

Second Look Sentencing

EXPLAINED

What it is, why we need it, and how it works

What it is:

Second look sentencing laws grant an individual serving an extreme sentence the opportunity to have their sentence reviewed and potentially be released if the person has successfully rehabilitated themselves after a defined period (e.g., 10 or 15 years). A judge or a sentencing review board (parole board, indeterminate sentence board, etc.) may reduce a sentence or release an individual.

How it works:

Step 1: A judge sentences John Doe to 35 years in prison.



Step 2: John successfully completes rehabilitative programming in prison and has few disciplinary infractions.



Step 3: After 10 years of incarceration, John becomes eligible to have his sentence reviewed. This can be done through a petition to the court or eligibility to appear before a parole board or discretionary release panel.



Why do we need it?

1.5 million

people incarcerated in state and federal prison.

53,290

people serving life without parole sentences.

1 in 7

people in prison are serving a life sentence or a “virtual” life sentence of 50 years or more.

17 states

plus the federal government have no parole system in place.

Step 4: The court or review board considers changes in John’s life, including behavior in prison, participation in programming, maturation, as well as input from stakeholders such as the prosecuting attorney, victims, and prison staff.



Step 5: The court or review board determines whether or not John remains a public safety risk and whether the original sentence advances the interest of justice. John can then have his sentence reduced or be released and sent home immediately, often under supervision.



Step 6: John is released from prison – saving himself, his family, and taxpayers the high economic and social costs of his excessive sentence.

