENSES	596	43.0	36.0	275	67.0	60.0	5	300.0	300.0	876	52.0	42.0
KIDNAPPING 1ST,2ND	13	104.8	84.0	1	108.0	108.0	0	.	.	14	105.0	90.0
OTHER VFO SEX OFFENSES	21	192.6	300.0	4	234.0	300.0	1	300.0	300.0	26	203.1	300.0
OTHER VIOLENT FELONIES	15	35.2	24.0	5	51.6	54.0	0	.	.	20	39.3	36.0
SUBTOTAL	3,401	83.2	48.0	1,390	92.0	72.0	75	300.0	300.0	4,866	89.1	60.0
OTHER COERCIVE												
MANSLAUGHTER 2ND	37	122.8	144.0	8	142.5	150.0	0	.	.	45	126.3	144.0
OTHER HOMICIDE	37	70.4	54.0	6	82.0	66.0	0	.	.	43	72.0	54.0
ROBBERY 3RD	194	49.9	36.0	294	55.0	48.0	2	174.0	174.0	490	53.4	48.0
ATT ASSAULT 2ND	74	40.4	36.0	140	39.9	36.0	0	.	.	214	40.0	36.0
CONSPIRACY 2,3,4	67	73.1	48.0	41	71.1	36.0	0	.	.	108	72.3	48.0
OTHER WEAPONS	80	49.9	48.0	237	48.2	48.0	3	212.0	300.0	320	50.2	48.0
OTHER SEX OFFENSES	237	51.3	36.0	89	47.9	36.0	0	.	.	326	50.4	36.0
OTHER COERCIVE	105	55.5	48.0	78	57.2	48.0	0	.	.	183	56.2	48.0
SUBTOTAL	831	56.2	36.0	893	52.0	48.0	5	196.8	300.0	1,729	54.4	48.0
DRUG OFFENSES												
DRUG SALE	1,183	30.2	24.0	1,551	40.8	36.0	2	300.0	300.0	2,736	36.4	30.0
DRUG POSSESSION	1,057	30.5	24.0	1,397	38.6	30.0	0	.	.	2,454	35.1	24.0
SUBTOTAL	2,240	30.4	24.0	2,948	39.7	36.0	2	300.0	300.0	5,190	35.8	30.0
PROPERTY AND OTHER												
BURGLARY 3RD	335	50.9	36.0	556	54.9	48.0	1	48.0	48.0	892	53.4	48.0
GRAND LARCENY	294	58.0	37.5	432	47.5	36.0	1	300.0	300.0	727	52.1	36.0
FORGERY	115	52.6	36.0	191	51.2	48.0	0	.	.	306	51.7	48.0
STOLEN PROPERTY	65	41.2	36.0	191	42.6	36.0	0	.	.	256	42.2	36.0
DRIVE INTOXICATED	563	43.8	36.0	11	49.1	48.0	0	.	.	574	43.9	36.0
CONTEMPT 1ST	71	43.3	36.0	90	41.3	36.0	0	.	.	161	42.1	36.0
ALL OTHER FELONIES	248	51.8	36.0	231	47.1	36.0	0	.	.	479	49.5	36.0
SUBTOTAL	1,691	49.3	36.0	1,702	49.4	48.0	2	174.0	174.0	3,395	49.4	36.0
YOUTHFUL OFFENDER												
YOUTHFUL OFFENDER	617	40.1	36.0	0	.	.	0	.	.	617	40.1	36.0
JUVENILE OFFENDER												
JUVENILE OFFENDER	14	131.6	114.0	0	.	.	0	.	.	14	131.6	114.0
GRAND TOTAL	8,794	57.7	36.0	6,933	54.2	42.0	84	290.9	300.0	15,811	57.4	42.0

Notes: Life maximum sentences treated as 25 years (300 months) for this table.

Life without parole sentences treated as 45 years (540 months) for this table.

Section 6: *Prior Adult Criminal Record*

Nearly 59% of new court commitments in 2008 had served a prior period of time in jail (30%) or prison (29%). Approximately 19% had been convicted of a prior crime but had not served time in prison or jail, while 23% had never been convicted of a felony.

Figure 6
Prior Criminal Record
(2008 New Court Commitments, N=15,811)

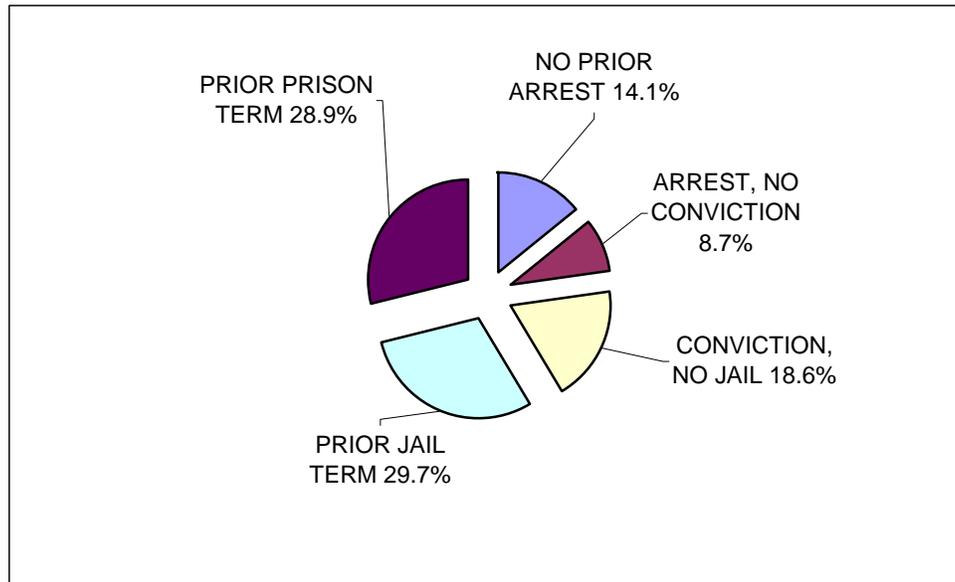


TABLE 6.1
OFFENSE TYPE BY PRIOR ADULT CRIMINAL RECORD; 2008 NEW COURT COMMITMENTS

COMMITMENT OFFENSE	PRIOR ADULT RECORD					TOTAL
	NO PRIOR ARREST	ARREST, NO FEL. CONV.	CONVICTION NO JAIL	PRIOR JAIL TERM	PRIOR PRISON TERM	
VIOLENT FELONY	1,052	556	863	1,349	1,046	4,866
OTHER COERCIVE	248	133	309	519	520	1,729
DRUG OFFENSES	517	344	929	1,596	1,804	5,190
PROPERTY AND OTHER	195	155	745	1,117	1,183	3,395
YO & JO	223	194	94	111	9	631
TOTAL	2,235	1,382	2,940	4,692	4,562	15,811
PERCENT	14.1%	8.7%	18.6%	29.7%	28.9%	100.0%

Section 7: Drug Commitments

Of those new commitments admitted in 2008 for a drug offense, the majority (53%) were incarcerated for drug sale (see Table 7.1).

The number of drug commitments increased steadily between 2004 (5,667) and 2007 (6,147), but declined by almost 1,000 between 2007 and 2008 (5,190) (see Table 7.2).

Determinate sentencing for drug offenders began in 2005 following the Drug Law Reforms of 2004 (see Section 17 of this report). This accounts for the significant drop in maximum sentences from 90 months in 2004 to 63 months in 2005 and to 36 months in 2008 (see Table 7.4).

TABLE 7.1
FELONY CRIME CLASS BY DRUG SALE OR POSSESSION;
2008 NEW COURT COMMITMENTS

FELONY CLASS	DRUG SALE	DRUG POSSESSION	TOTAL
A-I FELONY	7	16	23
A-II FELONY	125	128	253
CLASS B FELONY	1,204	737	1,941
CLASS C FELONY	757	676	1,433
CLASS D FELONY	576	747	1,323
CLASS E FELONY	67	150	217
TOTAL	2,736	2,454	5,190
PERCENT	52.7%	47.3%	100.0%

TABLE 7.2
DRUG CRIME CONVICTIONS BY CRIME CLASS AND YEAR RECEIVED; 2004 - 2008 NEW COURT COMMITMENTS

CRIME CLASS	2004		2005		2006		2007		2008		TOTAL	
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
A-I FELONY	26	0.5%	44	0.8%	41	0.7%	33	0.5%	23	0.4%	167	0.6%
A-II FELONY	472	8.3%	307	5.3%	282	4.7%	317	5.2%	253	4.9%	1,631	5.6%
CLASS B FELONY	1,713	30.2%	1,786	30.6%	2,094	34.6%	2,211	36.0%	1,941	37.4%	9,745	33.7%
CLASS C FELONY	1,298	22.9%	1,471	25.2%	1,781	29.4%	1,803	29.3%	1,433	27.6%	7,786	26.9%
CLASS D FELONY	1,734	30.6%	1,828	31.3%	1,613	26.6%	1,518	24.7%	1,323	25.5%	8,016	27.7%
CLASS E FELONY	424	7.5%	403	6.9%	249	4.1%	265	4.3%	217	4.2%	1,558	5.4%
GRAND TOTAL	5,667	100.0%	5,839	100.0%	6,060	100.0%	6,147	100.0%	5,190	100.0%	28,903	100.0%

TABLE 7.3
DRUG CRIME CONVICTIONS BY CRIME CLASS, FELONY OFFENDER STATUS, AND YEAR RECEIVED; 2004 - 2008 NEW COURT COMMITMENTS

FELONY CLASS AND STATUS	2004		2005		2006		2007		2008		TOTAL	
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
FIRST FELONY OFFENDER												
A-I FELONY	26	0.5%	36	0.6%	34	0.6%	28	0.5%	11	0.2%	135	0.5%
A-II FELONY	362	6.4%	245	4.2%	213	3.5%	235	3.8%	195	3.8%	1,250	4.3%
CLASS B FELONY	1,083	19.1%	1,112	19.0%	1,285	21.2%	1,341	21.8%	1,198	23.1%	6,019	20.8%
CLASS C FELONY	367	6.5%	428	7.3%	550	9.1%	506	8.2%	421	8.1%	2,272	7.9%
CLASS D FELONY	360	6.4%	467	8.0%	507	8.4%	489	8.0%	378	7.3%	2,201	7.6%
CLASS E FELONY	51	0.9%	49	0.8%	48	0.8%	55	0.9%	37	0.7%	240	0.8%
SUBTOTAL	2,249	39.7%	2,337	40.0%	2,637	43.5%	2,654	43.2%	2,240	43.2%	12,117	41.9%
SECOND AND PERSIST FELONY												
A-I FELONY	0	0.0%	8	0.1%	7	0.1%	5	0.1%	12	0.2%	32	0.1%
A-II FELONY	110	1.9%	62	1.1%	69	1.1%	82	1.3%	58	1.1%	381	1.3%
CLASS B FELONY	630	11.1%	674	11.5%	809	13.3%	870	14.2%	743	14.3%	3,726	12.9%
CLASS C FELONY	931	16.4%	1,043	17.9%	1,231	20.3%	1,297	21.1%	1,012	19.5%	5,514	19.1%
CLASS D FELONY	1,374	24.2%	1,361	23.3%	1,106	18.3%	1,029	16.7%	945	18.2%	5,815	20.1%
CLASS E FELONY	373	6.6%	354	6.1%	201	3.3%	210	3.4%	180	3.5%	1,318	4.6%
SUBTOTAL	3,418	60.3%	3,502	60.0%	3,423	56.5%	3,493	56.8%	2,950	56.8%	16,786	58.1%
GRAND TOTAL	5,667	100.0%	5,839	100.0%	6,060	100.0%	6,147	100.0%	5,190	100.0%	28,903	100.0%

TABLE 7.4
 DRUG CRIME CONVICTIONS AND SENTENCES (IN MONTHS) BY CRIME CLASS AND YEAR RECEIVED; 2004 - 2008 NEW COURT COMMITMENTS

FELONY CLASS AND STATUS	2004			2005			2006			2007			2008		
	NUMBER	AVG MIN	AVG MAX												
FIRST FELONY OFFENDER															
A-I FELONY	26	195.2	300.0	36	152.9	181.3	34	130.7	158.6	28	142.6	162.0	11	105.5	132.0
A-II FELONY	362	56.4	300.0	245	49.7	191.6	213	43.0	71.9	235	42.0	61.8	195	44.8	60.4
CLASS B FELONY	1,083	24.6	70.8	1,112	23.4	53.0	1,285	23.2	34.5	1,341	22.1	29.5	1,198	22.2	28.0
CLASS C FELONY	367	23.4	66.2	428	22.6	48.2	550	22.2	34.0	506	20.9	29.3	421	22.4	28.6
CLASS D FELONY	360	18.0	50.1	467	17.9	36.8	507	16.9	27.2	489	16.5	23.2	378	16.9	22.3
CLASS E FELONY	51	15.5	38.9	49	17.4	37.0	48	14.0	24.6	55	14.1	21.1	37	12.8	18.6
SUBTOTAL	2,249	30.2	105.5	2,337	26.8	65.1	2,637	24.6	37.5	2,654	23.7	32.4	2,240	23.6	30.4
SECOND AND PERSIST FELONY															
A-I FELONY	0	.	.	8	123.1	144.0	7	158.4	185.1	5	125.0	146.4	12	160.9	188.0
A-II FELONY	110	83.9	300.0	62	81.7	183.8	69	76.4	109.5	82	80.7	101.4	58	82.2	100.8
CLASS B FELONY	630	61.5	122.4	674	55.0	95.7	809	51.2	71.3	870	48.6	60.4	743	48.5	58.3
CLASS C FELONY	931	40.2	80.0	1,043	35.6	59.7	1,231	32.0	41.6	1,297	30.8	38.4	1,012	31.1	37.6
CLASS D FELONY	1,374	27.3	54.6	1,361	25.6	45.5	1,106	22.2	29.7	1,029	21.7	27.2	945	21.1	25.7
CLASS E FELONY	373	18.5	37.0	354	18.4	32.8	201	18.7	25.0	210	18.9	23.4	180	18.3	22.0
SUBTOTAL	3,418	38.0	80.0	3,502	34.7	60.8	3,423	33.7	45.5	3,493	33.2	41.3	2,950	33.0	39.9
GRAND TOTAL	5,667	34.9	90.1	5,839	31.5	62.5	6,060	29.8	42.0	6,147	29.1	37.5	5,190	28.9	35.8

Notes: Life maximum sentences treated as 25 years (300 months) for this table.

Section 8: Gender

Males made up 93% of 2008 new court commitments. Approximately 96% of newly committed violent felons were men (see table 8.1).

The proportion of men who were violent felons (32%) was nearly double the proportion of women who were violent felons (17%) (see Figure 8). Women were more likely than men to be committed for drug offenses (41% and 32%, respectively) and property offenses (30% and 21%, respectively).

