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**Impact of Sentencing Reforms and Speedy
Trial Laws in the United States, 1969-1989**

Thomas B. Marvell
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ICPSR 9736

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IMPACT OF SENTENCING REFORMS AND SPEEDY TRIAL LAWS
IN THE UNITED STATES, 1969-1989

(ICPSR 9736)

Principal Investigators

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Thomas B. Marvell and Carlisle E. Moody, Jr.

IMPACT OF SENTENCING REFORMS AND SPEEDY TRIAL LAWS IN THE UNITED STATES,
1969-1989 (ICPSR 9736)

SUMMARY: The certainty and promptness of punishment have long been hypothesized to be important variables in deterring crime. This data collection evaluates whether sentencing reforms and speedy trial laws to enhance promptness of punishment affected crime rates, prison admissions, and prison populations. The variables include state name, year, crime reports, economic conditions, population (including age structure), prison population, prison departures, and prison admissions. The unit of observation is the state by the year. CLASS IV

UNIVERSE: All persons in the United States during 1969-1989.

SAMPLING: The data collection is a pooled cross-sectional time series in 50 states for the period 1969-1989.

NOTE: This collection contains two 87-character records per case.

EXTENT OF COLLECTION: 1 data file + data collection instrument

EXTENT OF PROCESSING: BLANKS/ NONNUM/ UNDOCCHK.PR

DATA FORMAT: Logical Record Length

File Structure: rectangular

Cases: 1,050

Variables: 31

Record Length: 87

Records Per Case: 2

RELATED PUBLICATION:

Marvell, Thomas B., and Carlisle E. Moody, Jr. "Ultimate Impacts of Sentencing Reforms and Speedy Trial Laws" (Final Report). Washington, DC: National Institute of Justice, 1991.

ULTIMATE IMPACTS OF SENTENCING REFORMS AND SPEEDY TRIAL LAWS

**Thomas B. Marvell
Carlisle E. Moody, Jr.**

**A User's Guide
To the Machine-Readable Files and Documentation**

November 1991

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**Ultimate Impacts of Sentencing Reforms
and Speedy Trial Laws**

Award No. 88-IJ-CX-0045

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SUMMARY

The certainty and promptness of punishment have long been hypothesized to be important variables in deterring crime. In the 1970's and early 1980's, these tenets resulted in widespread adoption of 1) sentencing reforms, to enhance certainty of punishment, and 2) speedy trial laws, to enhance promptness of punishment. This study seeks to evaluate whether such reforms affected crime rates, prison admissions, and prison populations.

A pooled time-series cross-section design was employed to evaluate the effectiveness of the reforms. The time span covered by the evaluation is from 1969-1989, and the data are contained in 1 file. The file contains 1050 cases and 31 variables. The variables include state name, year, crime reports, economic conditions, population (including age structure), prison population, prison departures, and prison admissions. The pooled design allows investigators to limit analyses to states and years where the data are most accurate and relevant.

GENERAL STUDY OVERVIEW

Source: Marvell, T.B., & Moody, Jr., C.E. (1991). *Ultimate impacts of sentencing reforms and speedy trial laws*. Final report to the National Institute of Justice.

Study Identification

Ultimate Impacts of Sentencing Reforms and Speedy Trial Laws

Thomas B. Marvell and Carlisle E. Moody, Jr.

Justec Research

Award No. 88-IJ-CX-0045

Key Words

Crime rates, determinate sentencing, evaluation, pooled time-series cross-section design, presumptive sentencing, prison admissions, prison population, sentencing guidelines, sentencing reforms, speedy trial laws.

Purpose of the Study

Certainty and promptness of punishment have long been hypothesized to be important variables in deterring crime. In the 1970's and early 1980's, these tenets resulted in widespread adoption of 1) sentencing reforms, to enhance certainty of punishment, and 2) speedy trial laws, to enhance promptness of punishment. Past research on these reforms has concentrated on immediate goals, such as reducing sentence disparity and court delay. In contrast, the purpose of this study was to focus on possible broader effects of these reforms, such as changes in state crime rates, prison admissions, and prison populations.

The sentencing reforms evaluated in this research fall into two distinct categories: broad sentencing reforms, and laws that mandate prison terms for crimes committed with deadly weapons. The broad reforms, which have been adopted in 20 states, fall into three types: determinate sentencing laws, presumptive sentencing laws, and sentencing guidelines. In these states prior to the reforms, and in almost all other states today, the dominant mode of sentencing was indeterminate sentencing, under which the court sets only the maximum term or a very broad range of years. Seven states adopted determinate sentencing statutes that provide more narrow ranges for the various classifications of felonies. Under these statutes, the court sentences the defendant to a definite number of years falling within that range. Seven states adopted presumptive sentencing statutes that provide specific terms for each class of crime, and specify that the judge must give that sentence unless finding mitigating or aggravating circumstances. Six states adopted state-wide sentencing guidelines that provide a suggested sentence or narrow range based on several characteristics of the crime and the defendant. Again, the judge typically cannot depart from the suggested sentences unless mitigating or aggravating circumstances are found.

