



R Sheet On Second Look Resentencing Policies

Background

Second look laws allow courts to revisit and potentially modify sentences of eligible individuals after they have served a significant portion of their term. Depending on the specific law, this review can either be triggered automatically or initiated by the court, the prosecutor, or the defendant, often with limits on when or for whom it can be used.

These laws followed the “**tough-on-crime**” era of the 1980s and 1990s, which resulted in lengthy sentences and an aging prison population. Momentum grew after the U.S. Supreme Court ruled **juvenile life-without-parole sentences** for non-homicide offenses unconstitutional. **Overcrowded prisons** and **rising incarceration costs**, research showing that individuals often **age out of crime**, and **growing doubts** about the deterrent effect of severe sentences have fueled **bipartisan interest**.

At least 11 states and the District of Columbia allow **court-initiated resentencing**, and five states have enacted **prosecutor-led** second look laws. Existing laws require individuals to have already served a significant portion of their sentence in order to receive consideration. Similar bills with comparable eligibility have been introduced (but not yet passed) in many other **state legislatures** and at the **federal level**.

Current Debate

Supporters emphasize the ability of these laws to incentivize rehabilitation and motivate good behavior during incarceration by offering individuals the hope of sentence reconsideration based on their progress.

Advocates contend that reconsidering sentences brings the system in line with modern standards. Reassessing **outdated sentences**, such as those for low-level drug offenses or cases resulting from **unaddressed trauma** or behavioral health needs, provides an opportunity to correct disparities frequently embedded in these sentences. Moreover, as recidivism rates decline sharply with age, incarcerating older individuals is often unnecessary to protect public safety and burdens prisons with **mounting medical costs** associated with aging populations.

These laws can also reduce incarceration costs—which **vary dramatically** across states and federally, with the median around \$65,000 per inmate annually—by releasing individuals who no longer pose a threat. This eases the additional financial strain of maintaining **aging prison populations** and makes more efficient use of incarceration.

Critics argue that these laws could further burden courts already overwhelmed with heavy caseloads by requiring significant time and resources to review petitions and

Summary

- Second look resentencing laws allow modification of incarcerated individuals’ original sentences in eligible situations.
- Many jurisdictions have pursued or are pursuing second look legislation.
- Second look laws respond to research showing the effectiveness of rehabilitation incentives and the ineffectiveness of overly lengthy sentences in deterring crime.
- Practical safeguards are essential to responsibly address concerns related to public safety, resourcing, and victims.

hold resentencing hearings. They also express concerns about victims, arguing that revisiting cases could retraumatize them and disrupt their sense of closure. Some say these laws prioritize defendants over public safety or accountability for committing crimes.

Action Items

As many communities struggle with [prison overcrowding](#) and [strained correctional resources and staff](#), legislators have an opportunity to address these issues through second look policies. When paired with appropriate safeguards to address critics' concerns, these laws can promote safer communities, reduce costs, and improve outcomes that better serve the interests of victims, defendants, the public, and the criminal justice system overall.

Public safety is essential when considering second look laws, and individuals must meet rigorous eligibility criteria before any sentence modification is considered. A cornerstone of these laws is the demonstration of [rehabilitation](#), shown through commitment to [recidivism reduction programming](#), improved [risk assessment scores](#), and/or avoiding disciplinary action. Incentivizing rehabilitation during incarceration is shown to [dramatically reduce reoffense rates](#) after release, whereas excessive sentences [can increase recidivism](#). Additionally, [research shows](#) most "criminal careers" end within 10 years and that individuals serving long sentences pose little risk, as most [age out of criminal behavior](#) by their late 30s, making a second look after a comparable period of time reasonable and evidence-driven.

Other criteria outlined in some jurisdictions include restricting eligibility to victims of domestic violence (e.g., [Oklahoma](#)), those who committed crimes at a young age (e.g., [Florida](#)), and senior citizens (e.g., [federal](#)). Other states prioritize cases in which [new mitigating information](#) supports a more lenient sentence or when [sentencing laws have changed](#) since the original conviction. Most laws also require a substantial amount of time to have passed since conviction.

That said, second look policies are not without risks. If crafted poorly, they could overburden courts with frivolous petitions or retraumatize victims. Therefore, these laws should limit initiation of review or establish clear restrictions on the number or frequency of petitions filed. Victim notifications and input during the review and hearings is also essential.

Overall, second look resentencing policies provide a powerful incentive worth pursuing when paired with appropriate guardrails, which can contribute to safer communities, taxpayer savings, and improved outcomes across the carceral system after sentencing.



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