Figure 8
Crime By Gender
(2008 New Court Commitments, N=15,811)

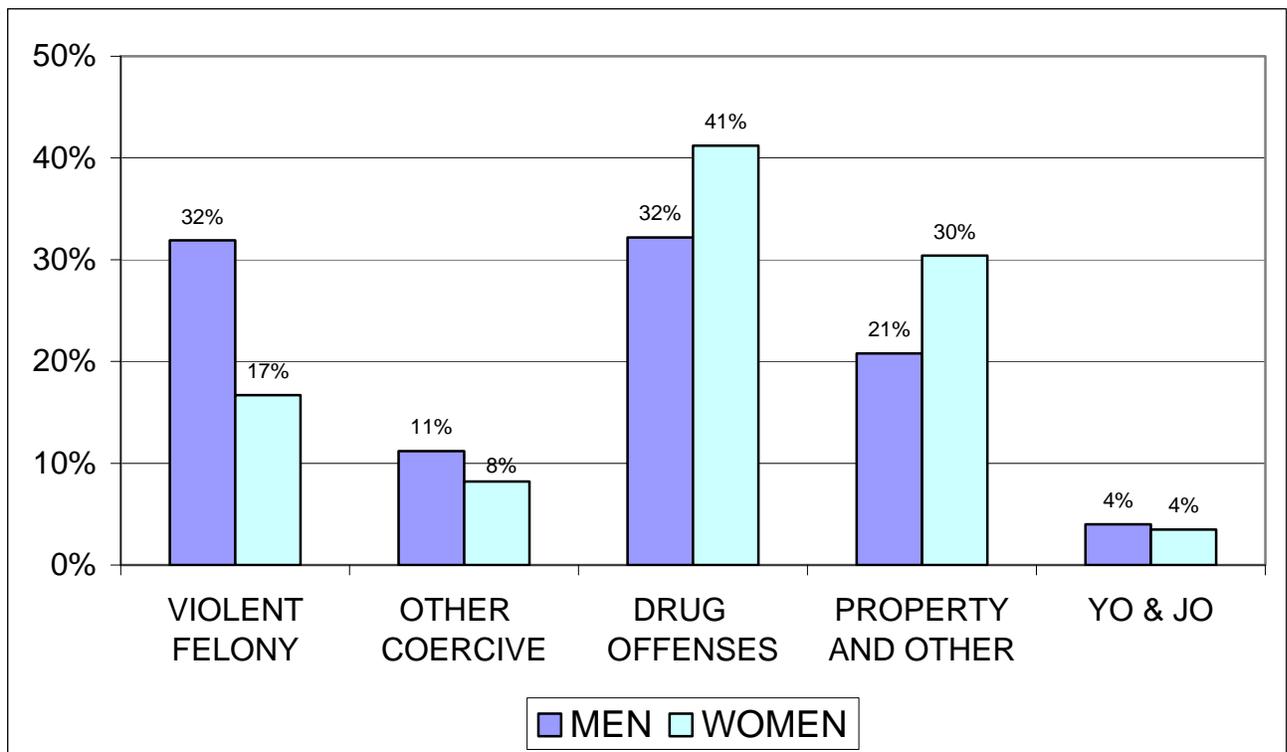


TABLE 8.1
CRIME BY GENDER; 2008 NEW COURT COMMITMENTS

	MEN	WOMEN	TOTAL
VIOLENT FELONY	4,674	192	4,866
OTHER COERCIVE	1,635	94	1,729
DRUG OFFENSES	4,717	473	5,190
PROPERTY AND OTHER	3,046	349	3,395
YO & JO	591	40	631
TOTAL	14,663	1,148	15,811
PERCENT	92.7%	7.3%	100.0%

TABLE 8.2
CRIME BY GENDER; 2008 NEW COURT COMMITMENTS

	MEN		WOMEN		TOTAL	
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
VIOLENT FELONY						
MURDER	187	1.3%	6	0.5%	193	1.2%
ATTEMPTED MURDER	105	0.7%	4	0.3%	109	0.7%
MANSLT 1ST,AG 2ND	177	1.2%	20	1.7%	197	1.2%
RAPE 1ST	140	1.0%	0	0.0%	140	0.9%
ROBBERY 1ST	519	3.5%	18	1.6%	537	3.4%
ROBBERY 2ND	735	5.0%	31	2.7%	766	4.8%
ASSAULT 1ST	251	1.7%	16	1.4%	267	1.7%
ASSAULT 2ND	443	3.0%	43	3.7%	486	3.1%
BURGLARY 1ST	125	0.9%	8	0.7%	133	0.8%
BURGLARY 2ND	690	4.7%	25	2.2%	715	4.5%
ARSON 1ST,2ND	22	0.2%	4	0.3%	26	0.2%
SODOMY 1ST	108	0.7%	0	0.0%	108	0.7%
SEX.AB-1ST,Ag.2	251	1.7%	2	0.2%	253	1.6%
WEAPONS OFFENSES	866	5.9%	10	0.9%	876	5.5%
KIDNAPPING 1ST,2ND	10	0.1%	4	0.3%	14	0.1%
OTHER VFO SEX OFFENSES	26	0.2%	0	0.0%	26	0.2%
OTHER VIOLENT FELONIES	19	0.1%	1	0.1%	20	0.1%
SUBTOTAL	4,674	31.9%	192	16.7%	4,866	30.8%
OTHER COERCIVE						
MANSLAUGHTER 2ND	38	0.3%	7	0.6%	45	0.3%
OTHER HOMICIDE	37	0.3%	6	0.5%	43	0.3%
ROBBERY 3RD	468	3.2%	22	1.9%	490	3.1%
ATT ASSAULT 2ND	194	1.3%	20	1.7%	214	1.4%
CONSPIRACY 2,3,4	101	0.7%	7	0.6%	108	0.7%
OTHER WEAPONS	308	2.1%	12	1.0%	320	2.0%
OTHER SEX OFFENSES	318	2.2%	8	0.7%	326	2.1%
OTHER COERCIVE	171	1.2%	12	1.0%	183	1.2%
SUBTOTAL	1,635	11.2%	94	8.2%	1,729	10.9%
DRUG OFFENSES						
DRUG SALE	2,455	16.7%	281	24.5%	2,736	17.3%
DRUG POSSESSION	2,262	15.4%	192	16.7%	2,454	15.5%
SUBTOTAL	4,717	32.2%	473	41.2%	5,190	32.8%
PROPERTY AND OTHER						
BURGLARY 3RD	862	5.9%	30	2.6%	892	5.6%
GRAND LARCENY	598	4.1%	129	11.2%	727	4.6%
FORGERY	245	1.7%	61	5.3%	306	1.9%
STOLEN PROPERTY	239	1.6%	17	1.5%	256	1.6%
DRIVE INTOXICATED	522	3.6%	52	4.5%	574	3.6%
CONTEMPT 1ST	157	1.1%	4	0.3%	161	1.0%
ALL OTHER FELONIES	423	2.9%	56	4.9%	479	3.0%
SUBTOTAL	3,046	20.8%	349	30.4%	3,395	21.5%
YOUTHFUL OFFENDER						
YOUTHFUL OFFENDER	577	3.9%	40	3.5%	617	3.9%
JUVENILE OFFENDER						
JUVENILE OFFENDER	14	0.1%	0	0.0%	14	0.1%
GRAND TOTAL	14,663	100.0%	1,148	100.0%	15,811	100.0%

The proportion of new commitments who were women has fluctuated since 1980, with the lowest level occurring in 1983 (3.5%) and the highest in 1991 (9.4%). In 2008, 7.3% of new commitments were women.

TABLE 8.3
NEW COURT COMMITMENTS BY GENDER; 1980-2008

COMMITMENT YEAR	NUMBER OF WOMEN	PERCENT OF NEW COURT COMMITMENTS	NUMBER OF MEN	PERCENT OF NEW COURT COMMITMENTS
1980	284	3.6%	7,675	96.4%
1981	405	3.9%	9,896	96.1%
1982	377	3.6%	10,032	96.4%
1983	438	3.5%	12,051	96.5%
1984	523	4.3%	11,719	95.7%
1985	495	4.0%	11,925	96.0%
1986	721	4.8%	14,213	95.2%
1987	802	5.1%	14,903	94.9%
1988	1,014	5.8%	16,372	94.2%
1989	1,612	7.5%	19,923	92.5%
1990	1,683	7.3%	21,432	92.7%
1991	2,264	9.4%	21,856	90.6%
1992	1,888	7.5%	23,267	92.5%
1993	1,881	7.6%	23,017	92.4%
1994	1,796	7.8%	21,357	92.2%
1995	1,835	8.0%	21,145	92.0%
1996	1,711	8.1%	19,481	91.9%
1997	1,682	8.1%	19,121	91.9%
1998	1,543	7.9%	17,954	92.1%
1999	1,498	7.8%	17,666	92.2%
2000	1,337	7.2%	17,226	92.8%
2001	1,212	7.3%	15,287	92.7%
2002	1,213	7.1%	15,796	92.9%
2003	1,157	6.7%	16,181	93.3%
2004	1,129	6.9%	15,259	93.1%
2005	1,207	7.4%	15,156	92.6%
2006	1,259	7.5%	15,608	92.5%
2007	1,274	7.4%	15,974	92.6%
2008	1,148	7.3%	14,663	92.7%

Section 9: Race/Ethnic Status

Over the 2004 to 2008 period, just under half (48%) of new commitments annually have been African-Americans (see Table 9.1). The proportion of Whites in the admission group rose slightly from 23% in 2004 to 25% in 2008. The proportion of Hispanics decreased slightly from 28% to 26%. This shift was most noticeable amongst drug offenders as the proportion of Whites increased from 9% in 2004 to 13% in 2008.

TABLE 9.1
RACE/ETHNIC STATUS BY CRIME TYPE (NUMBER AND COLUMN PERCENTAGES)
2004-2008 NEW COURT COMMITMENTS

	VIOLENT FELONY		OTHER COERCIVE		DRUG OFFENSES		PROPERTY AND OTHER OFFENSES		YO & JO		TOTAL	
	#	%	#	%	#	%	#	%	#	%	#	%
2004												
WHITE	977	19.6%	514	30.5%	495	8.7%	1,654	48.2%	173	27.9%	3,813	23.3%
AFRICAN-AMERICAN	2,492	50.0%	757	45.0%	3,096	54.6%	1,103	32.1%	301	48.6%	7,749	47.3%
HISPANIC	1,392	27.9%	377	22.4%	2,030	35.8%	593	17.3%	126	20.4%	4,518	27.6%
OTHER	120	2.4%	33	2.0%	39	0.7%	76	2.2%	19	3.1%	287	1.8%
UNKNOWN	4	0.1%	3	0.2%	7	0.1%	7	0.2%	0	0.0%	21	0.1%
TOTAL	4,985	100.0%	1,684	100.0%	5,667	100.0%	3,433	100.0%	619	100.0%	16,388	100.0%
2005												
WHITE	999	21.0%	517	30.0%	539	9.2%	1,639	47.5%	176	29.8%	3,870	23.7%
AFRICAN-AMERICAN	2,353	49.4%	777	45.1%	3,366	57.6%	1,141	33.1%	295	49.9%	7,932	48.5%
HISPANIC	1,316	27.6%	401	23.3%	1,886	32.3%	610	17.7%	112	19.0%	4,325	26.4%
OTHER	83	1.7%	21	1.2%	35	0.6%	49	1.4%	7	1.2%	195	1.2%
UNKNOWN	10	0.2%	7	0.4%	13	0.2%	9	0.3%	1	0.2%	40	0.2%
TOTAL	4,761	100.0%	1,723	100.0%	5,839	100.0%	3,448	100.0%	591	100.0%	16,362	100.0%
2006												
WHITE	977	20.0%	503	28.9%	664	11.0%	1,682	47.7%	175	26.5%	4,001	23.7%
AFRICAN-AMERICAN	2,520	51.7%	770	44.2%	3,392	56.0%	1,125	31.9%	331	50.1%	8,138	48.2%
HISPANIC	1,307	26.8%	433	24.9%	1,951	32.2%	642	18.2%	138	20.9%	4,471	26.5%
OTHER	57	1.2%	19	1.1%	40	0.7%	58	1.6%	13	2.0%	187	1.1%
UNKNOWN	17	0.3%	16	0.9%	13	0.2%	20	0.6%	4	0.6%	70	0.4%
TOTAL	4,878	100.0%	1,741	100.0%	6,060	100.0%	3,527	100.0%	661	100.0%	16,867	100.0%
2007												
WHITE	968	19.2%	546	29.9%	718	11.7%	1,682	47.6%	166	23.7%	4,080	23.7%
AFRICAN-AMERICAN	2,662	52.8%	822	45.0%	3,438	55.9%	1,071	30.3%	337	48.1%	8,330	48.3%
HISPANIC	1,333	26.4%	419	22.9%	1,934	31.5%	708	20.1%	187	26.7%	4,581	26.6%
OTHER	62	1.2%	28	1.5%	41	0.7%	59	1.7%	10	1.4%	200	1.2%
UNKNOWN	18	0.4%	11	0.6%	16	0.3%	11	0.3%	1	0.1%	57	0.3%
TOTAL	5,043	100.0%	1,826	100.0%	6,147	100.0%	3,531	100.0%	701	100.0%	17,248	100.0%
2008												
WHITE	946	19.4%	544	31.5%	664	12.8%	1,665	49.0%	138	21.9%	3,957	25.0%
AFRICAN-AMERICAN	2,511	51.6%	739	42.7%	2,839	54.7%	1,058	31.2%	316	50.1%	7,463	47.2%
HISPANIC	1,329	27.3%	394	22.8%	1,607	31.0%	584	17.2%	163	25.8%	4,077	25.8%
OTHER	62	1.3%	42	2.4%	60	1.2%	74	2.2%	11	1.7%	249	1.6%
UNKNOWN	18	0.4%	10	0.6%	20	0.4%	14	0.4%	3	0.5%	65	0.4%
TOTAL	4,866	100.0%	1,729	100.0%	5,190	100.0%	3,395	100.0%	631	100.0%	15,811	100.0%

Section 10: Age at Admission

Average age at admission has remained fairly stable, increasing from 32 to 33 years old over the period 2004 through 2008. The percentage of new court commitments age 40 and over has increased from 22% in 2004 to 27% in 2008.

TABLE 10.1
AGE AT COMMITMENT BY YEAR RECEIVED; 2004-2008 NEW COURT COMMITMENTS

AGE AT COMMITMENT	2004	2005	2006	2007	2008	TOTAL
16 YR	82 0.5%	49 0.3%	78 0.5%	79 0.5%	50 0.3%	356 0.4%
17 YR	363 2.2%	328 2.0%	337 2.0%	349 2.0%	294 1.9%	1,722 2.0%
18 YR	541 3.3%	521 3.2%	591 3.5%	588 3.4%	518 3.3%	2,807 3.3%
19 YR	683 4.2%	651 4.0%	690 4.1%	729 4.2%	661 4.2%	3,455 4.1%
20 YR	760 4.6%	772 4.7%	815 4.8%	822 4.8%	695 4.4%	4,025 4.8%
21 YR	751 4.6%	701 4.3%	787 4.7%	809 4.7%	747 4.7%	3,925 4.7%
22-24	2,264 13.8%	2,190 13.4%	2,151 12.8%	2,163 12.5%	2,024 12.8%	11,201 13.3%
25-29	2,855 17.4%	2,840 17.4%	2,977 17.6%	3,061 17.7%	2,780 17.6%	14,678 17.4%
30-34	2,204 13.4%	2,124 13.0%	2,104 12.5%	2,215 12.8%	2,052 13.0%	11,049 13.1%
35-39	2,210 13.5%	2,169 13.3%	2,107 12.5%	1,933 11.2%	1,759 11.1%	10,860 12.9%
40-49	2,832 17.3%	3,114 19.0%	3,239 19.2%	3,353 19.4%	3,055 19.3%	15,431 18.3%
50-59	682 4.2%	731 4.5%	810 4.8%	949 5.5%	974 6.2%	3,824 4.5%
60 +	161 1.0%	172 1.1%	181 1.1%	198 1.1%	202 1.3%	875 1.0%
GRAND TOTAL	16,388 100.0%	16,362 100.0%	16,867 100.0%	17,248 100.0%	15,811 100.0%	84,208 100.0%
AVERAGE	31.8	32.2	32.2	32.4	32.7	32.2

Section 11: County and Region of Commitment

Nearly half (44%) of new court commitments in 2008 were from New York City boroughs, 13% were from Suburban New York City counties, 22% were from Upstate Urban counties and 21% were from the remaining Upstate counties. The percentage of new court commitments from New York City decreased from 50% in 2004 to 44% in 2008 (see Table 11.1).

A higher proportion of men were from New York City than women (44% and 36%, respectively) and a higher proportion of women were committed from rural Upstate counties than men (28% and 20%, respectively) (see Table 11.2).

Commitments from New York City and suburban New York City were most likely to be drug felons (approximately 37%); the highest proportion among Upstate Urban commitments were violent felons (34%) and from the rural Upstate counties the highest concentration were property offenders (35%) (see Table 11.3).