During the past two decades nearly all states also enacted laws that established prison terms for crimes committed with deadly weapons. In addition, most of these laws require mandatory minimum sentences if the court finds that the defendant used or possessed a deadly weapon during the commission of a felony.

Speedy trial laws have been enacted in most states during the past three decades. These laws require courts to bring defendants to trial within a specified period, usually four to six months.

This research explores the impact of these new laws on crime rates, prison admissions, and prison populations. The data address the following questions:

1. Is there a significant relationship between the sentencing reforms and crime rates, prison admissions, or prison populations?
2. Is there a significant relationship between speedy trial laws and crime rates, prison admissions, or prison populations?
3. Is there a significant relationship between the new weapons laws and crime rates, prison admissions, or prison populations?
4. To what degree can differences in crime rates, prison admissions, and prison populations be explained by age structure of the population and by economic conditions?

Methods

Study Design

The study employs a pooled time-series cross-section design to address the impact of sentencing reforms and speedy trial laws on crime rates, prison admissions, and prison populations. The pooled design combines data from several units. In this case, the units that are combined are states and years. The pooled design is important in that it allows investigators to limit analyses to states and years where the data are most accurate and relevant. The pooled design also allows for the use of control variables and fixed effects, which control for influences of omitted variables when constant for a state over time or when constant for a year over the states.

Sources of Information

The prison data are taken from Bureau of Justice Statistics (BJS) reports, mainly *Prisoners and Prison Admissions and Releases*. Admissions and release data for 1988 are from unpublished BJS Statistics.

The data on crime rates are from the Federal Bureau of Investigation (1972-1990), and are the adjusted statistics published in the succeeding year *Crime Report* (i.e., the 1980 data were taken from the 1981 *Crime Report*, and so on.). The one exception to this is that the 1971 larceny data were taken from unpublished statistics supplied by the Bureau.

Population data were obtained from the U.S. Bureau of the Census, and data on economic conditions were obtained from the Department of Commerce.

Information concerning the content and effective dates of legal reforms were determined by reading statute books and court rules. These results were then checked against law review articles and other secondary sources.

Sample

The sample consisted of each state for the years 1969-1989.

Response Rates

Response rates are not relevant because the study elements, states by years, comprise the universe of interest.

Dates of Data Collection

Data were gathered from records pertaining to the years 1969-1989.

Summary of Contents

Description of Variables

The variables are: observation number, state name, state number, year, crime report data on burglary, larceny, motor vehicle theft, murder, rape, assault, and robbery, total personal income and GNP price deflator, total population and population of specific age groups (i.e., ages 15-17, 18-24, and 25-34), total prison population, prison population sentenced to over one year, adjustment for prison population, total prison departures, prison departures due to death, prison departures due to change of jurisdiction, total prison admissions, court commitments, and prison admissions including parolees and returned escapees. A new variable called the "prison term index" was created by dividing the prison departures by the prison population.

In addition, five appendices are included at the end of the codebook. These appendices contain information used by the investigators to construct the independent variables. Specifically, Appendix A contains information on sentencing reforms, Appendix B contains information on sentencing laws for felonies committed with deadly weapons, and Appendix C contains information on state speedy trial laws. Further discussion of the variables may be found in Appendix D, and the program that was used to create the independent variables may be found in Appendix E.

Presence of Common Scales

None.

Unit of Observation

The unit of observation is the state by year.

Geographic Coverage

The data are drawn from all 50 states comprising the U.S.A.

Evaluation

Data Quality

Checks for missing values indicate that there are quite a few variables with a large percentage of missing values. For complete information on missing values and out-of-range values, see Tables 1-4.

Data Limitations

Because there is a large degree of variability in state laws, it is difficult to classify state statutes into definitive categories for the purposes of analysis. Also, much of the data related to prison populations are unreliable (see Appendix D, Tables III-1 and III-2 for specific information).

Reports and Publications

Marvell, T.B., & Moody, Jr., C.E. (1991). Ultimate impacts of sentencing reforms and speedy trial laws Final report to the National Institute of Justice.

