

Felony Sentencing Events by Most Serious Offense Type and Disposition
Fiscal Years 2019-2020

Most Serious Offense at Sentencing	Disposition					
	Probation/ No Incarceration	Jail up to 12 Mos	Median Jail Sentence	Prison 1 Yr or More	Median Prison Sentence	Number of Sentencing Events
Person						
Capital Murder						
Homicide—1 st degree	0.0%	0.0%	N/A	100.0%	37.5 yrs	162
Homicide—2 nd degree*	1.4%	0.0%	N/A	98.6%	20.0 yrs	141
Manslaughter	5.2%	11.6%	6.0 mos	83.2%	5.9 yrs	173
Abduction	10.1%	23.1%	5.5 mos	66.8%	3.5 yrs	277
Forcible rape, victim < 13	2.3%	0.0%	N/A	97.7%	17.5 yrs	43
Forcible sodomy, victim < 13	1.6%	1.6%	10.0 mos	96.9%	22.3 yrs	64
Object sexual penetration, victim < 13	0.0%	0.0%	N/A	100.0%	12.0 yrs	36
Forcible rape, other victim	1.1%	2.2%	7.5 mos	96.7%	14.0 yrs	90
Forcible sodomy, other victim	2.4%	0.0%	N/A	97.6%	13.0 yrs	41
Object sexual penetration, other victim	0.0%	2.3%	7.0 mos	97.7%	15.6 yrs	43
Indecent liberties with child	9.7%	29.1%	6.0 mos	61.2%	2.0 yrs	134
Aggravated sexual battery, victim < 13	5.1%	4.6%	3.0 mos	90.3%	5.0 yrs	195
Aggravated sexual battery, other minors	2.6%	7.7%	6.0 mos	89.7%	6.0 yrs	39
Other aggravated sexual battery	13.6%	12.1%	5.2 mos	74.2%	4.0 yrs	66
Carnal knowledge of a minor	16.0%	18.5%	6.0 mos	65.5%	2.6 yrs	119
Prostitution-related felonies	9.1%	18.2%	7.5 mos	72.7%	2.3 yrs	11
Incest	0.0%	13.3%	12.0 mos	86.7%	8.0 yrs	15
Robbery	7.1%	4.7%	6.0 mos	88.2%	5.7 yrs	890
Assault	10.7%	37.4%	7.0 mos	51.9%	2.2 yrs	2,991
Total Person	8.7%	24.1%	7.0 mos	67.2%	4.0 yrs	5,530
Property						
Arson	35.8%	29.5%	6.0 mos	34.7%	1.8 yrs	173
Burglary/B&E	21.7%	21.0%	6.0 mos	57.3%	2.6 yrs	1,555
Larceny**	27.5%	47.9%	3.0 mos	24.6%	1.5 yrs	8,124
Fraud**	37.0%	35.9%	7.0 mos	27.1%	1.5 yrs	2,905
Total Property	29.1%	41.6%	4.0 mos	29.3%	1.7 yrs	12,757

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Drug						
Sales, Distribution, Manufacture	18.8%	30.0%	6.0 mos	51.2%	2.3 yrs	5,060
Possession with Intent to Sell/ Distribute Sched. I/II drug, 1st Offense	12.9%	23.5%	9.0 mos	63.6%	2.0 yrs	1,740
Simple Possession	52.3%	38.3%	3.0 mos	9.4%	1.5 yrs	15,006
Other Drug Offense	49.5%	32.0%	4.0 mos	18.5%	1.5 yrs	531
Total Drug	41.5%	35.1%	3.0 mos	23.3%	2.0 yrs	22,337
Child Pornography, Online Solicitation, Etc.						
Child pornography (possession, transmission, and production)	11.0%	11.8%	6.0 mos	77.2%	5.0 yrs	237
Online solicitation of a minor	17.2%	27.6%	6.0 mos	55.2%	2.0 yrs	29
Procure minor for prostitution or obscene material	3.8%	6.6%	4.0 mos	89.6%	5.0 yrs	211
Total Child Pornography, Online Solicitation, Etc.	8.2%	10.5%	6.0 mos	81.3%	5.0 yrs	477
Other						
Conspiracy***	38.6%	36.2%	6.0 mos	25.2%	1.5 yrs	127
DUI	1.6%	66.3%	6.0 mos	32.1%	1.2 yrs	1,010
Habitual Offender	1.9%	12.4%	12.0 mos	85.7%	1.5 yrs	421
Other Felony Traffic	12.9%	40.1%	6.0 mos	47.0%	1.3 yrs	1,402
Weapons	26.0%	23.3%	7.0 mos	50.9%	2.0 yrs	1,784
Other****	25.6%	51.4%	4.0 mos	22.9%	1.5 yrs	1,439
Total Other	17.6%	40.2%	6.0 mos	42.3%	1.5 yrs	6,183
Total Sentencing Events						47,284

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Notes: Analysis is based on felony sentencing events covered by Virginia's sentencing guidelines; a sentencing event includes all of the offenses for which an offender is sentenced in the same court on the same day. Sentencing events are identified by the primary, or most serious, conviction offense, based on rules specified in the Virginia Sentencing Guidelines Manual. Analysis only includes sentencing events in which the primary, or most serious, offense is covered by the guidelines. Analysis includes completed, attempted and conspired offenses. Cases where possession with intent to distribute could not be separated from distribution, etc., of a drug were included in the "Sales, Distribution, Manufacture" category. "Other Drug Offense" includes possession of methamphetamine precursors, prescription fraud, distribution of drug paraphernalia under 18.2-265.3(B) and distribution of a Schedule I/II drug as an accommodation.

* Homicide 2nd degree includes felony murder.

**Guidelines larceny and fraud offenses committed prior to July 1, 2018, have a felony threshold of \$200 or more. Offenses committed on or after July 1, 2018 have a felony threshold of \$500 or more.

*** This category captures conspiracies to commit property or other non-person/non-drug offense.

****This category includes the following offenses: escape from correctional facility (§ 53.1-203(1)); threat by letter, communication, or electronic message (§ 18.2-60(A,1)); child abuse and neglect (§ 18.2-371.1(A)); gross, reckless care of a child (§ 18.2-371.1(B)); cruelty and injury to a child (§ 40.1-103); failure to appear in court for a felony offense (§ 19.2-128); participate in an offense by or for a gang (§ 18.2-46.2); participate in an offense by or for a gang with a juvenile (§ 18.2-46.2); provide cell phone to prisoner (§ 18.2-431.1); possession of cell phone by prisoner (§ 18.2-431.1); perjury, falsely swear an oath (§ 18.2-434); bestiality (§ 18.2-361(A)); bigamy (§ 18.2-362); violent sex offender fail to register (§ 18.2-472.1); nonviolent sex offender fail to register, second or subsequent offense (§ 18.2-472.1); violent sex offender fail to register, second or subsequent offense (§ 18.2-472.1); shoot or throw missile at train, car, vessel with malice (§ 18.2-154); and damage/destroy any property or monument with damage \$1,000 or more (§ 18.2-137(B,ii)).

Source: Virginia Criminal Sentencing Commission, Sentencing Guidelines Database

Prepared by: Virginia Criminal Sentencing Commission (February 3, 2021)