Figure 11
Region of Commitment of New York State
(2008 New Court Commitments, N=15,811)

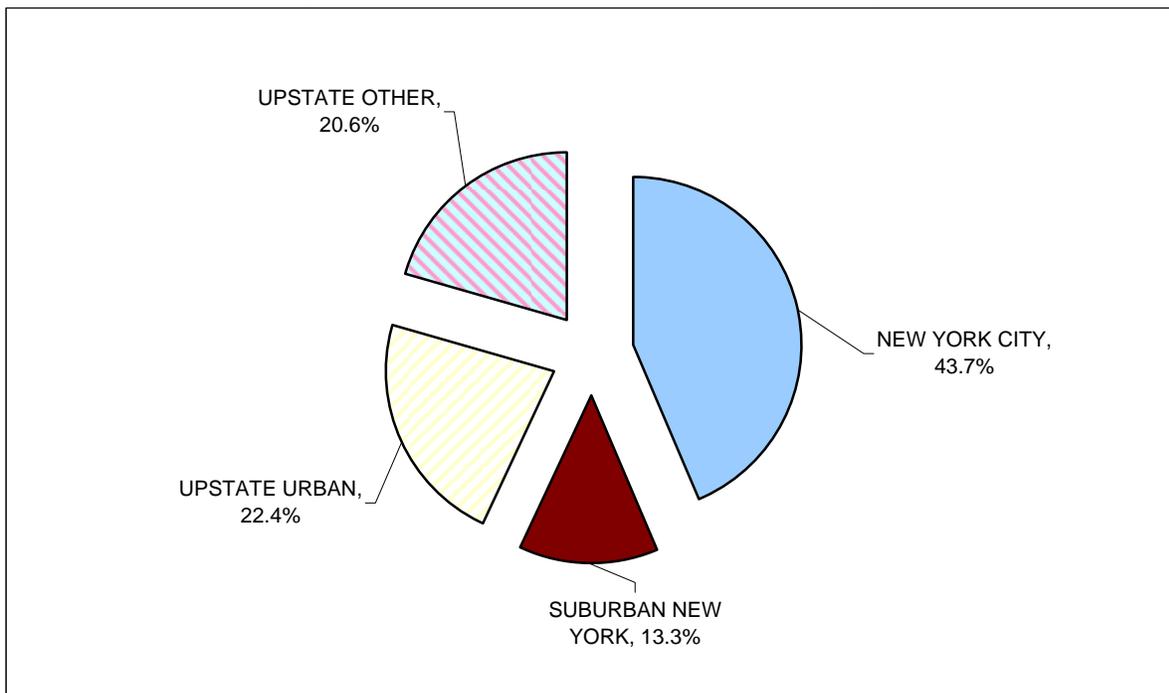


TABLE 11.1
 REGION OF COMMITMENT BY YEAR RECEIVED; 2004-2008 NEW COURT COMMITMENTS

	2004		2005		2006		2007		2008		TOTAL	
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
NEW YORK CITY	8,141	49.7%	7,775	47.5%	7,999	47.4%	8,156	47.3%	6,906	43.7%	38,977	47.1%
SUBURBAN NEWYORK	1,765	10.8%	1,947	11.9%	2,066	12.2%	2,258	13.1%	2,103	13.3%	10,139	12.3%
UPSTATE URBAN	3,263	19.9%	3,359	20.5%	3,523	20.9%	3,659	21.2%	3,537	22.4%	17,341	21.0%
UPSTATE OTHER	3,218	19.6%	3,281	20.1%	3,279	19.4%	3,175	18.4%	3,264	20.6%	16,217	19.6%
GRAND TOTAL	16,388	100.0%	16,362	100.0%	16,867	100.0%	17,248	100.0%	15,811	100.0%	82,676	100.0%

TABLE 11.2
 REGION OF THE STATE AND COUNTY OF COMMITMENT BY SEX;
 2008 NEW COURT COMMITMENTS

COUNTY	MEN		WOMEN		TOTAL	
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
NEW YORK CITY						
KINGS	1,358	9.3%	63	5.5%	1,421	9.0%
NEW YORK	2,616	17.8%	204	17.8%	2,820	17.8%
QUEENS	1,130	7.7%	56	4.9%	1,186	7.5%
RICHMOND	188	1.3%	6	0.5%	194	1.2%
BRONX	1,202	8.2%	83	7.2%	1,285	8.1%
SUBTOTAL	6,494	44.3%	412	35.9%	6,906	43.7%
SUBURBAN NEWYORK						
NASSAU	540	3.7%	50	4.4%	590	3.7%
ROCKLAND	139	0.9%	7	0.6%	146	0.9%
SUFFOLK	821	5.6%	87	7.6%	908	5.7%
WESTCHESTER	438	3.0%	21	1.8%	459	2.9%
SUBTOTAL	1,938	13.2%	165	14.4%	2,103	13.3%
UPSTATE URBAN						
ALBANY	445	3.0%	41	3.6%	486	3.1%
BROOME	196	1.3%	21	1.8%	217	1.4%
ERIE	664	4.5%	43	3.7%	707	4.5%
MONROE	670	4.6%	36	3.1%	706	4.5%
NIAGARA	140	1.0%	11	1.0%	151	1.0%
ONEIDA	327	2.2%	37	3.2%	364	2.3%
ONONDAGA	522	3.6%	32	2.8%	554	3.5%
RENSSELAER	102	0.7%	5	0.4%	107	0.7%
SCHENECTADY	220	1.5%	25	2.2%	245	1.5%
SUBTOTAL	3,286	22.4%	251	21.9%	3,537	22.4%
UPSTATE OTHER						
ALLEGANY	18	0.1%	1	0.1%	19	0.1%
CATTARAUGUS	69	0.5%	12	1.0%	81	0.5%
CAYUGA	82	0.6%	9	0.8%	91	0.6%
CHAUTAUQUA	101	0.7%	15	1.3%	116	0.7%
CHEMUNG	103	0.7%	9	0.8%	112	0.7%
CHENANGO	21	0.1%	0	0.0%	21	0.1%
CLINTON	93	0.6%	11	1.0%	104	0.7%
COLUMBIA	53	0.4%	6	0.5%	59	0.4%
CORTLAND	56	0.4%	2	0.2%	58	0.4%
DELAWARE	22	0.2%	2	0.2%	24	0.2%
DUTCHESS	149	1.0%	9	0.8%	158	1.0%
ESSEX	24	0.2%	4	0.3%	28	0.2%
FRANKLIN	39	0.3%	6	0.5%	45	0.3%
FULTON	41	0.3%	6	0.5%	47	0.3%
GENESEE	80	0.5%	8	0.7%	88	0.6%
GREENE	33	0.2%	3	0.3%	36	0.2%
HAMILTON	4	0.0%	0	0.0%	4	0.0%
HERKIMER	56	0.4%	1	0.1%	57	0.4%
JEFFERSON	48	0.3%	6	0.5%	54	0.3%
LEWIS	8	0.1%	3	0.3%	11	0.1%
LIVINGSTON	71	0.5%	10	0.9%	81	0.5%
MADISON	18	0.1%	3	0.3%	21	0.1%
MONTGOMERY	54	0.4%	6	0.5%	60	0.4%
ONTARIO	133	0.9%	28	2.4%	161	1.0%
ORANGE	415	2.8%	38	3.3%	453	2.9%
ORLEANS	51	0.3%	7	0.6%	58	0.4%
OSWEGO	84	0.6%	5	0.4%	89	0.6%
OTSEGO	51	0.3%	2	0.2%	53	0.3%
PUTNAM	24	0.2%	1	0.1%	25	0.2%
ST LAWRENCE	53	0.4%	5	0.4%	58	0.4%
SARATOGA	89	0.6%	19	1.7%	108	0.7%
SCHOHARIE	11	0.1%	1	0.1%	12	0.1%
SCHUYLER	11	0.1%	2	0.2%	13	0.1%
SENECA	16	0.1%	2	0.2%	18	0.1%
STEUBEN	102	0.7%	15	1.3%	117	0.7%
SULLIVAN	133	0.9%	5	0.4%	138	0.9%
TIOGA	26	0.2%	1	0.1%	27	0.2%
TOMPKINS	52	0.4%	4	0.3%	56	0.4%
ULSTER	149	1.0%	18	1.6%	167	1.1%
WARREN	124	0.8%	21	1.8%	145	0.9%
WASHINGTON	58	0.4%	13	1.1%	71	0.4%
WAYNE	64	0.4%	0	0.0%	64	0.4%
WYOMING	36	0.2%	0	0.0%	36	0.2%
YATES	19	0.1%	1	0.1%	20	0.1%
SUBTOTAL	2,944	20.1%	320	27.9%	3,264	20.6%
GRAND TOTAL	14,663	100.0%	1,148	100.0%	15,811	100.0%

TABLE 11.3
CRIME BY REGION OF COMMITMENT; 2008 NEW COURT COMMITMENTS

	NEW YORK CITY	SUBURBAN NEWYORK	UPSTATE URBAN	UPSTATE OTHER	TOTAL
VIOLENT FELONY					
MURDER	96	28	42	27	193
ATTEMPTED MURDER	71	15	17	6	109
MANSLT 1ST,AG 2ND	114	23	47	13	197
RAPE 1ST	61	21	31	27	140
ROBBERY 1ST	291	59	145	42	537
ROBBERY 2ND	436	100	167	63	766
ASSAULT 1ST	163	30	49	25	267
ASSAULT 2ND	241	71	103	71	486
BURGLARY 1ST	50	20	39	24	133
BURGLARY 2ND	238	125	192	160	715
ARSON 1ST,2ND	8	1	12	5	26
SODOMY 1ST	29	11	34	34	108
SEX.AB-1ST,Ag.2	70	34	56	93	253
WEAPONS OFFENSES	457	110	259	50	876
KIDNAPPING 1ST,2ND	4	2	7	1	14
OTHER VFO SEX OFFENSES	4	2	11	9	26
OTHER VIOLENT FELONIES	3	6	3	8	20
SUBTOTAL	2,336 33.8%	658 31.3%	1,214 34.3%	658 20.2%	4,866 30.8%
OTHER COERCIVE					
MANSLAUGHTER 2ND	19	11	4	11	45
OTHER HOMICIDE	4	10	11	18	43
ROBBERY 3RD	313	46	92	39	490
ATT ASSAULT 2ND	97	27	44	46	214
CONSPIRACY 2,3,4	48	18	18	24	108
OTHER WEAPONS	135	49	79	57	320
OTHER SEX OFFENSES	58	25	93	150	326
OTHER COERCIVE	43	22	60	58	183
SUBTOTAL	717 10.4%	208 9.9%	401 11.3%	403 12.3%	1,729 10.9%
DRUG OFFENSES					
DRUG SALE	1,451	468	348	469	2,736
DRUG POSSESSION	1,033	313	665	443	2,454
SUBTOTAL	2,484 36.0%	781 37.1%	1,013 28.6%	912 27.9%	5,190 32.8%
PROPERTY AND OTHER					
BURGLARY 3RD	344	89	199	260	892
GRAND LARCENY	301	115	140	171	727
FORGERY	94	41	73	98	306
STOLEN PROPERTY	116	29	55	56	256
DRIVE INTOXICATED	26	80	132	336	574
CONTEMPT 1ST	41	11	52	57	161
ALL OTHER FELONIES	162	43	108	166	479
SUBTOTAL	1,084 15.7%	408 19.4%	759 21.5%	1,144 35.0%	3,395 21.5%
YOUTHFUL OFFENDER					
YOUTHFUL OFFENDER	277 4.0%	49 2.3%	146 4.1%	145 4.4%	617 3.9%
JUVENILE OFFENDER					
JUVENILE OFFENDER	8 0.1%	0 0.0%	4 0.1%	2 0.1%	14 0.1%
GRAND TOTAL	6,906 100.0%	2,104 100.0%	3,537 100.0%	3,264 100.0%	15,811 100.0%

Section 12: Country of Birth

Approximately 90% of 2008 new court commitments were born in the United States or in U.S. possessions, 5% in a Caribbean nation, 1% in South America, and approximately 4% in all other countries (29% of those born in all other countries were born in Mexico (N=176)).

While drug offenders were 32% of all new commitments born in the United States they comprised 48% of commitments born in U.S. possessions and 44% of those born in Caribbean nations. Among new commitments born in the United States or in U.S. possessions, 29% were committed for VFOs and 33% were committed for drug offenses; in contrast, among foreign born commitments, 42% were committed for VFOs and 30% were committed for drugs offenses. Overall, while the foreign born population represents only 10% of new commitments, 14% of all VFO commitments were foreign born.

Figure 12
County of Birth
(2008 New Court Commitments, N=15,811)

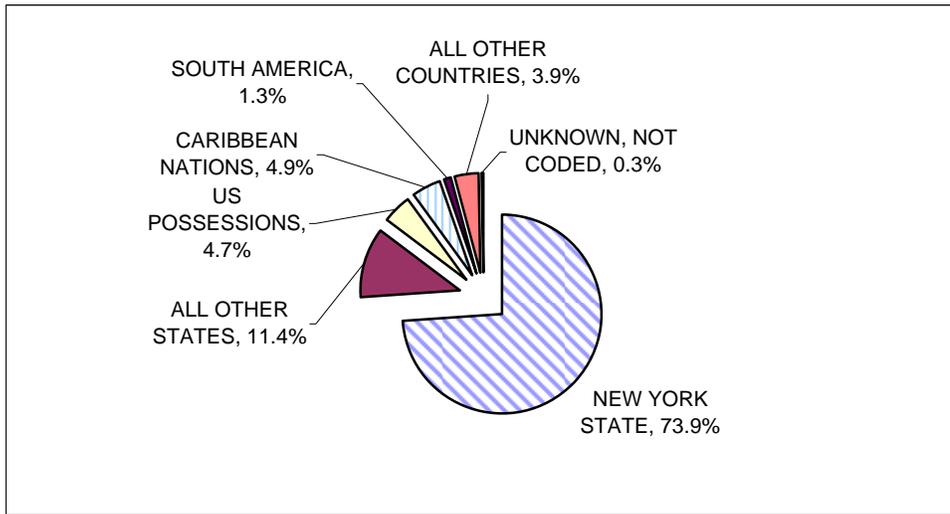


TABLE 12.1
COMMITMENT CRIME BY PLACE OF BIRTH; 2008 NEW COURT COMMITMENTS

COMMITMENT OFFENSE	BIRTHPLACE									TOTAL
	NATIVE BORN				FOREIGN BORN				UNKNOWN, NOT CODED	
	NEW YORK STATE	ALL OTHER STATES	US POSSESSIONS	Sub-Total	CARRIBEAN NATIONS	SOUTH AMERICA	ALL OTHER COUNTRIES	Sub-Total		
VIOLENT FELONY	3,516	492	188	4,196	258	99	297	654	16	4,866
				29.5%				42.7%	0.1%	
OTHER COERCIVE	1,308	216	62	1,586	57	17	59	133	10	1,729
				11.1%				8.7%	0.1%	
DRUG OFFENSES	3,774	582	363	4,719	320	44	94	458	13	5,190
				33.2%				29.9%	0.1%	
PROPERTY AND OTHER	2,553	467	125	3,145	57	36	149	242	8	3,395
				22.1%				15.8%	0.1%	
YO & JO	530	43	12	585	31	4	11	46	0	631
				4.1%				3.0%	0.0%	
TOTAL	11,681	1,800	750	14,231	723	200	610	1,533	47	15,811
PERCENT	73.9%	11.4%	4.7%	100.0%	4.6%	1.3%	3.9%	100.0%	0.3%	100.0%

Section 13: *Educational Level*

Based on tests administered at reception to the Department, the average reading level was 7th grade among 2008 new court commitments; the average math level was 6th grade (see Tables 13.1 and 13.2).

Reading scores were fairly stable between 2004 and 2008. Average reading scores were 7.2 in 2004 and 7.4 in 2008, while average math scores were 6.4 in 2004 and 6.3 in 2008.