DATA COMPLETENESS REPORT

This section presents information regarding the quality of the data in this Data Set. Tables 1 and 2 indicate the extent and location of out-of-range values, and Tables 3 and 4 summarize the incidence of missing data.

Number of Cases: 1050
Number of Variables: 31

Table 1. Distribution of Variables by Percentage of Out-of-Range Values

Percent of Cases with Out-of-Range Values	Distribution of Variables By Percent Out-of-Range Values	
	Number	Percent
0% (0 cases)	31	100.0%
> 0% to 100% (1 to 1050 cases)	0	0.0%
Total	31	100.0%

Table 2. List of Variables With Out-of-Range Values

None.

Table 3. Distribution of Variables by Percentage of Missing Values

Percent of Cases with Missing Values			Distribution of Variables By Percent Missing Values	
			Number	Percent
	0%	(0 cases)	15	48.4%
> 0%	to 1%	(1 to 10 cases)	5	16.1%
> 1%	to 3%	(11 to 31 cases)	1	3.2%
> 3%	to 5%	(32 to 52 cases)	2	6.5%
> 5%	to 10%	(53 to 105 cases)	1	3.2%
> 10%	to 20%	(106 to 210 cases)	1	3.2%
> 20%	to 40%	(211 to 420 cases)	6	19.4%
> 40%	to 100%	(421 to 1050 cases)	0	0.0%
Total			31	100.0%

Note. Information for the year 1969 was collected only for the variables TPI and DEFL. For the other variables, information for 1969 is considered non-applicable rather than missing.

Table 4. List of Variables With Over 5% Missing Values (53 Missing Values or More)

Variable Name and Label		Number of Cases
CRLAR	Crime report for larceny-theft	58
PRCE	Total prison population	300
PRDT	Total prison departures	251
PRDD	Prison departures due to death	251
PRDJ	Prison departures due to change of jurisdiction	301
PRAT	Total prison admissions	251
PRAC	Prison admissions due to court commitments	256
PRA	Prison admissions due to court commitments, plus parolees and escapees returned	168

Note: The variable names used here are those used in the codebook.

**ULTIMATE IMPACTS OF SENTENCING REFORMS
AND SPEEDY TRIAL LAWS**

**Thomas B. Marvell
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Codebook

November 1991

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CODEBOOK NOTES

1. The data are coded in ASCII format as raw data. Two records of up to 80 columns are used to code the data. Each row starts with a five-column case ID number, state and year identifier, and a record number. The codebook provides a short variable name for each variable, a longer descriptive label, the record number on which the variable is coded, the starting and ending column positions within the record, and the format used to code the variable. Fw.d refers to standard numeric format where w indicates the total number of columns used to code the variable, including any decimal points, and d indicates the number of positions to the right that are interpreted as decimals. String format -Aw- is used to read character data, in which w indicates the total column width of the character string.

2. See Appendices A-C for information used by the investigators to construct the independent variables (sentencing reforms and speedy trial laws in each state), Appendix D for a more detailed explanation of the variables, and Appendix E for the SAS program used to construct the independent variables. Note that some of the variables described in Appendix D are those constructed by the authors' specifically for their analysis. These constructed or modified variables are not included in the data set.

VARIABLE NAME	LABEL	RECORD NUM	POSITION START	END	FORMAT
OBS	OBSERVATION NUMBER	1	1	4	F4.0
STNAME	STATE NAME ABBREVIATION	1	5	8	A4
STATE	STATE NUMBER	1	9	10	F2.0

Value	Label
-------	-------

1	AK
2	ALA
3	ARIZ
4	ARK
5	CAL
6	COL
7	CONN
9	DEL
10	FL
11	GA
12	HA
13	ID
14	IL
15	IND
16	IOWA
17	KA
18	KY
19	LA
20	MASS
21	MD
22	ME
23	MICH
24	MINN
25	MISS
26	MO
27	MONT
28	NC
29	ND
30	NEB
31	NEV
32	NH
33	NJ
34	NM
35	NY
36	OHIO
37	OKL
38	OR
39	PA
40	RI
41	SC
42	SD
43	TENN
44	TX
45	UT
46	VA