Figure 13
Combined Reading Score
(2008 New Court Commitments)

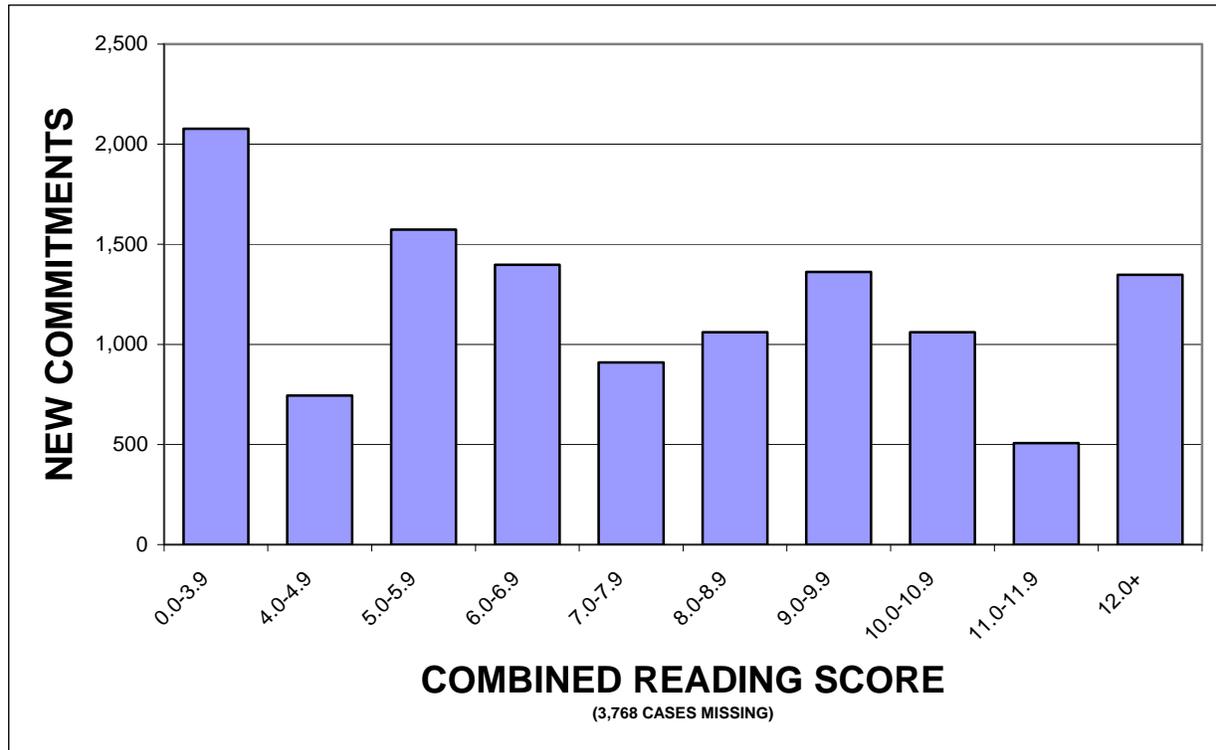


TABLE 13.1
 READING TEST SCORE AT RECEPTION BY YEAR RECEIVED; *
 2004-2008 NEW COURT COMMITMENTS

	2004	2005	2006	2007	2008	TOTAL
0.0-3.9	2,364 17.5%	2,210 17.3%	2,144 16.3%	2,289 17.1%	2,077 17.2%	11,084 17.1%
4.0-4.9	984 7.3%	849 6.7%	764 5.8%	795 5.9%	745 6.2%	4,137 6.4%
5.0-5.9	1,772 13.1%	1,694 13.3%	1,827 13.9%	1,812 13.6%	1,574 13.1%	8,679 13.4%
6.0-6.9	1,608 11.9%	1,570 12.3%	1,662 12.7%	1,654 12.4%	1,398 11.6%	7,892 12.2%
7.0-7.9	1,094 8.1%	958 7.5%	990 7.5%	1,016 7.6%	910 7.6%	4,968 7.7%
8.0-8.9	1,159 8.6%	1,062 8.3%	1,090 8.3%	1,102 8.2%	1,061 8.8%	5,474 8.5%
9.0-9.9	1,443 10.7%	1,500 11.8%	1,733 13.2%	1,673 12.5%	1,362 11.3%	7,711 11.9%
10.0-10.9	855 6.3%	1,025 8.0%	1,084 8.3%	1,148 8.6%	1,061 8.8%	5,173 8.0%
11.0-11.9	822 6.1%	509 4.0%	483 3.7%	514 3.8%	507 4.2%	2,835 4.4%
12.0+	1,387 10.3%	1,378 10.8%	1,349 10.3%	1,363 10.2%	1,348 11.2%	6,825 10.5%
GRAND TOTAL	13,488 100.0%	12,755 100.0%	13,126 100.0%	13,366 100.0%	12,043 100.0%	64,778 100.0%
AVERAGE	7.2	7.3	7.3	7.3	7.4	7.3

TABLE 13.2
 MATH TEST SCORE AT RECEPTION BY YEAR RECEIVED; *
 2004-2008 NEW COURT COMMITMENTS

	2004	2005	2006	2007	2008	TOTAL
0.0-3.9	2,471 18.7%	2,322 18.5%	2,399 18.7%	2,671 20.6%	2,614 22.2%	12,477 19.7%
4.0-4.9	1,723 13.1%	1,707 13.6%	1,649 12.9%	1,620 12.5%	1,496 12.7%	8,195 13.0%
5.0-5.9	2,318 17.6%	2,269 18.1%	2,262 17.6%	2,309 17.8%	1,910 16.2%	11,068 17.5%
6.0-6.9	1,941 14.7%	1,713 13.7%	1,830 14.3%	1,799 13.9%	1,500 12.7%	8,783 13.9%
7.0-7.9	1,453 11.0%	1,402 11.2%	1,515 11.8%	1,464 11.3%	1,312 11.1%	7,146 11.3%
8.0-8.9	921 7.0%	863 6.9%	905 7.1%	920 7.1%	843 7.2%	4,452 7.0%
9.0-9.9	825 6.3%	655 5.2%	658 5.1%	574 4.4%	523 4.4%	3,235 5.1%
10.0-10.9	492 3.7%	521 4.2%	516 4.0%	513 4.0%	503 4.3%	2,545 4.0%
11.0-11.9	350 2.7%	293 2.3%	308 2.4%	293 2.3%	310 2.6%	1,554 2.5%
12.0+	691 5.2%	778 6.2%	779 6.1%	773 6.0%	759 6.4%	3,780 6.0%
GRAND TOTAL	13,185 100.0%	12,523 100.0%	12,821 100.0%	12,936 100.0%	11,770 100.0%	63,235 100.0%
AVERAGE	6.4	6.4	6.4	6.3	6.3	6.4

*Scores presented are based on reception test scores. Most are based on English tests but some are based on Spanish tests.

Section 14: *Marital Status*

Among 2008 new court commitments, 73% reported that they were single, never married; 2% reported common law marriages; 14% reported that they were married, and 10% were divorced, separated or widowed.

Women were slightly more likely than men to report that they were married (18% and 14%, respectively) and more likely to report that they were divorced, widowed, or separated than were men (14% and 10%, respectively).

TABLE 14.1
MARITAL STATUS BY SEX; 2008 NEW COURT COMMITMENTS

	MEN	WOMEN	TOTAL
NOT MARRIED			
SINGLE	10,806	761	11,567
	74.0%	66.8%	73.5%
COMMON LAW	318	11	329
	2.2%	1.0%	2.1%
SUBTOTAL	11,124	772	11,896
	76.2%	67.8%	75.6%
MARRIED			
MARRIED	2,053	202	2,255
	14.1%	17.7%	14.3%
SUBTOTAL	2,053	202	2,255
	14.1%	17.7%	14.3%
DIVORCED/ WIDOWED/ SEPARATED			
DIVORCED	872	85	957
	6.0%	7.5%	6.1%
WIDOWED	98	39	137
	0.7%	3.4%	0.9%
SEPARATED	456	41	497
	3.1%	3.6%	3.2%
SUBTOTAL	1,426	165	1,591
	9.8%	14.5%	10.2%
GRAND TOTAL	14,603	1,139	15,742
	100.0%	100.0%	100.0%

* Missing data for 69 cases.

Section 15: Jail Time

Time spent in local jail prior to commitment to state prison is credited toward service of the minimum term. Average jail time served by new commitments in 2008 was 7.1 months. This number has increased slightly from 6.7 in 2004 to 7.1 in 2008 (see Table 15.1).

On average, from 2004-2008, inmates from New York City (8.3 months) and Suburban New York (7.4 months) spent more time in local jails than inmates from Upstate Urban (5.2 months) and Upstate Other (5.0 months) counties (see Table 15.2).

TABLE 15.1
CRIME BY AVERAGE JAIL TIME (IN MONTHS) BY YEAR RECEIVED;
2004-2008 NEW COURT COMMITMENTS

	2004	2005	2006	2007	2008	TOTAL
	AVG	AVG	AVG	AVG	AVG	AVG
VIOLENT FELONY						
MURDER	16.6	16.6	17.8	18.8	19.2	17.8
ATTEMPTED MURDER	13.8	13.7	13.4	14.0	14.8	13.9
MANSLAUGHTER 1ST	17.2	17.5	18.4	19.8	18.6	18.3
RAPE 1ST	9.6	9.8	10.1	9.9	9.8	9.8
ROBBERY 1ST	9.9	10.5	10.1	10.0	10.5	10.2
ROBBERY 2ND	7.6	7.8	7.7	8.2	8.3	7.9
ASSAULT 1ST	9.4	11.0	10.8	10.4	12.0	10.7
ASSAULT 2ND	7.5	7.7	7.8	8.3	8.9	8.0
BURGLARY 1ST	9.2	11.1	9.0	9.7	11.1	10.0
BURGLARY 2ND	7.7	8.0	7.2	7.7	7.8	7.7
ARSON 1ST,2ND	10.1	9.1	11.2	10.3	8.7	9.9
SODOMY 1ST	7.5	7.2	9.6	8.7	8.3	8.3
SEX.AB-1ST,Ag,2	6.3	6.9	6.8	6.8	7.3	6.8
WEAPONS OFFENSES	6.8	7.5	7.6	7.1	7.9	7.4
KIDNAPPING 1ST,2ND	11.7	11.0	10.0	12.0	9.6	10.9
OTHER VFO SEX OFFENSES	.	.	.	3.6	7.2	5.4
OTHER VIOLENT FELONIES	8.2	7.4	10.0	6.6	6.0	7.6
SUBTOTAL	8.9	9.4	9.2	9.3	9.7	9.3
OTHER COERCIVE						
MANSLAUGHTER 2ND	9.0	10.0	11.4	8.6	9.2	9.6
OTHER HOMICIDE	4.6	4.6	4.0	3.7	4.5	4.3
ROBBERY 3RD	6.2	6.7	6.8	6.9	7.1	6.7
ATT ASSAULT 2ND	6.3	6.4	6.3	6.8	7.1	6.6
CONSPIRACY 2,3,4	10.7	11.1	8.8	11.2	10.8	10.5
OTHER WEAPONS	5.8	6.3	5.9	6.5	6.4	6.2
OTHER SEX OFFENSES	5.6	6.0	5.6	6.1	5.5	5.8
OTHER COERCIVE	6.1	6.2	6.5	6.3	6.5	6.3
SUBTOTAL	6.4	6.7	6.5	6.9	6.8	6.7
DRUG OFFENSES						
DRUG SALE	6.3	6.2	6.0	6.4	6.4	6.3
DRUG POSSESSION	5.7	5.6	5.5	5.6	5.5	5.6
SUBTOTAL	6.1	6.0	5.8	6.0	6.0	6.0
PROPERTY AND OTHER						
BURGLARY 3RD	5.8	6.0	5.6	5.9	6.1	5.9
GRAND LARCENY	5.1	5.5	5.6	5.6	5.9	5.5
FORGERY	5.2	5.4	5.4	5.7	6.0	5.5
STOLEN PROPERTY	5.8	5.9	6.2	6.0	5.8	5.9
DRIVE INTOXICATED	3.4	3.7	3.5	3.6	3.5	3.5
CONTEMPT 1ST	6.1	6.1	6.6	6.1	6.7	6.3
ALL OTHER FELONIES	5.5	5.6	5.6	5.6	5.4	5.5
SUBTOTAL	5.2	5.4	5.3	5.4	5.5	5.4
YO & JO						
YOUTHFUL OFFENDER	5.3	5.3	5.0	5.7	6.2	5.5
JUVENILE OFFENDER	10.9	11.0	13.1	8.5	7.2	10.1
SUBTOTAL	5.6	5.5	5.3	5.8	6.2	5.7
GRAND TOTAL	6.7	6.9	6.7	7.0	7.1	6.9

TABLE 15.2
REGION BY AVERAGE JAIL TIME (IN MONTHS) BY YEAR RECEIVED;
2004-2008 NEW COURT COMMITMENTS

	2004 AVG	2005 AVG	2006 AVG	2007 AVG	2008 AVG	TOTAL AVG
NEW YORK CITY	7.7	8.3	8.1	8.5	9.0	8.3
SUBURBAN NEWYORK	7.6	7.6	6.8	7.3	7.6	7.4
UPSTATE URBAN	5.4	5.2	5.3	5.1	5.2	5.2
UPSTATE OTHER	5.1	5.0	5.0	4.9	5.0	5.0
GRAND TOTAL	6.7	6.9	6.7	7.0	7.1	6.9

Section 16: Life Without Parole

A person convicted of the crime of murder in the first degree may be sentenced to life imprisonment without parole. Persons sentenced to Life Without Parole are not eligible for parole or conditional release.

In 2008, there were 15 men admitted to NYS prison facilities with a Life Without Parole sentence (see Table 16.1). Five were African-American, six were White and 4 were Hispanic. These 15 cases were spread around the state in terms of region of commitment (10 from New York City, 1 from Suburban New York, 2 from Upstate Urban Counties, and 2 from Upstate Other Counties).

Of the 79 people sentenced to Life Without Parole over the last 5 years, 22% (17) were age 30-34 at the time of admission. The youngest offender with a Life Without Parole sentence was 20 years old at admission to DOCS while the oldest was 61 years old.

TABLE 16.1
CHARACTERISTICS OF LIFE WITHOUT PAROLE CASES; 2004-2008 NEW COURT COMMITMENTS

CHARACTERISTICS	2004	2005	2006	2007	2008	TOTAL	
	NUMBER	NUMBER	NUMBER	NUMBER	NUMBER	NUMBER	PERCENT
COMMITMENT OFFENSE							
MURDER 1ST	20	13	16	15	14	78	98.7%
AGGRAVATED MURDER	0	0	0	0	1	1	1.3%
TOTAL	0	0	0	0	15	79	100.0%
GENDER							
MEN	20	13	15	15	15	78	98.7%
WOMEN	0	0	1	0	0	1	1.3%
TOTAL	20	13	16	15	15	79	100.0%
ETHNIC STATUS ADJUSTED BY BIRTHPLACE							
WHITE	3	4	1	2	6	16	20.3%
AFRICAN-AMERICAN	10	6	10	13	5	44	55.7%
HISPANIC	7	2	4	0	4	17	21.5%
OTHER	0	1	1	0	0	2	2.5%
TOTAL	20	13	16	15	15	79	100.0%
AGE AT ADMISSION							
20 YR	0	1	0	0	0	1	1.3%
21 YR	3	0	1	3	0	7	8.9%
22-24	1	2	2	1	2	8	10.1%
25-29	3	1	2	2	2	10	12.7%
30-34	8	2	5	0	2	17	21.5%
35-39	2	5	2	4	2	15	19.0%
40-49	2	1	3	4	4	14	17.7%
50-59	1	0	1	1	2	5	6.3%
60 +	0	1	0	0	1	2	2.5%
TOTAL	20	13	16	15	15	79	100.0%
REGION OF COMMITMENT							
NEW YORK CITY	10	3	4	4	10	31	39.2%
SUBURBAN NEWYORK	4	3	5	2	1	15	19.0%
UPSTATE URBAN	6	7	4	5	2	24	30.4%
UPSTATE OTHER	0	0	3	4	2	9	11.4%
TOTAL	20	13	16	15	15	79	100.0%

Section 17: *Determinate Sentencing*

Inmates with determinate sentences for their crime of commitment encompassed 61% of new court commitments in 2008. Over half (56%) of the commitments with a determinate sentence were first felony offenders (see Table 17.1).

The total number of determinately sentenced new commitments increased from 6,630 in 2005 to 9,652 in 2008 (see Table 17.2). The growing number of determinately sentenced cases is due primarily to the drug sentencing reforms enacted in December 2004. Determinately sentenced drug cases more than doubled from 2,247 in 2005 to 4,992 in 2008.