VARIABLE NAME	LABEL	RECORD NUM	POSITION START	END	FORMAT
	47 VT				
	48 WASH				
	49 WISC				
	50 WVA				
	51 WY				
YEAR	YEAR	1	11	12	F2.0
ROW1	RECORD MARKER, RECORD 1	1	13	13	F1.0
CRBUR	UCR BURGLARY, NUM OF INCIDENTS	1	14	19	F6.0
CRLAR	UCR LARCENY, NUM OF INCIDENTS	1	20	25	F6.0
CRVM	UCR MOTOR VEHICLE THEFT, NUM OF INCIDENTS	1	26	31	F6.0
CRMUR	UCR MURDER, NUM OF INCIDENTS	1	32	37	F6.0
CRRAP	UCR RAPE: NUM OF INCIDENTS	1	38	43	F6.0
CRASS	UCR ASSAULT: NUM OF INCIDENTS	1	44	49	F6.0
CRROB	UCR ROBBERY: NUM OF INCIDENTS	1	50	55	F6.0
POP	TOTAL STATE POP EST., IN 1000'S	1	56	61	F6.0
P15T17	POP. 15 TO 17 YRS, IN 1000'S	1	62	66	F5.0
P18T24	POP. 18 TO 24 YRS, IN 1000'S	1	67	71	F5.0
P25T34	POP. 24 TO 34 YRS, IN 1000'S	1	72	76	F5.0
PTOT	TOTAL POP. IN 1000'S, EST. BASED ON SUM OF ALL AGE GROUP POPULATION ESTIMATES	1	77	82	F6.0
PRCE	TOTAL PRISON POP	1	83	87	F5.0
OBS	OBSERVATION NUMBER	2	1	4	F4.0
STNAME	STATE NAME ABBREVIATION	2	5	8	A4
STATE	STATE NUMBER (SEE VALUE LABELS ABOVE)	2	9	10	F2.0
YEAR	YEAR	2	11	12	F2.0
ROW2	RECORD MARKER, RECORD 2	2	13	13	F1.0
PRCYE	PRISON POP, SENTENCED TO 1 YR+	2	14	18	F5.0

VARIABLE NAME	LABEL	RECORD NUM	POSITION START	END	FORMAT
PRADJ	PRISONERS IN JAIL DUE TO OVERCROWDING	2	19	23	F5.0
PRDT	TOTAL PRISON DEPARTURES OF THOSE SENTENCED 1 YR+	2	24	28	F5.0
PRDD	PRISON DEPART. DUE TO DEATH OF THOSE SENTENCED 1 YR+	2	29	33	F5.0
PRDJ	PRISON DEPART. DUE TO TRANSFERS TO ANOTHER JURISDICTION OF THOSE SENTENCED 1 YR+	2	34	38	F5.0
PRAT	TOTAL PRISON ADMISIONS, 1 YR+	2	39	43	F5.0
PRAC	COURT COMMITMENTS, 1 YR+	2	44	48	F5.0
PRA	TOTAL PRISON ADMISSIONS	2	49	53	F5.0
TPI	TOTAL PERSONAL INCOME, IN \$1,000'S	2	54	62	F9.0
DEFL	GNP PRICE DEFLATOR (1972=1.0)	2	63	70	F8.0
SPTRZ	SPEEDY TRIAL LAWS: INDEX PROPORTION OF THE YEAR THE LAW EXISTS ¹	2	71	73	F3.1
	0.0 LAW DOES NOT EXIST ENTIRE YEAR				
	0.1				
	0.2				
	0.3				
	0.4				
	0.5				
	0.6				
	0.7				
	0.8				
	0.9				
	1.0 LAW EXISTS ENTIRE YEAR				
DWZ	DEADLY WEAPON LAWS: INDEX PROPORTION OF THE YEAR THE LAW EXISTS	2	74	76	F3.1
	0.0 LAW DOES NOT EXIST ENTIRE YEAR				
	0.1				
	0.2				
	0.3				

1 The state-years with speedy trial laws before 1972 have been coded 0 by the investigators for analytic purposes, even though these state-years did have speedy trial laws.

VARIABLE NAME	LABEL	RECORD NUM	POSITION START	END	FORMAT
	0.4				
	0.5				
	0.6				
	0.7				
	0.8				
	0.9				
	1.0				
	LAW EXISTS ENTIRE YEAR				
SENTZ	SENTENCING REFORM: INDEX PROPORTION OF THE YEAR THE LAW EXISTS	2	77	79	F3.1
	0.0				
	LAW DOES NOT EXIST ENTIRE YEAR				
	0.1				
	0.2				
	0.3				
	0.4				
	0.5				
	0.6				
	0.7				
	0.8				
	0.9				
	1.0				
	LAW EXISTS ENTIRE YEAR				

APPENDIX A

Sentencing Reforms 1969-1989

	Code Section	Law year & number	Effective Date	Type ¹
01 Alabama	13A-5-6	1977-607	1-1-80	D
02 Alaska	12.55.125	1978-166	1-1-80	P
03 Arizona	13.701	1977-142	10-1-78	P
04 Arkansas	5-4-401	1981-620	6-16-81	D
05 California	P 1170	1976-1139	7-1-77	P
06 Colorado	18-1-105	1977-216	7-1-79	D
07 Conn.	53a-35a	1980-442	7-1-81	D
08 Delaware				
09 Dist. Col.				
10 Florida	Rule 3.701	---2	10-1-83	G
11 Georgia				
12 Hawaii				
13 Idaho				
14 Illinois	1005-8-1	1978-1099	2-1-78	D
15 Indiana	35-50-2-1	1976-148	10-1-77	P
16 Iowa				
17 Kansas				
18 Kentucky				
19 Louisiana				
20 Maine	17A-1252	1975-499	5-1-76	D
21 Maryland				
22 Mass.				
23 Michigan	418 Mich lxxx	---2	3-1-84 ³	G
24 Minnesota	244.01	1978-723	5-1-80	G
25 Miss.				
26 Missouri				
27 Montana				
28 Nebraska				
29 Nevada	193.130	—	old	D

	Code Section	Law year & number	Effective Date	Type ¹
30 New Hamp.				
31 New Jersey	2C:44-1	1978-95	9-1-79	P
32 New Mexico	31-18-15	1979-152	7-1-79	P
33 New York				
34 North Car.	15A-1340.4	1979-760	7-1-81	P
35 North Dak.				
36 Ohio				
37 Oklahoma				
38 Oregon				
39 Penn.	202 Pa. Code	303-1 ---- ²	7-22-82	G
40 Rhode Is.				
41 South Car.				
42 South Dak.				
43 Tennessee	40-35-101	1982-868	7-1-82	D
44 Texas				
45 Utah				
46 Vermont				
47 Virginia				
48 Washington	9.94A.905	1981-137	7-1-84	G
49 West Va.				
50 Wisconsin	973.012	1983-371	11-1-85 ³	G
51 Wyoming				

1. D = Determinate (judge selects a specific term within a range established by statute); P = Presumptive (the statute gives a presumptive sentence, requiring special circumstances for deviation). G = Sentencing guidelines.

2. Nonstatutory: Florida, in Rules of Criminal Procedure; Michigan, Supreme Court order; Pennsylvania, Sentencing Commission Rule.

3. For sentences on or after that date.

APPENDIX B

Sentencing Laws for Felonies Committed with Deadly Weapons, 1969-89

State	Code section	Law number	Effective date	Instrument ¹	Mandatory minimum	Enhancement
01 Alabama	13a-5-6	1981-840	5-27-81	W	10 yr. ²	
02 Alaska	12.55.125	1978-166	1-1-80	WP	7 yr. ^{2,3}	
03 Arizona	13-604	1977-142	10-1-78	W	1/2 sent. ²	oth. ³
04 Arkansas	5-4-505	1975-280	1-1-76	F		15 yr.
05 California	P. 12022	---	old	W		1 yr. ²
06 Colorado	16-11-309	1976-547	5-10-76	W	120 days	oth. ⁵
07 Connecticut	53A-216	1981-342	10-1-81	F	5 yr.	
08 Delaware	11-1447	1973-203	7-1-73	WP	3 yr. ³	3-30 yr.
10 Florida	775.087	1975-7	10-1-75	W	3 yr.	oth. ⁵
11 Georgia	16-11-106	1976-1591	7-1-76	W		5 yr.
12 Hawaii	706-660.1	1976-204	6-7-76	FP	3 yr. ⁶	
13 Idaho	19-2520	1977-10	7-1-77	W		15 yr.
14 Illinois	none					
15 Indiana	35-50-2-2	1976-148	10-1-77	W	NS ⁴	
16 Iowa	902.7	1976-1245	1-1-78	FP, ⁷	5 yr.	
17 Kansas	21-4618	1976-168	7-1-76	F	NS ⁴	
18 Kentucky	533.060	1976-180	6-19-76	F	NS ⁴	
19 Louisiana	893.3	1981-139	9-11-81	F	5 yr. ³	
20 Maine	17A-1252	1975-499	5-1-76	W	1 yr. ²	oth. ⁵
21 Maryland	27-36b	1972-13	6-1-72	F	5 yr.	5-20 yr
22 Mass.	265-18B	1974-830	11-12-74	F	2 yr.	2-5 yr.
23 Michigan	750.227b	1976-6	1-1-77	FP	2 yr.	2 yr.
24 Minnesota	609.11	1979-258	8-1-79	WP	1 yr. ²	
25 Mississippi	none					
26 Missouri	571.015	1977-60	1-1-79	W	3 yr.	3 yr.
27 Montana	46-18-221	1977-584	1-1-78	W	2 yr.	2 yr.
28 Nebraska	28-1205	1977-38	7-1-78	WP		oth. ⁵
29 Nevada	193.165	1973-759	7-1-73	W	NS ^{4,7}	oth. ⁵
30 New Hamp.	651:2	1977-397	9-3-77	F	1 yr.	oth. ⁵
31 New Jersey	2C:43-6	1981-31	2-12-81	FP	18 mo. ²	