TABLE 17.1
AGGREGATE MINIMUM SENTENCE BY DETERMINATE STATUS AND CRIME CLASS;
2008 NEW COURT COMMITMENTS

	INDETERMINATE			DETERMINATE			TOTAL		
	NUMBER	AVERAGE	MEDIAN	NUMBER	AVERAGE	MEDIAN	NUMBER	AVERAGE	MEDIAN
FIRST FELONY OFFENDER									
A-I FELONY	202	368.5	300.0	9	81.0	82.0	211	356.2	300.0
A-II FELONY	19	199.1	120.0	188	44.1	36.0	207	58.4	36.0
CLASS B FELONY	163	40.5	24.0	1,984	60.4	36.0	2,147	58.9	35.0
CLASS C FELONY	207	30.0	24.0	1,362	42.1	36.0	1,569	40.5	36.0
CLASS D FELONY	1,140	18.7	16.0	1,720	26.7	21.0	2,860	23.5	21.0
CLASS E FELONY	1,093	14.4	12.0	90	20.5	15.0	1,183	14.8	12.0
YOUTHFUL OFFENDER	580	14.5	12.0	37	12.6	10.0	617	14.4	12.0
SUBTOTAL	3,404	40.1	14.0	5,390	43.5	31.0	8,794	42.2	21.0
	55.3%			55.8%			55.6%		
SECOND & PERSISTENT FELONY									
A-I FELONY	0	.	.	12	160.9	154.0	12	160.9	154.0
A-II FELONY	6	576.0	240.0	56	80.2	77.0	62	128.2	82.0
CLASS B FELONY	60	153.4	77.0	995	77.6	51.0	1,055	81.9	51.0
CLASS C FELONY	121	96.2	48.0	1,488	46.7	36.0	1,609	50.4	36.0
CLASS D FELONY	1,121	34.3	24.0	1,490	29.8	26.0	2,611	31.7	26.0
CLASS E FELONY	1,447	19.7	18.0	221	20.4	21.0	1,668	19.8	18.0
SUBTOTAL	2,755	33.1	24.0	4,262	47.4	36.0	7,017	41.8	30.0
	44.7%			44.2%			44.4%		
GRAND TOTAL	6,159	37.0	18.0	9,652	45.2	31.0	15,811	42.0	24.0

TABLE 17.2
 AGGREGATE MINIMUM SENTENCES FOR DETERMINATE CASES BY CRIME CATEGORY AND CLASS;
 2005-2008 NEW COURT COMMITMENTS

	2005		2006		2007		2008	
	NUMBER	AVERAGE	NUMBER	AVERAGE	NUMBER	AVERAGE	NUMBER	AVERAGE
VFO								
CLASS B FELONY	1,206	120.4	1,163	121.2	1,173	128.2	1,121	122.6
CLASS C FELONY	1,305	59.9	1,309	61.6	1,495	60.7	1,495	59.2
CLASS D FELONY	1,745	36.1	1,856	35.5	1,947	34.6	1,934	33.5
CLASS E FELONY	122	26.6	172	25.5	101	25.0	102	25.9
SUBTOTAL	4,378	66.1	4,500	64.8	4,716	66.0	4,652	63.0
DRUG								
A-I FELONY	31	104.3	32	108.3	26	104.3	21	126.7
A-II FELONY	141	53.4	256	50.4	302	51.9	244	52.4
CLASS B FELONY	675	31.2	1,690	32.1	2,046	32.0	1,858	32.1
CLASS C FELONY	639	28.0	1,499	28.2	1,639	27.7	1,355	28.3
CLASS D FELONY	639	19.8	1,311	20.0	1,379	19.7	1,269	19.7
CLASS E FELONY	102	17.4	195	17.9	236	17.9	208	17.7
YOUTHFUL OFFENDER	20	14.0	42	13.3	41	12.2	37	12.6
SUBTOTAL	2,247	28.7	5,025	28.5	5,669	28.4	4,992	28.6
NON-VFO SEX OFFENSES								
CLASS D FELONY	2	59.0	4	92.8	7	43.4	7	86.6
CLASS E FELONY	3	56.3	4	46.3	6	34.5	1	41.0
SUBTOTAL	5	57.4	8	69.5	13	39.3	8	80.9
TOTAL								
A-I FELONY	31	104.3	32	108.3	26	104.3	21	126.7
A-II FELONY	141	53.4	256	50.4	302	51.9	244	52.4
CLASS B FELONY	1,881	88.4	2,853	68.4	3,219	67.1	2,979	66.2
CLASS C FELONY	1,944	49.4	2,808	43.8	3,134	43.5	2,850	44.5
CLASS D FELONY	2,386	31.7	3,171	29.2	3,333	28.5	3,210	28.2
CLASS E FELONY	227	22.9	371	21.7	343	20.3	311	20.4
YOUTHFUL OFFENDER	20	14.0	42	13.3	41	12.2	37	12.6
GRAND TOTAL	6,630	53.4	9,533	45.7	10,398	45.5	9,652	45.2

APPENDICES

APPENDIX A-1: SENTENCE TO PRISON FOR **FIRST FELONY OFFENSE**
 RANGE OF **MINIMUM** AND **MAXIMUM** SENTENCES ACCORDING TO FELONY CLASS CATEGORY ¹

FELONY CLASS	VIOLENT FELONY OFFENSE (1978 - 1995)	VIOLENT FELONY OFFENSE (OCT. 1995-AUG. 1998) ²	VIOLENT FELONY OFFENSE AFTER SEPT. 1998 ³	DRUG FELONY (AFTER DEC. 2004) ⁴	NON-VIOLENT FELONY SEX OFFENSE (AFTER APRIL 2007) ⁸	PREDATORY SEXUAL ASSAULT (AFTER APRIL 2007) ⁸	ALL OTHER FELONY OFFENSES
A-I Felony							
Maximum	N/A (Not Available)	N/A (Not Available)	N/A (Not Available)	8 - 20 (determinate)	N/A (Not Available)	N/A (Not Available)	Life, Death or Life Without Parole ⁵
Minimum				6/7 of determinate sentence			15 - 25 years (for offenders with Life maximum) (minimum sentence fixed by court)
A-II Felony							
Maximum	N/A (Not Available)	N/A (Not Available)	N/A (Not Available)	3 - 10 (determinate)	N/A (Not Available)	Life	Life
Minimum				6/7 of determinate sentence		10 - 25 (minimum sentence fixed by court)	3 - 8 1/3 (minimum sentence fixed by court)
Class B Felony							
Maximum	6 - 25	6 - 25	5-25 (determinate)	1 - 9 (determinate) ⁶	5-25 (determinate)	N/A (Not Available)	3 - 25 ⁷
Minimum	2 - 8 1/3 (Minimum = 1/3 of maximum sentence)	3 - 12 1/2 (Minimum = 1/2 of maximum sentence)	6/7 of determinate sentence	6/7 of determinate sentence	6/7 of determinate sentence		1 - 8 1/3 (Minimum = 1/3 of maximum sentence)
Class C Felony							
Maximum	4 1/2 - 15	4 1/2 - 15	3 1/2 - 15 (determinate)	1 - 5 1/2 (determinate)	3 1/2 - 15 (determinate)	N/A (Not Available)	3 - 15
Minimum	1 1/2 - 5 (Minimum = 1/3 of maximum sentence)	2 1/4 - 7 1/2 (Minimum = 1/2 of maximum sentence)	6/7 of determinate sentence	6/7 of determinate sentence	6/7 of determinate sentence		1 - 5 (Minimum = 1/3 of maximum sentence)
Class D Felony							
Maximum	3 - 7	3 - 7	2 - 7 (determinate)	1 - 2 1/2 (determinate)	2 - 7 (determinate)	N/A (Not Available)	3 - 7
Minimum	1 - 2 1/3 (Minimum = 1 year up to 1/3 of maximum)	1 1/2 - 3 1/2 (Minimum = 1/2 of maximum sentence)	6/7 of determinate sentence	6/7 of determinate sentence	6/7 of determinate sentence		1 - 2 1/3 (Minimum = 1/3 of maximum sentence)
Class E Felony							
Maximum	3 - 4	3 - 4	1 1/2 to 4 (determinate)	1 - 1 1/2 (determinate)	1 1/2 to 4 (determinate)	N/A (Not Available)	3 - 4
Minimum	1 - 1 1/3 (Minimum = 1 year up to 1/3 of maximum)	1 1/2 - 2 (Minimum = 1/2 year of maximum sentence)	6/7 of determinate sentence	6/7 of determinate sentence	6/7 of determinate sentence		1 - 1 1/3 (Minimum = 1/3 of maximum sentence)

¹ For more detail see Article 70, Sentences of Imprisonment, New York State Penal law or New York State Sentence Charts, West Publishing Co. 2004.

² Sentences Pursuant to Sentencing Reform Act of 1995.

³ Sentences pursuant to changes in NYS Penal law effective September 1, 1998 (Jenna's Law).

⁴ Sentences pursuant to Drug Law Reform Act of 2004, effective January 13, 2005.

⁵ Death or Life Without Parole is permitted for Murder 1 crimes committed on or after September 1, 1995.

⁶ For Class B Sale of Drugs on School Grounds (committed after January 13, 2005), the range of determinate sentences is 2 to 9 years.

⁷ For Class B Sale of Drugs on School Grounds (committed before January 13, 2005) the maximum sentence range is 6 - 25 years. The minimum is 1/3 the maximum sentence.

⁸ Sentences pursuant to Sex Offender Management and Treatment Act (SOMTA) effective April 13, 2007.

APPENDIX A-2: SENTENCES TO PRISON FOR SECOND FELONY OFFENSE
RANGE OF MINIMUM AND MAXIMUM SENTENCES ACCORDING TO FELONY CLASS CATEGORY

FELONY CLASS	SECOND VIOLENT FELONY OFFENSE (1978 - 1995) ¹	SECOND VIOLENT FELONY OFFENSE After Oct. 1995	VIOLENT SECOND FELONY OFFENSE After Oct. 1995	DRUG FELONY (Has Prior Violent Felony Conviction) (After Dec. 2004) ²	DRUG FELONY (No Prior Violent Felony Conviction) (After Dec. 2004) ²	NON-VIOLENT SEX OFFENSE (Has Prior Non-Violent Felony Conviction) (After April 2007) ⁴	NON-VIOLENT SEX OFFENSE (Has Prior Violent Felony Conviction) (After April 2007) ⁴	PREDATORY SEXUAL ASSAULT (AFTER APRIL 2007) ⁴	ALL OTHER FELONY OFFENSES ³
A-I Felony									
Maximum	N/A (Not Available)	N/A (Not Available)	N/A (Not Available)	15 - 30 (determinate)	12 - 24 (determinate)	N/A (Not Available)	N/A (Not Available)	N/A (Not Available)	N/A (Not Available)
Minimum	N/A (Not Available)	N/A (Not Available)	N/A (Not Available)	6/7 of determinate sentence	6/7 of determinate sentence	N/A (Not Available)	N/A (Not Available)		N/A (Not Available)
A-II Felony									
Maximum	N/A (Not Available)	N/A (Not Available)	N/A (Not Available)	8 - 17 (determinate)	6-14 (determinate)	N/A (Not Available)	N/A (Not Available)	Life	N/A (Not Available)
Minimum	N/A (Not Available)	N/A (Not Available)	N/A (Not Available)	6/7 of determinate sentence	6/7 of determinate sentence	N/A (Not Available)	N/A (Not Available)	10 - 25 (minimum sentence fixed by court)	N/A (Not Available)
Class B Felony									
Maximum	12 - 25	10 - 25 (determinate)	8 - 25 (determinate)	6 - 15 (determinate)	3 1/2 - 12 (determinate)	8 - 25 (determinate)	9 - 25 (determinate)	N/A (Not Available)	9 - 25
Minimum	6 - 12 1/2 (Minimum = 1/2 of Maximum)	6/7 of determinate sentence	6/7 of determinate sentence	6/7 of determinate sentence	6/7 of determinate sentence	6/7 of determinate sentence	6/7 of determinate sentence		4 1/2 - 12 1/2 (Minimum = 1/2 of maximum sentence)
Class C Felony									
Maximum	8 -15	7 - 15 (determinate)	5 - 15 (determinate)	3 1/2 - 9	2 - 8 (determinate)	5 - 15 (determinate)	6 - 15 (determinate)	N/A (Not Available)	6 - 15
Minimum	4 - 7 1/2 (Minimum = 1/2 of maximum sentence)	6/7 of determinate sentence	6/7 of determinate sentence	6/7 of determinate sentence	6/7 of determinate sentence	6/7 of determinate sentence	6/7 of determinate sentence		3 - 7 1/2 (Minimum = 1/2 of maximum sentence)
Class D Felony									
Maximum	5 - 7	5 - 7 (determinate)	3 - 7 (determinate)	2 1/2 - 4 1/2	1 1/2 - 4 (determinate)	3 - 7 (determinate)	4 - 7 (determinate)	N/A (Not Available)	4 - 7
Minimum	2 1/2 - 3 1/2 (Minimum = 1/2 of maximum)	6/7 of determinate sentence	6/7 of determinate sentence	6/7 of determinate sentence	6/7 of determinate sentence	6/7 of determinate sentence	6/7 of determinate sentence		2 - 3 1/2 (Minimum = 1/2 of maximum sentence)
Class E Felony									
Maximum	4 years	3 - 4 (determinate)	2 - 4 (determinate)	2 - 2 1/2	1 1/2 - 2 (determinate)	2 - 4 (determinate)	2 1/2 - 4 (determinate)	N/A (Not Available)	3 - 4
Minimum	2 years (Minimum = 1/2 of maximum)	6/7 of determinate sentence	6/7 of determinate sentence	6/7 of determinate sentence	6/7 of determinate sentence	6/7 of determinate sentence	6/7 of determinate sentence		1 1/2 - 2 (Minimum = 1/2 of maximum sentence)

¹ For offenders in this category, both the instant offense and at least one prior offense are violent felony crimes. Where the instant offense is a violent felony crime and the prior offense is not a violent crime, the sentence ranges used by the court (for class B through E) would be those listed under "Violent Second Felony Offense."

² Sentences pursuant to Drug Law Reform Act of 2004, signed December 2004, effective date for new sentences January 13, 2005.

³ Under Penal Law 70.07 ("Sentence of Imprisonment for Second Child Sexual Assault Felony Offender"), there are various enhanced sentences for such child sexual assault felonies, where the victim is a child less than fifteen years old. Certain sentences must be indeterminate, whereas certain other sentences must be determinate (see chart A-5 for specification of such enhanced sentences).

⁴ Sentences pursuant to the Sex Offender Management and Treatment Act (SOMTA) took effect on April 13, 2007.

APPENDIX A-3: SENTENCES TO STATE PRISON FOR PERSISTENT FELONY OFFENSES RANGE OF MINIMUM AND MAXIMUM SENTENCES ACCORDING TO FELONY CLASS CATEGORY (<i>Sentencing as a Persistent Felon Unavailable for Drug Offenders after December 2004</i>) ¹				
FELONY CLASS	VIOLENT FELONY OFFENSE (1978 - 1995) ²	VIOLENT FELONY OFFENSE After Oct. 1995 ²	PREDATORY SEXUAL ASSAULT (AFTER APRIL 2007) ⁴	ALL OTHER FELONY OFFENSES ³
Class A-2 Felony				
Maximum	N/A (Not Available)	N/A (Not Available)	Life	N/A (Not Available)
Minimum	N/A (Not Available)	N/A (Not Available)	10 - 25 (minimum sentence fixed by court)	N/A (Not Available)
Class B Felony				
Maximum	Life	Life	N/A (Not Available)	9 - 25 Life Optional
Minimum	10 - 25 (minimum sentence fixed by judge)	20 - 25 (minimum sentence fixed by judge)	N/A (Not Available)	4 1/2 - 12 1/2 (Minimum = 1/2 of maximum sentence)
Class C Felony				
Maximum	Life	Life	N/A (Not Available)	6 - 15 Life Optional
Minimum	8 - 25 (minimum sentence fixed by judge)	16 - 25 (minimum sentence fixed by judge)	N/A (Not Available)	3 - 7 1/2 (Minimum = 1/2 of maximum sentence)
Class D Felony				
Maximum	Life	Life	N/A (Not Available)	4 - 7 Life Optional
Minimum	6 - 25 (minimum sentence fixed by judge)	12 - 25 (minimum sentence fixed by judge)	N/A (Not Available)	2 - 3 1/2 (Minimum = 1/2 of maximum sentence)
Class E Felony				
Maximum	Life	Life	N/A (Not Available)	3 - 4 Life Optional
Minimum	Statute does not specify minimum term	Statute does not specify minimum term	N/A (Not Available)	1 1/2 - 2 (Minimum = 1/2 of maximum sentence)

¹ Sentencing as a "Persistent Felon Offender" was no longer available for drug offenders whose drug crime was

² To be sentenced as a "Persistent Violent Felony Offender," the instant offense and at least two prior offenses

³ A person convicted of a third felony could be sentenced as a second felony offender.

⁴ Sentences pursuant to the Sex Offender Management and Treatment Act (SOMTA) took effect on April 13, 2007.

**APPENDIX A-4: RANGE OF MINIMUM AND MAXIMUM
SENTENCES BY FELONY CLASS CATEGORY
JUVENILE OFFENDERS**

AGES	CRIME CLASSIFICATION	SPECIFIC CRIME	MINIMUM SENTENCE RANGE	MAXIMUM SENTENCE RANGE
13	A-I	Murder 2nd (except Felony Murder)	5 - 9 Years	Life
14, 15	A-I	Murder 2nd (Felony Murder included but restricted to felonies listed below)	5 - 9 Years	Life
14, 15	A-I	Arson 1st Kidnapping 1st	4 - 6 Years	12 - 15 Years
14, 15	B-Violent	Aggravated Sexual Abuse Arson 2nd Attempt Kidnapping 1st Attempt Murder 2nd Burglary 1st Manslaughter 1st Rape 1st (non-consensual) Robbery 1st Sodomy 1st (non-consensual)	1/3 Maximum Sentence	3 - 10 Years
14, 15	C-Violent	Assault 1st (intentional) Burglary 2nd (weapon or injury) Robbery 2nd (weapon or injury)	1/3 Maximum Sentence	3 - 7 Years

APPENDIX A-5: Range of Sentences Under Second Child Sexual Assault

Current Conviction - Sexual Assault Against a Child	If Prior Felony Conviction was for Sexual Assault Against a Child	Then Sentence Must Be:
Class B Felony	Class B or C Felony	Indeterminate: 15 - 25 to Life
Class B. Felony	Class D or E Felony	Determinate: 12 to 30 years
Class C Felony	Class B or C Felony	Determinate: 12 to 30 years or Indeterminate: 15 - 25 years
Class C Felony	Class D or E Felony	Determinate: 10 to 25 years
Class D Felony	Any Felony	Determinate: 5 to 15 years
Class E Felony	Any Felony	Determinate: 4 to 12 years

¹ Penal Law 70.07 became effective February 1, 2001.

APPENDIX B

CRIME CODE TABLE

The Crime Code Table presents various criminal offenses specified in the New York State Penal Law as well as other State statutes. The Penal Law section is indicated along with the effective dates for this section. For felony offenses the felony class is also indicated. The offenses are arranged by order of the unique crime code used by the Department of Correctional Services. In addition, a crime type designation is provided. These types include: VFO – violent felony offenses as designated in the Penal Law; CVO – other crimes of a coercive/violent nature not designated as a VFO; PDO – property, drug and other felonies; MIS – misdemeanors; VIO – violations.

NYS Department of Correctional Services
 Crime Codes
 Prepared on March 18, 2009 by EMS

Crime Code	Crime Description	Effective Date	Repeal Date	Legal	Authority	Crime Class	Crime Type
100	MURDER (DEG'LESS PRIOR 9-1-74)	19670901	19740831	PL	125.25	A	VFO
101	MURDER 1ST	19740901	.	PL	125.27	A	VFO
102	MURDER 2ND	19740901	.	PL	125.25	A	VFO
103	AGGRAVATED MURDER	20051221	.	PL	125.26	A	VFO
201	MANSLAUGHTER 1ST	19780901	.	PL	125.20	B	VFO
202	MANSLAUGHTER 2ND	19670901	.	PL	125.15	C	CVO
203	ABORTION 1ST	19670901	.	PL	125.45	D	CVO
204	ABORTION 2ND	19670901	.	PL	125.40	E	CVO
205	AGGRAV MANSLAUGHTER 1ST DEGREE	20051221	.	PL	125.22	B	VFO
206	AGGRAV MANSLAUGHTER 2ND DEGREE	20051221	.	PL	125.21	C	VFO
300	CRIM NEGLIGENT HOMICIDE	19670901	.	PL	125.10	E	CVO
301	VEHICULAR MANSLAUGHTER 2ND	19851101	.	PL	125.12	D	CVO
302	VEHICULAR MANSLAUGHTER 1ST	19851101	.	PL	125.13	C	CVO
303	AGGRAV CRIM NEGLIGENT HOMICIDE	20051221	.	PL	125.11	C	VFO
304	AGGR VEHICULAR HOMICIDE	20071101	.	PL	125.14	B	CVO
401	RAPE 1ST	19780901	.	PL	130.35	B	VFO
402	RAPE 2ND	19670901	20070412	PL	130.30	D	CVO
403	RAPE 3RD	19670901	.	PL	130.25	E	CVO
404	RAPE 2ND	20070413	.	PL	130.30	D	VFO
501	ROBBERY 1ST	19670901	.	PL	160.15	B	VFO
502	ROBBERY 2ND	19780901	.	PL	160.10	C	VFO
503	ROBBERY 3RD	19670901	.	PL	160.05	D	CVO
600	ASSAULT 1ST DEGREE	19961101	.	PL	120.10	B	VFO
601	ASSAULT 1ST	19670901	19961031	PL	120.10	C	VFO
602	ASSAULT 2ND	19670901	.	PL	120.05	D	VFO
604	RECKLESS ENDANGERMENT 1ST	19670901	.	PL	120.25	D	CVO
607	PROM A SUICIDE ATTEMPT	19670901	.	PL	120.30	E	CVO
608	AGGR ASSAULT/PEACE OFF.	19810702	.	PL	120.11	B	VFO
610	VEHICULAR ASSAULT 2ND	19851101	.	PL	120.03	E	CVO
611	VEHICULAR ASSAULT 1ST	19851101	.	PL	120.04	D	CVO
612	AGGR ASLT ON PERSON < 11 YRS	19901101	.	PL	120.12	E	CVO
613	MENACING 1ST	19921101	.	PL	120.13	C	VFO
614	GANG ASSAULT 1ST DEGREE	19961101	.	PL	120.07	B	VFO
615	GANG ASSAULT 2ND DEGREE	19961101	.	PL	120.06	C	VFO
616	ASLT:POLICE OFF/FIREMAN/EMT	19961101	.	PL	120.08	C	CVO
617	ASLT BY OPER OF A VESSEL	19860805	.	NAV	49	D	VFO
618	STALKING 1ST	19991201	.	PL	120.60	E	CVO
619	STALKING 2ND DEGREE	19991201	.	PL	120.55	D	VFO
621	MENACING POLICE/PEACE OFFICER	20051221	.	PL	120.18	D	VFO
622	RECKLESS ASSAULT OF A CHILD	20061101	.	PL	120.02	E	CVO
623	RECK ASLT CHILD:DAY CARE PROV	19981101	.	PL	120.01	D	CVO
630	LV SCENE OF ACCIDENT - BOAT	19860805	.	NAV	47	B	VFO
701	BURGLARY 1ST	19780901	.	PL	140.30	B	VFO
702	BURGLARY 2ND	19670901	.	PL	140.25	C	VFO
703	BURGLARY 3RD	19670901	.	PL	140.20	D	PDO
800	FAIL TO REG:SEX OFF 1ST OFF	19960121	20070816	COR	0168-T	A	CVO
801	FAIL TO REG:SEX OFF 2ND OFF	19960121	.	COR	0168-T	D	CVO
802	SEX OFFENDER REG VIOL-1ST OFF	20070817	.	COR	0168-T	E	CVO
1001	GRAND LARCENY - NOT AUTO 1ST	19670901	19861031	PL	155.40	D	PDO
1002	GRAND LARCENY - NOT AUTO 2ND	19670901	19861031	PL	155.35	C	PDO
1003	GRAND LARCENY - NOT AUTO 3RD	19670901	19861031	PL	155.30	D	PDO
1004	GRAND LARCENY - NOT AUTO 1ST	19861101	.	PL	155.42	B	PDO
1005	GRAND LARCENY - NOT AUTO 2ND	19861101	.	PL	155.40	C	PDO
1006	GRAND LARCENY - NOT AUTO 3RD	19861101	.	PL	155.35	D	PDO
1007	GRAND LARCENY - NOT AUTO 4TH	19861101	.	PL	155.30	E	PDO
1010	COMPUTER TRESPASS	19861101	.	PL	156.10	E	PDO
1011	COMPUTER TAMPERING 1ST	19861101	19931031	PL	156.25	E	PDO
1012	UNLAW DUPLIC COMP RELATED MATL	19861101	.	PL	156.30	E	PDO
1013	CRIM POSS COMP RELATED MATL	19861101	.	PL	156.35	E	PDO
1014	WELFARE FRAUD-4TH DEGREE	19951101	.	PL	158.10	D	PDO
1015	WELFARE FRAUD-3RD DEGREE	19951101	.	PL	158.15	D	PDO
1016	WELFARE FRAUD-2ND DEGREE	19951101	.	PL	158.20	C	PDO
1022	CRIM POSS BENEFIT CARD-2ND	19951101	.	PL	158.45	D	PDO
1023	CRIM POSS BENEFIT CARD-3RD	19951101	.	PL	158.40	E	PDO
1032	COMP TAMP-2ND:DEST DATA >#3000	19931101	.	PL	156.26	D	PDO
1301	GRAND LARCENY - AUTO 1ST	19670901	19861031	PL	155.40	D	PDO
1302	GRAND LARCENY - AUTO 2ND	19670901	19861031	PL	155.35	E	PDO
1303	GRAND LARCENY - AUTO 3RD	19670901	19861031	PL	155.30	D	PDO
1304	UNAUTH USE OF MV 1ST	19820901	.	PL	165.08	E	PDO
1305	UNAUTH USE OF MV 2ND	19820901	.	PL	165.06	E	PDO
1306	AUTO STRIPPING-1ST	19861101	19961031	PL	165.10	E	PDO
1307	GRAND LARCENY - AUTO 1ST	19861101	.	PL	155.42	B	PDO
1308	GRAND LARCENY - AUTO 2ND	19861101	.	PL	155.40	C	PDO
1309	GRAND LARCENY - AUTO 3RD	19861101	.	PL	155.35	D	PDO
1310	GRAND LARCENY - AUTO 4TH	19861101	.	PL	155.30	E	PDO
1311	AUTO STRIPPING-1ST	19961101	.	PL	165.11	D	PDO
1312	AUTO STRIPPING-2ND	19961101	.	PL	165.10	E	PDO
1401	CRIM POSS STOLEN PROP 1ST	19670901	19861031	PL	165.50	D	PDO
1402	CRIM POSS STOLEN PROP 2ND	19670901	19861031	PL	165.45	E	PDO
1404	UNLAW USE, SECRET SCI. MAT.	19670901	.	PL	165.07	E	PDO
1405	CRIM POSS STOLEN PROP 1ST	19861101	.	PL	165.54	B	PDO
1406	CRIM POSS STOLEN PROP 2ND	19861101	.	PL	165.52	C	PDO
1407	CRIM POSS STOLEN PROP 3RD	19861101	.	PL	165.50	D	PDO
1408	CRIM POSS STOLEN PROP 4TH	19861101	.	PL	165.45	E	PDO
1411	TRADEMARK COUNTERFEITING 1ST	19921101	.	PL	165.73	C	PDO
1412	TRADEMARK COUNTERFEITING 2ND	19921101	.	PL	165.72	E	PDO
1501	TAMPER W/ PUBLIC RECORDS 1ST	19670901	.	PL	175.25	D	PDO
1502	FALSIFY BUS RECORDS 1ST	19670901	.	PL	175.10	E	PDO
1503	OFFER FALSE INST FILING 1ST	19670901	.	PL	175.35	E	PDO
1504	ISSUING A FALSE CERTIFICATE	19670901	.	PL	175.40	E	PDO
1505	CRIM USURY 2ND	19760901	.	PL	190.40	E	PDO
1506	UNLAW CONCEALING A WILL	19670901	.	PL	190.30	E	PDO

Crime Code	Crime Description	Effective Date	Repeal Date	Legal	Authority	Crime Class	Crime Type
1515	CRIM IMPERSONATION 1ST	19800901	.	PL	190.26	E	PDO
1520	CRIM USURY 1ST	19760901	.	PL	190.42	C	PDO
1521	SCHEME TO DEFRAUD 1ST	19770101	.	PL	190.65	E	PDO
1525	FAIL TO REG AS BROKER/ADVISOR	19591001	.	GB	359-E	E	PDO
1526	CRIM USE ACCESS DEVICE-1ST	19961101	.	PL	190.76	E	PDO
1527	IDENTITY THEFT 1ST	20021101	.	PL	190.80	D	PDO
1528	IDENTITY THEFT 2ND DEGREE	20021101	.	PL	190.79	E	PDO
1529	UNLAWFUL POSS PERSONAL ID- 1ST	20021101	.	PL	190.83	D	PDO
1530	UNLAWFUL POSS PERSONAL ID- 2ND	20021101	.	PL	190.82	E	PDO
1531	MONEY LAUNDERING-1ST	20001101	.	PL	470.20	B	PDO
1532	MONEY LAUNDERING-2ND	20001101	.	PL	470.15	C	PDO
1533	MONEY LAUNDERING-3RD	20001101	.	PL	470.10	D	PDO
1534	MONEY LAUNDERING-4TH	20001101	.	PL	470.05	E	PDO
1535	MONEY LAUNDER-SUPPORT TERROR 1	20040723	.	PL	470.24	B	PDO
1536	MONEY LAUNDER-SUPPORT TERROR 2	20040723	.	PL	470.23	C	PDO
1537	MONEY LAUNDER-SUPPORT TERROR 3	20040723	.	PL	470.22	D	PDO
1538	MONEY LAUNDER-SUPPORT TERROR 4	20040723	.	PL	470.21	E	PDO
1539	OBSTRUCT GOVT ADMIN:SPRAY DEV	19961101	.	PL	195.08	D	PDO
1540	INSURANCE FRAUD 1ST	19811101	19861031	PL	176.20	D	PDO
1541	INSURANCE FRAUD 2ND	19811101	19861031	PL	176.15	E	PDO
1544	INSURANCE FRAUD 1ST	19861101	.	PL	176.30	B	PDO
1545	INSURANCE FRAUD 2ND	19861101	.	PL	176.25	C	PDO
1546	INSURANCE FRAUD 3RD	19861101	.	PL	176.20	D	PDO
1547	INSURANCE FRAUD 4TH	19861101	.	PL	176.15	E	PDO
1549	DEFRAUDING THE GOVERNMENT	19861101	.	PL	195.20	E	PDO
1550	ENTERPRISE CORRUPTION	19861101	.	PL	460.20	B	PDO
1551	FALSE RETURN - CORPORATE TAXES	19851101	.	TAX	1805	E	PDO
1552	FRAUD IN SALE OF SECURITIES	19820901	.	GB	352-C	E	PDO
1553	UNAUTH PRACTICE OF PROFESSION	19760823	.	ED	6512	E	PDO
1554	FALSE TAX RETURN - PERSONAL	19851101	.	TAX	1804	E	PDO
1555	REPEAT FAILURE:FILE PERSNL TAX	19851101	.	TAX	1802	E	PDO
1556	MONEY LAUNDERING 1ST	19881101	20001031	PL	470.15	D	PDO
1557	MONEY LAUNDERING 2ND	19881101	20001031	PL	470.10	E	PDO
1558	MISUSE OF FOOD STAMPS	19670901	.	SW	147	E	PDO
1559	CONTRACTS FOR MONOPOLY	19750701	.	GB	341	E	PDO
1560	MOTOR FUEL TAX-FELONY	19851101	.	TAX	1812	E	PDO
1561	REPEATED FAILURE TO FILE CORP	19851101	.	TAX	1803	E	PDO
1562	CIG TAX-POSS/TRANS>20K ILL CIG	20001114	.	TAX	1814	E	PDO
1563	LIEN LAW	19670901	.	LL	079-A	D	PDO
1564	UNAUTH COMM TO SOLICIT CONTRIB	19670901	.	EL	14-126	E	PDO
1565	CIG TAX-ATT TO EVADE OR DEFEAT	19851101	.	TAX	1814	E	PDO
1570	AGGRAVATED INSURANCE FRAUD 4TH	19961009	.	PL	176.35	D	PDO
1580	FALSE RETURNS/REPORTS NYC	19850101	.	AC	11-4004	E	PDO
1581	LEGISLATOR RECEIVING BRIBE	19670901	.	POL	076	D	PDO
1582	UNLAW FEE PAYMT LEG OFF EMPLOY	19670901	.	POL	077	E	PDO
1590	FRAUDULENT PRACTICES	19670901	.	WC	0114	E	PDO
1600	FORGERY 1ST	19670901	.	PL	170.15	C	PDO
1601	CRIM POSS FORGED INST 1ST	19670901	.	PL	170.30	C	PDO
1602	FORGERY 2ND	19670901	.	PL	170.10	D	PDO
1603	CRIM POSS FORGED INST 2ND	19670901	.	PL	170.25	D	PDO
1604	CRIM POSS FORGERY DEVICES	19670901	.	PL	170.40	D	PDO
1608	UNLAW USING SLUGS 1ST	19670901	.	PL	170.60	E	PDO
1609	FORGERY OF VEHICLE ID. NUMBER	19710401	.	PL	170.65	E	PDO
1610	ILLEGAL POSS VEH ID NO PLATE	19710401	.	PL	170.70	E	PDO
1700	ARSON 1ST	19710901	.	PL	150.20	A	VFO
1701	ARSON 2ND	19710901	.	PL	150.15	B	VFO
1702	ARSON 3RD	19710901	.	PL	150.10	C	VFO
1703	ARSON 4TH	19710901	.	PL	150.05	E	VFO
1711	AGGRAVATED USE PYROTECHNICS 1	20031101	.	PL	405.18	D	VFO
1801	PROM PROSTITUTION 1ST	19780901	.	PL	230.32	B	PDO
1802	PROM PROSTITUTION 2ND	19780901	.	PL	230.30	C	PDO
1803	PROM PROSTITUTION 3RD	19780901	.	PL	230.25	D	PDO
1807	PATRONIZING A PROSTITUTE 1ST	19780901	.	PL	230.04	D	CVO
1808	PATRONIZING A PROSTITUTE 2ND	19780901	.	PL	230.05	E	PDO
1901	SODOMY 1ST	19670901	20031031	PL	130.50	B	VFO
1902	SODOMY 2ND	19670901	20031031	PL	130.45	D	CVO
1903	SODOMY 3RD	19670901	20031031	PL	130.40	E	CVO
1905	SEXUAL ABUSE 1ST	19670901	.	PL	130.65	D	VFO
1907	INCEST	19670901	20061031	PL	255.25	E	CVO
1910	AGGR SEXUAL ABUSE	19780901	19881031	PL	130.70	B	VFO
1911	AGGR SEXUAL ABUSE 1ST	19881101	.	PL	130.70	B	VFO
1912	AGGR SEXUAL ABUSE 2ND	19881101	.	PL	130.67	C	VFO
1913	AGGRAVATED SEXUAL ABUSE 3RD	19961101	.	PL	130.66	D	VFO
1914	COURSE SEX CONDUCT-CHILD 1ST	19960801	.	PL	130.75	B	VFO
1915	COURSE SEX CONDUCT-CHILD 2ND	19960801	.	PL	130.80	D	VFO
1916	FEMALE GENITAL MUTILATION	19971101	.	PL	130.85	E	CVO
1917	PERSISTENT SEXUAL ABUSE	20010201	.	PL	130.53	E	VFO
1918	FACILIT SEX OFF/CONTROL SUB	20010201	.	PL	130.90	D	PDO
1919	AGGRAVATED SEXUAL ABUSE 4TH	20010201	20070412	PL	130.65-A	E	PDO
1920	AGGRAVATED SEXUAL ABUSE 4TH	20070413	.	PL	130.65-A	E	VFO
1921	CRIM SEXUAL ACT 1ST	20031101	.	PL	130.50	B	VFO
1922	CRIM SEXUAL ACT 2ND	20031101	20070412	PL	130.45	D	CVO
1923	CRIM SEXUAL ACT 3RD	20031101	.	PL	130.40	E	CVO
1924	PREDATORY SEXUAL ASSAULT	20060623	.	PL	130.95	A	CVO
1925	PRED SEX ASSAULT AGAINST CHILD	20060623	.	PL	130.96	A	CVO
1926	INCEST-1ST DEGREE	20061101	.	PL	255.27	B	VFO
1927	INCEST- 2ND DEGREE	20061101	.	PL	255.26	D	CVO
1928	INCEST- 3RD DEGREE	20061101	.	PL	255.25	E	CVO
1929	CRIM SEXUAL ACT 2ND	20070413	.	PL	130.45	D	VFO
1959	SELL/ISSUE NY INSTRMNT W/O LIC	19670901	.	BL	0650	E	PDO
2000	CRIM SALE DANGEROUS DRUG 1ST	19690901	19730831	PL	220.44	A	PDO
2001	CRIM SALE DANGEROUS DRUG 3RD	19670901	19690901	PL	220.30	D	PDO