State	Code section	Law number	Effective date	Instrument ¹	Mandatory minimum	Enhancement
32 New Mexico	31-18-16	1977-216	6-17-77	F	1 yr.	
33 New York	Cr. 65.08	1980-233	6-13-80	F		oth. ⁵
34 North Car.	none					
35 North Dak.	12.1-32-02.1	1977-12	7-1-77	W	2 yr. ²	
36 Ohio	2929.71	1982-199	1-5-83	F ^P	3 yr.	3 yr.
37 Oklahoma	21-1287	1969-220	7-29-69	W ^P		2-10yr. ³
38 Oregon	161.610	1979-779	10-2-79	F	5 yr. ⁶	
39 Penn.	42-9712	1982-169	6-6-82	F ^P	5 yr.	
40 Rhode Is.	11-47-3	--	old	W	3 yr.	
41 South Car.	16-23-490	1986-462	6-3-86	W ^P	5 yr.	
42 South Dak.	22-14-12	1985-192	4-3-85	F	5 yr.	5 yr. ³
43 Tennessee	39-6-1710	1976-768	7-1-76	F	5 yr.	5 yr.
44 Texas	Cr. 42.12	1977-347	8-29-77	W	NS ⁴	
45 Utah	16-3-203	1976-9	4-1-76	F		1 yr. ²
46 Vermont	13-4005	--	old	W ^P		oth. ⁵
47 Virginia	18.2-53.1	1975-624	10-1-75	F	2 yr.	2 yr.
48 Washington	9.95.040	--	old	W		1-2 yr. ³
49 West Va.	62-12-2	1979-87	6-8-79	F	NS ⁴	
50 Wisconsin	939.63	1979-114	3-1-80	W	3 yr. ⁶	
51 Wyoming	6-8-101	1982-75	6-1-82	F		oth. ⁵

1. F = firearms. W = deadly weapon (or firearms and knives).
P = Penalty for possession, in addition to use, of weapon (Minnesota, 3 year minimum for firearms).

2. Higher minimum or enhancement for more important crimes.

3. Penalties have changed: Alaska, 6 years for firearms to 1982; California, 5 years to 1977; Delaware, 5 years to 1981; Louisiana, court permitted to impose a lesser sentence after Sept. 9, 1988; Oklahoma, 2 to 5 years to 1982; South Dakota, from Oct. 1, 1977, to 1985, a class 2 felony; Washington, 5 year minimum to 1984.

4. NS = there can be no suspension of the minimum sentence.

5. Other: Arizona, up to double sentence; Colorado, up to twice maximum sentence; Florida, one crime class higher (1974 law); Maine, one class higher; Nebraska, a separate crime; Nevada, double sentence; New Hampshire, also a Class B Felony (650-A:1); New York, separate felony; Vermont, separate felony; Wyoming, up to 10 years.

6. The court has discretion not to apply the minimum.

7. Limited to major crimes.

APPENDIX C

State Speedy Trial Laws

State	Law ¹	Effective date	Time Limits	
			period ²	begin point
02 Alaska	Rule 45	pre-72	120 days	charge/arrest
03 Arizona	Rule 8.2	9-1-73	120/150 days	arrest ⁶
04 Arkansas	Rule 28	7-1-80	12 months ^{3,5}	charge
05 California	Penal 1382	pre-72	60 days	indictment
06 Colorado	18-1-405 ⁴	pre-72	6 months	plea
07 Conn.	Rule 956	7-1-83	8/12 mo. ³	information
10 Florida	Rule 3.191	3-31-71	175 days	custody
12 Hawaii	Rule 48	1-1-77	6 months	charge/arrest
13 Idaho	19-3501	7-1-80	6 months ³	indictment
14 Illinois	38:103-5	1-1-64	120/160 days	custody ⁶
15 Indiana	Rule 4	pre-72	12 months	charge/arrest
16 Iowa	Rule 27	pre-72	90 days ⁵	indictment
17 Kansas	22-3402	7-1-70	90/180 days ³	arraignment
19 Louisiana	Crim. 701	9-11-81	120/180 days ³	arraignment
21 Maryland	27-591	6-25-79 ⁷	180 days	arraignment
22 Mass.	Rule 36	7-1-79	12 months	return date
25 Miss.	99-17-1	7-1-76	270 days	arraignment
26 Missouri	217.460	9-1-78	180 days	certificate
28 Nebraska	29-1207	4-30-71	6 months	indictment
32 New Mexico	Rule 5-604	7-1-72	6 months	arraignment
33 New York	Crim. 30.30	4-28-72	6 months	complaint
34 North Car.	15A-701	10-1-78	120 days	arrest
36 Ohio	2945.71	1-1-74	270 days	arrest
39 Penn.	Rule 1100	7/1/73	180 days ⁵	complaint

state	Law ¹	Effective date	Time Limits period ²	begin point
42 South Dak.	23A-44-5.1	7-1-85	180 days	1st appearance
44 Texas	Cr. 32A.02	7-1-78	180 days	commencement
47 Virginia	19.2-243	pre-72	6/9 months	probable cause
48 Washington	Rule 3.3 ⁸	pre-72	60/90 days ⁸	arraignment
50 Wisconsin	Rule 971.10	7-1-70	90 days	trial demand

1. The laws citation are either to the rule of criminal procedure or to statutory sections.

2. When two periods are given, the first is for defendants in pre-trial custody and the second is for those not in custody.

3. The speedy trial law superceded an earlier, less strict law. The former laws specified that the defendant must be brought to trial within a specified number of court terms, except in Louisiana the law had a limit of two years from filing to trial.

4. Also, Rule 48(b).

5. The laws have been amended to change the times: in Arkansas the times were 9 months if in jail and 3 terms if not to October 1, 1987; in Connecticut the times were 12 and 18 months from July 1, 1983, to June 30, 1985; in Iowa the time was 60 days until January 1, 1978; in Pennsylvania the time was 270 days until July 1, 1974; in Washington the time was 60 days for all defendants before November 17, 1978.

6. In Arizona the time runs from initial appearance for persons in custody, and in Illinois the time runs from when the defendant demands trial for persons not in custody.

7. Date of State v. Hicks 285 Md. 310, 403 A2d. 356 (1979) which held that violation of Section 591 results in dismissal.

8. Was Section 10.46.010.

APPENDIX D

Chapter 3. VARIABLES

This chapter first describes the dependent variables (prison commitments, prison population, prison term index, and crime rates), then the target variables (sentence reforms and speedy trial), and finally the exogenous control variables (such as economic and demographic variables). The time span covered by the analysis is dictated by the availability of data. The earliest year for any analysis is 1970, primarily because demographic variables are not available for earlier years. The final year for the data is either 1988 or 1989. The following discussion describes the variables used, the variable labels, the data sources, and the procedures for deleting inadequate data.

The prison, crime, and personal income variables are all divided by 1,000 population (variable POP).

3.1 Prison variables.

The study uses three basic prison variables: Prison admissions, prison population, and prison departures. The latter are used to create the "prison term index," the number of departures divided by the prison population. For all variables the figures are for prisoners sentenced to more than

one year, although the states are not completely consistent in their application of this definition.

Prison admissions data start in 1972 because the definitions changed substantially that year. Before 1972 the data are for felonies, and afterwards they are for prisoners with sentences of over one year. Also, states were probably less consistent in applying the data categories before 1972. (1972-3 Prisoners in State and Federal Institutions). Prison population data are used since 1971. Prison departure data does not start until 1973.

The prison data are taken from Bureau of Justice Statistics (BJS) reports, mainly Prisoners and Prison Admissions and Releases. Admissions and release data for 1988 are from unpublished BJS statistics. Footnotes in the BJS publications indicate many problems that may hinder comparability of these data from year to year and state to state. These are discussed below with reference to specific categories of data.

The basic prison variables in the data set are listed below (with the years for which data are used). The variables actually used in the regressions presented here are indicated with an asterisk, and they are further described below.

PRCE Prison population at year end (1976-89).

PRCYE* Prison population, prisoners sentenced to more than a year, at year end (1971-89) (PRCYE + PRADJ = total prisoners, including those in local jails due to overcrowding).

PRAT Total prison admissions, sentences of more than a year (1974-88).

PRAC Court commitments to prison, more than a year (1974-88).

PRA* Court commitments (PRAC), plus escapees and AWOLs returned and parole or other conditional release violators returned (1972-88)

PRDT* Total departures, prisoners sentenced to more than a year (1974-88)

PRDD Departures due to death, prisoners sentenced more than year (1974-88).

PRDJ Departures due to transfers to other jurisdictions, prisoners sentenced more than a year (1974-88).