Crime Code	Crime Description	Effective Date	Repeal Date	Legal	Authority	Crime Class	Crime Type
2003	CRIM POSS DANGEROUS DRUG 5TH	19690901	19830831	PL	220.10	E	PDO
2004	CRIM POSS DANGEROUS DRUG 2ND	19690901	19730831	PL	220.22	B	PDO
2005	CRIM POSS DANGEROUS DRUG 3RD	19670901	19690831	PL	220.20	E	PDO
2006	CRIM POSS DANGEROUS DRUG 3RD	19690901	19730831	PL	220.20	C	PDO
2007	CRIM POSS DANGEROUS DRUG 1ST	19700424	19730831	PL	220.23	A	PDO
2008	USE OF DRUG PARAPHERNALIA 1ST	19670901	.	PL	220.55	D	PDO
2010	CRIM INJECT OF A NARC DRUG	19710901	.	PL	220.46	E	PDO
2011	IMIT CONTROL SUBS-2ND VIOL	19820901	.	PHL	3583	E	PDO
2012	CRIM POSS PRECURSORS	19730901	.	PL	220.60	E	PDO
2013	CRIM SALE CONTR SUBSTANCE 1ST	19730901	.	PL	220.43	A	PDO
2014	CRIM POSS CONTR SUBSTANCE 1ST	19730901	.	PL	220.21	A	PDO
2015	CRIM SALE CONTR SUBSTANCE 2ND	19730901	.	PL	220.41	A	PDO
2016	CRIM POSS CONTR SUBSTANCE 2ND	19730901	.	PL	220.18	A	PDO
2017	CRIM SALE CONTR SUBSTANCE 3RD	19790901	.	PL	220.39	B	PDO
2018	CRIM POSS CONTR SUBSTANCE 3RD	19790901	.	PL	220.16	B	PDO
2019	CRIM SALE CONTR SUBSTANCE 4TH	19730901	19790831	PL	220.37	B	PDO
2020	CRIM POSS CONTR SUBSTANCE 4TH	19730901	19790831	PL	220.12	B	PDO
2021	CRIM SALE CONTR SUBSTANCE 4TH	19790901	.	PL	220.34	C	PDO
2022	CRIM POSS CONTR SUBSTANCE 4TH	19790901	.	PL	220.09	C	PDO
2023	CRIM SALE CONTR SUBSTANCE 5TH	19790901	.	PL	220.31	D	PDO
2024	CRIM POSS CONTR SUBSTANCE 5TH	19790901	.	PL	220.06	D	PDO
2025	CRIM POSS CONTR SUBSTANCE 6TH	19790901	.	PL	220.05	E	PDO
2027	CRIM SALE MARIHUANA 1ST	19770729	.	PL	221.55	C	PDO
2028	CRIM POSS MARIHUANA 1ST	19770729	.	PL	221.30	C	PDO
2029	CRIM SALE MARIHUANA 2ND	19770729	.	PL	221.50	D	PDO
2030	CRIM POSS MARIHUANA 2ND	19770729	.	PL	221.25	D	PDO
2031	CRIM SALE MARIHUANA 3RD	19770729	.	PL	221.45	E	PDO
2032	CRIM POSS MARIHUANA 3RD	19770729	.	PL	221.20	E	PDO
2039	CRIM SALE CONTR SUB - SCHOOL	19861101	.	PL	220.44	B	PDO
2040	CRIM SALE PRESCRIPTION	19861101	.	PL	220.65	C	PDO
2041	CRIM POSS METH MANUF MATERIAL	20051001	.	PL	220.71	E	PDO
2042	CRIM POSS PRECURSORS OF METH	20051001	.	PL	220.72	E	PDO
2043	UNLAWFUL MANUFACTURE METH-3RD	20051001	.	PL	220.73	D	PDO
2044	UNLAWFUL MANUFACTURE METH-2ND	20051001	.	PL	220.74	C	PDO
2045	UNLAWFUL MANUFACTURE METH-1ST	20051001	.	PL	220.75	B	PDO
2046	UNL DISPOSAL METH LAB MATERIAL	20051001	.	PL	220.76	E	PDO
2091	CRIM SALE DANGEROUS DRUG 3RD	19690901	19730831	PL	220.35	C	PDO
2092	CRIM SALE CONTR SUBSTANCE 3RD	19730901	19790831	PL	220.39	A	PDO
2093	CRIM POSS CONTR SUBSTANCE 3RD	19730901	19790831	PL	220.16	A	PDO
2094	CRIM SALE DANGEROUS DRUG 2ND	19690901	19730831	PL	220.40	B	PDO
2095	CRIM POSS DANGEROUS DRUG 2ND	19670901	19690901	PL	220.15	D	PDO
2096	CRIM SALE DANGEROUS DRUG 2ND	19670901	19690831	PL	220.35	C	PDO
2097	CRIM POSS DANGEROUS DRUG 4TH	19690901	19730831	PL	220.15	D	PDO
2098	CRIM POSS CONTRL SUBST-6TH	19730901	19790831	PL	220.06	D	PDO
2099	CRIM SALE DANGEROUS DRUG 4TH	19690901	19730831	PL	220.30	D	PDO
2100	CRIM POSS WEAP 1ST	19740901	.	PL	265.04	B	VFO
2101	CRIM POSS WEAP 3RD SUB 4-8 VFO	19740901	.	PL	265.02	D	VFO
2102	MFG/TRANS/ETC DANGEROUS WEAPON	19670901	.	PL	265.10	D	CVO
2103	PROHIBITED USE OF WEAPONS	19670901	.	PL	265.35	D	CVO
2104	PROHIBITED USE OF WEAPONS	19740901	.	PL	265.35	E	CVO
2108	CRIM POSS WEAP 2ND	19780901	.	PL	265.03	C	VFO
2109	POSSESS DANGEROUS WEAPON-FEL	19670901	19740831	PL	265.05	D	VFO
2111	CRIM POSS WEAP 3RD SUB 1,2,3	19740901	.	PL	265.02	D	CVO
2116	CRIM SALE OF FIREARM 3RD-DEG	20051221	.	PL	265.11	D	VFO
2117	CRIM SALE OF FIREARM 1ST-DEG	19991101	.	PL	265.13	B	VFO
2118	CRIM SALE OF FIREARM 2ND-DEG	19991101	.	PL	265.12	C	VFO
2119	CRIM SALE OF FIREARM 3 PRE-06	19991101	20051220	PL	265.11	D	CVO
2120	CRIM SALE FIREARM/AID MINOR	19991101	.	PL	265.14	C	VFO
2121	CRIM USE OF FIREARMS 1ST	19800812	.	PL	265.09	B	VFO
2122	CRIM USE OF FIREARMS 2ND	19800812	.	PL	265.08	C	VFO
2123	CRIM SALE FIREARMS 1ST	19800812	19911031	PL	265.12	D	VFO
2124	CRIM SALE FIREARMS 2ND	19800812	19911031	PL	265.11	E	CVO
2125	UNLAW WEARING BODY VEST	19841101	.	PL	270.20	E	CVO
2126	POSSESS EXPLOSIVES W O LIC	19840901	.	LAB	458	D	PDO
2127	CRIM SALE FIREARM 1ST DEG	19911101	19991031	PL	265.13	C	VFO
2128	CRIM SALE FIREARM 2ND DEG	19911101	19991031	PL	265.12	D	VFO
2129	CRIM SALE FIREARM 3RD DEG	19911101	19991031	PL	265.11	E	CVO
2130	CRIM SALE FIREARM/AID OF MINOR	19911101	19991031	PL	265.14	D	VFO
2131	ILGL STORAGE OF EXPLOSIVES	19840901	.	LAB	453	D	PDO
2132	ILGL CONSTR/MAINT OF MAGAZINE	19840901	.	LAB	454	E	PDO
2140	CRIM SALE FIREARM TO A MINOR	19991101	.	PL	265.16	C	CVO
2141	FLEE OFFICER IN MOTOR VEH- 2ND	20061101	.	PL	270.30	E	CVO
2142	FLEE OFFICER IN MOTOR VEH- 1ST	20061101	.	PL	270.35	D	CVO
2202	DWI:ALCOHOL OR DRUGS 2 OFF	19881101	.	VTL	1192	E	PDO
2203	DWI:ALCOHOL OR DRUGS 3RD OFF	19961101	.	VTL	1192	D	PDO
2300	OBSCENITY 2ND	19820901	.	PL	235.06	E	PDO
2301	OBSCENITY 1ST	19820901	.	PL	235.07	D	PDO
2302	DISSEM INDECENT MAT. TO MINORS	19690901	19961031	PL	235.21	E	PDO
2306	DISSEM INDECENT MAT MINOR 1ST	19961101	.	PL	235.22	D	PDO
2307	DISSEM INDECENT MAT MINOR 2ND	19961101	.	PL	235.21	E	PDO
2400	ABANDONMENT OF CHILD	19670901	.	PL	260.00	E	CVO
2402	NON-SUPPORT CHILD 1ST DEGREE	19970901	.	PL	260.06	E	PDO
2501	USE OF CHILD IN A SEXUAL PERF	19771109	.	PL	263.05	C	CVO
2502	PROM OBSCENE SEX PERF BY CHILD	19771109	.	PL	263.10	D	CVO
2503	PROM SEXUAL PERF BY A CHILD	19771109	.	PL	263.15	D	CVO
2507	POSS OBSCENE SEX PERF BY CHILD	19961101	.	PL	263.11	E	CVO
2508	POSS A SEX PERF BY A CHILD	19961101	.	PL	263.16	E	CVO
2511	ENDANG VUL/ELDER:1ST DEGREE	19981101	.	PL	260.34	D	CVO
2512	ENDANG VUL/ELDER: 2ND DEGREE	19981101	.	PL	260.32	E	CVO
2600	MFG/SALE ILLICIT ALC BEV SUBSQ	19670901	.	ABC	155	E	PDO
2705	ANIMAL FIGHTING-FELONY	19841101	.	AM	351	E	PDO
2706	THEFT OF SERVICES	19921101	.	PL	165.15	E	PDO