PRADJ* The number of prisoners in local jails due to overcrowding and not counted in the prison population (coded as missing data when the number of prisoners in local jails are not known) (1971-89).

Table III-1

Prison Data Problems 1972-89¹

	Estimates used	Includes some sentenced to one year or less	Excludes split sentence	Custody data ²	Court commitment includes some returned from parole or prob.
01 Alabama	-	-	-	-	83+
02 Alaska	72-82	-	to 76	-	83+
03 Arizona	-	-	79	-	79
04 Arkansas	75	81,88	-	-	-
05 California	-	-	-	82+	-
06 Colorado	74	71-4,86+	-	-	77
07 Connecticut	75-6	-	-	-	77-83
08 Delaware	71-2	-	76+	-	76+
10 Florida	-	-	-	83+	83+
11 Georgia	71-4	-	77-8	83+	74,77
12 Hawaii	81	-	-	-	-
13 Idaho	-	-	-	-	75
14 Illinois	75-81	81	-	85+	-
15 Indiana	72-4,78-9	-	-	85+	-
16 Iowa	-	81-2	-	81+	-
17 Kansas	-	-	-	-	-
18 Kentucky	-	-	-	-	-
19 Louisiana	71-2,75	-	-	-	-
20 Maine	79,87	77-8	-	-	75
21 Maryland	-	71-81	-	-	77-81
22 Massachusetts	76,82	72-4,85-7	-	-	81+
23 Michigan	-	-	-	83+	-
24 Minnesota	72-4,78	-	-	-	-
25 Mississippi	-	74-6	-	-	82-3
26 Missouri	72-4	-	-	-	86+
27 Montana	-	-	-	-	-
28 Nebraska	-	76	-	-	-
29 Nevada	-	-	-	-	-
30 New Hampshire	-	-	-	-	83+

Table III-1 (cont.)

	Estimates used	Includes some sentenced to one year or less	Excludes split sentences	Custody data ²	Court commitment includes some returned from parole or prob.
31 New Jersey	72-4	-	-	-	-
32 New Mexico	-	-	77-8	-	-
33 New York	-	-	-	-	85+
34 North Carolina	72-7	-	77+	86+	-
35 North Dakota	-	78	-	-	75, 85+
36 Ohio	-	83+	-	-	75+
37 Oklahoma	72-4, 83	83-4	-	-	75, 82-3
38 Oregon	-	74	-	-	-
39 Pennsylvania	-	75	-	-	76
40 Rhode Island	73-4	-	77+	-	-
41 South Carolina	72-5	74	-	-	75, 78
42 South Dakota	84	-	-	-	-
43 Tennessee	-	79-80	-	-	-
44 Texas	-	-	-	78+	82
45 Utah	-	-	-	86	-
46 Vermont	73, 81-2	-	76-8	-	76, 86
47 Virginia	73-4	74	-	-	74-5
48 Washington	-	-	-	-	-
49 West Virginia	75	84	-	86+	79, 83+
50 Wisconsin	82	-	-	-	-
51 Wyoming	86-7	-	-	87	-

1. This information is derived from footnotes and other comments in the Bureau of Justice Statistics reports, Prisoners (1971-1983) and Prison Admissions and Releases (1983-87), and Correctional Populations in the United States (1986-87). Information about admissions and releases is not available for 1985 and 1988, and it is assumed that problems for the prior year continue. When year spreads are given, there may be years in between where there problem was not mentioned. It is likely that the problems exists for years not given but are not noted; especially the problems may exist for the early years even though only mentioned for the first time in later years.

2. Prisoners sentenced to more than one year, with part of the sentence suspended, such that the part not suspended is under one year.

Table III-2

Years for Which Prison Data Are Not Available

	Prison Admission (1972-88)	Prison Population (1971-89)	Prison Departures (1974-88)
Alabama	before 77	before 76	before 77
Arizona	after 87		after 87
Arkansas	after 84		after 84
California			before 80
Colorado	after 81		after 81
Connecticut			before 75
Florida			before 78
Idaho	after 86		after 86
Indiana	before 73		before 75
Kansas			before 78
Kentucky	after 83		after 83
Louisiana	before 77	before 76	before 77
Massachusetts	after 85		before 76 after 85
Michigan			before 75
Mississippi	before 78	before 76	before 78
New Jersey	all		all
North Carolina	before 75		before 75
Pennsylvania			before 76
Rhode Island	before 74		
Tennessee	after 82		after 82
Texas			before 75
Vermont	before 73		before 73
Virginia	before 80	before 76	before 80
Washington			before 75