Crime Code	Crime Description	Effective Date	Repeal Date	Legal	Authority	Crime Class	Crime Type
2802	DRIV IMP/DRUGS-SUBSQ OFFENSE	19881101	.	VTL	1192	E	PDO
2803	DRIV IMP/DRUGS 3RD OFF	19961101	.	VTL	1192	D	PDO
2903	LV SCENE OF ACC W/O REPORTING	19800901	.	VTL	0600	E	PDO
2904	AGGR UNLIC OPER VTL511.3 1ST	19851101	.	VTL	0511	E	PDO
2905	UNLICENSED VEHICLE DISMANTLING	19841101	19961031	PL	165.10	E	PDO
2906	SELL MV/TRLR/PART W/CHANG NUMB	19830727	.	VTL	0421	E	PDO
2907	MAKE FALSE REPORT RE STOLEN MV	19670901	.	VTL	0426	E	PDO
2908	OFFENSES RE CERT OF TITLE	19720701	.	VTL	2130	E	PDO
2909	UNLAW VEHICLE DISMANTLER	19800901	.	VTL	0415-A	E	PDO
2910	LV SCENE OF ACCIDENT - DEATH	20051101	.	VTL	0600	D	PDO
3009	FALSELY REPORTING INCIDENT 1ST	19770901	20010916	PL	240.00	E	PDO
3010	PLACING A FALSE BOMB-1ST	19991201	20010916	PL	240.62	E	PDO
3011	FALSELY REPORTING INCIDENT-1ST	20010917	.	PL	240.60	D	VFO
3012	FALSELY REPORTING INCIDENT-2ND	20010917	.	PL	240.55	E	VFO
3013	AGGR HARASSMENT 1ST	19820901	.	PL	240.31	E	PDO
3014	CRIM NUISANCE 1ST	19891101	.	PL	240.46	E	PDO
3015	AGG HAR:EMPLOYEE BY INMATE	19960607	.	PL	240.32	E	PDO
3016	PLACING FALSE BOMB	20010917	.	PL	240.63	D	VFO
3017	PLACE FALSE BOMB-1ST	20010917	.	PL	240.62	D	VFO
3018	PLACE FALSE BOMB-2ND	20010917	.	PL	240.61	E	VFO
3021	HINDER PROSECUTION TERRORISM 1	20010917	.	PL	490.35	B	VFO
3022	HINDER PROSECUTION TERRORISM 2	20010917	.	PL	490.30	C	VFO
3023	SUPPORT ACT OF TERRORISM 1ST	20010917	.	PL	490.15	C	VFO
3024	SUPPORT ACT OF TERRORISM 2ND	20010917	.	PL	490.10	D	VFO
3025	MAKE TERRORISTIC THREAT	20010917	.	PL	490.20	D	VFO
3031	CRIM USE CHEM/BIOL WEAPON-1ST	20040727	.	PL	490.55	A	VFO
3032	CRIM USE CHEM/BIOL WEAPON-2ND	20040727	.	PL	490.50	A	VFO
3033	CRIM USE CHEM/BIOL WEAPON-3RD	20040727	.	PL	490.47	B	VFO
3034	CRIM POSS CHEM/BIOL WEAPON-1ST	20040727	.	PL	490.45	A	VFO
3035	CRIM POSS CHEM/BIOL WEAPON-2ND	20040727	.	PL	490.40	B	VFO
3036	CRIM POSS CHEM/BIOL WEAPON-3RD	20040727	.	PL	490.37	C	VFO
3301	PROM GAMB LOTT/POLICY 1ST	19670901	.	PL	225.10	E	PDO
3302	PROM GAMB BOOKMAKING 1ST	19670901	.	PL	225.10	E	PDO
3303	POSS GAMB RCDS LOTT/POLICY 1ST	19670901	.	PL	225.20	E	PDO
3304	POSS GAMB RCDS BOOKMAKING 1ST	19670901	.	PL	225.20	E	PDO
3401	CRIM MISCHIEF 2ND	19710901	.	PL	145.10	D	PDO
3402	CRIM MISCHIEF 3RD	19710901	.	PL	145.05	D	PDO
3404	CRIM TAMPERING 1ST	19670901	.	PL	145.20	D	PDO
3406	CRIM MISCHIEF 1ST	19710901	.	PL	145.12	B	PDO
3409	TAMPER W/ CONSUMER PROD 1ST	19861101	.	PL	145.45	E	PDO
3410	CEMETERY DESECRATION 1ST	19971101	.	PL	145.23	E	PDO
3501	CRIM TRESPASS 1ST	19690901	.	PL	140.17	D	PDO
3601	UNLAW POSS MEDICAL WASTE 1ST	19890707	.	ECL	71-4404	E	PDO
3602	UNLAW POSS HAZARDOUS WASTE 2ND	19810721	.	ECL	71-2707	E	PDO
3603	WILLFULLY SETS FOREST FIRE	19720901	.	ECL	09-1105	E	PDO
3604	ENDNGR PUB HLTH/SFTY/ENVRT 3RD	19861101	.	ECL	71-2712	E	PDO
3605	UNLAW RELEASE MED WASTE 2ND	19890722	.	ECL	71-4407	E	PDO
3606	RELEASE OF SOLID WASTE 2ND OFF	19960101	.	ECL	71-2703	E	PDO
3607	ENDNGR PUB HLTH/SFTY/ENVRT 1ST	19861101	.	ECL	71-2714	C	PDO
3901	ESCAPE 1ST	19670901	.	PL	205.15	D	PDO
3902	ESCAPE 2ND	19670901	.	PL	205.10	E	PDO
3904	ABSCOND FROM TEMP RELEASE 1ST	19720621	.	PL	205.17	E	PDO
3907	PROM PRISON CONTRABAND 1ST	19670901	.	PL	205.25	D	PDO
3909	HINDERING PROSECUTION 1ST	19670901	.	PL	205.65	D	PDO
3910	HINDERING PROSECUTION 2ND	19670901	.	PL	205.60	E	PDO
3912	ABSCOND COMMUNITY TREAT FAC	19860724	.	PL	205.19	E	PDO
4001	KIDNAPPING 1ST	19670901	.	PL	135.25	A	VFO
4002	KIDNAPPING 2ND	19670901	.	PL	135.20	B	VFO
4003	UNLAW IMPRISONMENT 1ST	19670901	.	PL	135.10	E	CVO
4004	CUSTODIAL INTERFERENCE 1ST	19670901	.	PL	135.50	E	CVO
4005	SUBSTITUTION OF CHILDREN	19670901	.	PL	135.55	E	CVO
4006	COERCION 1ST	19670901	.	PL	135.65	D	CVO
4010	BODY STEALING	19670901	20061031	PHL	4216	E	PDO
4011	BODY STEALING	20061101	.	PHL	4216	D	PDO
4012	OPENING GRAVES	19971101	20061031	PHL	4218	E	PDO
4200	AGG. CRIMINAL CONTEMPT	19960901	.	PL	215.52	D	PDO
4201	BAIL JUMPING 2ND	19830908	.	PL	215.56	E	PDO
4202	TAMPER W/ PHYS EVIDENCE	19670901	.	PL	215.40	E	PDO
4203	CRIM CONTEMPT 1ST	19720901	.	PL	215.51	E	PDO
4204	UNLAW GRAND JURY DISCLOSURE	19770719	.	PL	215.70	E	PDO
4215	TAMPER W/ A WITNESS 3RD	19820901	.	PL	215.11	E	PDO
4216	TAMPER W/ A WITNESS 1ST	19820901	.	PL	215.13	B	PDO
4217	TAMPER W/ A WITNESS 2ND	19820901	.	PL	215.12	D	PDO
4218	BAIL JUMPING 1ST	19830908	.	PL	215.57	D	PDO
4300	BIGAMY	19670901	.	PL	255.15	E	PDO
4601	PERJURY 1ST	19670901	.	PL	210.15	D	PDO
4602	PERJURY 2ND	19670901	.	PL	210.10	E	PDO
4603	MAKE APP SWORN FALSE STATE 1ST	19670901	.	PL	210.40	E	PDO
4800	BRIBERY 2ND	19730901	19861031	PL	200.00	D	PDO
4801	BRIBERY 1ST	19730901	.	PL	200.04	B	PDO
4802	BRIBE REC 1ST	19730901	.	PL	200.12	B	PDO
4803	REWARDING OFF. MISCONDUCT 1ST	19730901	.	PL	200.22	C	PDO
4804	BRIBE REC 2ND	19730901	19861031	PL	200.10	D	PDO
4805	REC. REW., OFF. MISCONDUCT 1ST	19730901	.	PL	200.27	C	PDO
4806	REWARDING OFF. MISCONDUCT 2ND	19730901	.	PL	200.20	E	PDO
4807	REC. REW., OFF. MISCONDUCT 2ND	19730901	.	PL	200.25	E	PDO
4808	BRIBE REC BY A JUROR	19670901	.	PL	215.20	D	PDO
4809	BRIBE REC BY A WITNESS	19670901	.	PL	215.05	D	PDO
4810	BRIBING A JUROR	19851101	.	PL	215.19	D	PDO
4811	BRIBING A WITNESS	19670901	.	PL	215.00	D	PDO
4812	SPORTS BRIBING	19670901	.	PL	180.40	D	PDO
4813	SPORTS BRIBE RECEIVING	19670901	.	PL	180.45	E	PDO

Crime Code	Crime Description	Effective Date	Repeal Date	Legal	Authority	Crime Class	Crime Type
4814	COMMERCIAL BRIBING 1ST	19830901	.	PL	180.03	E	PDO
4815	COMMERCIAL BRIBE REC 1ST	19830901	.	PL	180.08	E	PDO
4818	BRIBING A LABOR OFFICIAL	19670901	.	PL	180.15	D	PDO
4819	BRIBE REC BY A LABOR OFFICIAL	19670901	.	PL	180.25	D	PDO
4820	BRIBE GIVING FOR PUBLIC OFFICE	19670901	.	PL	200.45	D	PDO
4821	BRIBE REC FOR PUBLIC OFFICE	19670901	.	PL	200.50	D	PDO
4826	TAMPER W/ SPORTS CONTEST 1ST	19820926	.	PL	180.51	E	PDO
4827	IMP INTGRTY PARIMUTUEL BET 2ND	19820926	.	PL	180.52	E	PDO
4828	IMP INTGRTY PARIMUTUEL BET 1ST	19820926	.	PL	180.53	D	PDO
4829	INTIMIDATN, VICTIM/WITNESS 2ND	19851101	.	PL	215.16	D	VFO
4830	INTIMIDATN, VICTIM/WITNESS 3RD	19851101	.	PL	215.15	E	PDO
4831	BRIBERY 2ND	19861101	.	PL	200.03	C	PDO
4832	BRIBERY 3RD	19861101	.	PL	200.00	D	PDO
4833	BRIBE REC 2ND	19861101	.	PL	200.11	C	PDO
4834	BRIBE REC 3RD	19861101	.	PL	200.10	D	PDO
4835	INTIMIDATN, VICTIM/WITNESS 1ST	19851101	.	PL	215.17	B	VFO
5301	CRIM DIVERSION PRESCRIP-1ST	19951101	.	PL	178.25	C	PDO
5302	CRIM DIVERSION PRESCRIP-2ND	19951101	.	PL	178.20	D	PDO
5303	CRIM DIVERSION PRESCRIP-3RD	19951101	.	PL	178.15	E	PDO
5400	EAVESDROPPING	19670901	.	PL	250.05	E	PDO
5407	UNLAWFUL SURVEILLANCE 1ST	20030811	.	PL	250.50	D	PDO
5408	UNLAW SURVEILLANCE 2ND(SUB 1)	20030811	.	PL	250.45	E	PDO
5409	UNLAW SURVEILLANCE 2ND(2,3,4)	20030811	.	PL	250.45	E	PDO
5410	DISSEM UNLAW SURV IMAGE 1ST	20030811	.	PL	250.60	E	PDO
6001	RIOT 1ST	19670901	.	PL	240.06	E	PDO
6002	CRIM ANARCHY	19670901	.	PL	240.15	E	PDO
6400	CONSPIRACY 1ST	19730901	19780831	PL	105.15	B	PDO
6401	CONSPIRACY 1ST	19780901	.	PL	105.17	A	VFO
6402	CONSPIRACY 2ND	19780901	.	PL	105.15	B	PDO
6403	CONSPIRACY 3RD	19780901	.	PL	105.13	D	PDO
6404	CONSPIRACY 4TH	19780901	.	PL	105.10	E	PDO
6500	CRIM SOLICITATION 1ST	19780901	.	PL	100.13	C	PDO
6501	CRIM SOLICITATION 2ND	19780901	.	PL	100.10	D	PDO
6502	CRIM SOLICITATION 3RD	19780901	.	PL	100.08	E	PDO
6600	CRIM FACILITATION 1ST	19780901	.	PL	115.08	B	PDO
6601	CRIM FACILITATION 2ND	19780901	.	PL	115.05	C	PDO
6602	CRIM FACILITATION 3RD	19780901	.	PL	115.01	E	PDO
6700	UNAUTH TRANSFER OF RECD SOUND	19901101	.	PL	275.10	E	PDO
6704	FAIL DISCLOSE ORIGIN REC-1ST	19901101	.	PL	275.40	E	PDO
6705	UNAUTH RECORDING-1ST:ADV SALE	19901101	.	PL	275.30	E	PDO
7001	JO - AGG SEXUAL ABUSE 1ST	19881101	.	PL	130.70	B	VFO
7002	JO - ARSON 1ST	19710901	.	PL	150.20	A	VFO
7003	JO - ARSON 2ND	19710901	.	PL	150.15	B	VFO
7004	JO - ASSAULT 1ST	19670901	19961031	PL	120.10	C	VFO
7005	JO - BURGLARY 1ST	19670901	.	PL	140.30	B	VFO
7006	JO - BURGLARY 2ND	19670901	.	PL	140.25	C	VFO
7007	JO - KIDNAPPING 1ST	19670901	.	PL	135.25	A	VFO
7008	JO - MANSLAUGHTER 1ST	19670901	.	PL	125.20	B	VFO
7009	JO - MURDER 2ND	19740901	.	PL	125.25	A	VFO
7010	JO - RAPE 1ST	19670901	.	PL	130.35	B	VFO
7011	JO - ROBBERY 1ST	19670901	.	PL	160.15	B	VFO
7012	JO - ROBBERY 2ND	19670901	.	PL	160.10	C	VFO
7013	JO - SODOMY 1ST	19670901	.	PL	130.50	B	VFO
7014	JO - ASSAULT 1ST DEGREE	19961101	.	PL	120.10	B	VFO
7015	JO - CRIM POSS WEAP 2ND SCHOOL	19981101	.	PL	265.03	C	VFO
7016	JO - CRIM POSS WEAP 3RD SCHOOL	19981101	.	PL	265.02	D	VFO
7017	JO - CRIMINAL SEXUAL ACT 1ST	20031101	.	PL	130.50	B	VFO
8001	YO - MURDER	19841128	.	.	.	.	VFO
8002	YO - MANSLAUGHTER	19841128	.	.	.	.	VFO
8003	YO - CRIM NEGLIGENT HOMICIDE	19841128	.	.	.	.	CVO
8004	YO - RAPE	19841128	.	.	.	.	VFO
8005	YO - ROBBERY	19841128	.	.	.	.	VFO
8006	YO - ASSAULT	19841128	.	.	.	.	VFO
8007	YO - BURGLARY	19841128	.	.	.	.	VFO
8010	YO - GRAND LARCENY (NOT AUTO)	19841128	.	.	.	.	PDO
8013	YO - GRAND LARCENY (AUTO)	19841128	.	.	.	.	PDO
8014	YO - CRIM POSS STOLEN PROP	19841128	.	.	.	.	PDO
8015	YO - FRAUD	19841128	.	.	.	.	PDO
8016	YO - FORGERY	19841128	.	.	.	.	PDO
8017	YO - ARSON	19841128	.	.	.	.	CVO
8018	YO - PROMOTING PROSTITUTION	19841128	.	.	.	.	PDO
8019	YO - SODOMY / SEXUAL ABUSE	19841128	.	.	.	.	VFO
8020	YO - DRUG OFFENSE	19841128	.	.	.	.	PDO
8021	YO - DANGEROUS WEAPONS	19841128	.	.	.	.	VFO
8022	YO - DRIVING WHILE INTOXICATED	19841128	.	.	.	.	PDO
8024	YO - ABANDMNT/NONSUPPORT CHILD	19841128	.	.	.	.	CVO
8026	YO - MFG/SALE ILLICIT ALC BEV	19841128	.	.	.	.	PDO
8028	YO - DRIVING WHILE IMP/DRUGS	19841128	.	.	.	.	PDO
8033	YO - PROG GAMB LOTTERY/POLICY	19841128	.	.	.	.	PDO
8034	YO - CRIMINAL MISCHIEF	19841128	.	.	.	.	PDO
8035	YO - CRIMINAL TRESPASS	19841128	.	.	.	.	PDO
8039	YO - ESC/ABS, RES. ARREST	19841128	.	.	.	.	PDO
8040	YO - KIDNAPPING	19841128	.	.	.	.	VFO
8042	YO - TAMPERING WITH A WITNESS	19900110	.	.	.	.	PDO
8044	YO - CRIM SEXUAL ACT/SEX ABUSE	20031101	.	.	.	.	VFO
9501	ROBBERY 1ST (PRIOR 9/1/78)	19670901	19780831	PL	160.15	B	VFO
9502	ROBBERY 2ND (PRIOR 9/1/78)	19670901	19780831	PL	160.10	C	VFO
9503	RAPE 1ST (PRIOR 9/1/78)	19670901	19780831	PL	130.35	B	VFO
9504	SODOMY-1ST (PRIOR 9/1/78)	19670901	19780831	PL	130.50	B	VFO
9506	CRIM POSS WEAPON 2 PRE-9/1/78	19740901	19780831	PL	265.03	C	VFO
9507	MANSLAUGHTER 1ST(PRIOR 9/1/78)	19670901	19780831	PL	125.20	B	VFO
9508	BURGLARY 1ST (PRIOR 9/1/78)	19670901	19780831	PL	140.30	B	VFO
9509	MURDER 2ND PRE-9/1/78	19670901	19780831	PL	125.25	A	VFO
461	461	461	70	461	461	461	461

Prepared by:

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May 2009**