

# Two Distinct Tools for Release: Parole vs. Resentencing

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When a person is in prison, they rarely—if ever—remain behind bars for every day of their imposed sentence. This is true for many reasons.

- **Sentence Commuted:** A person could be granted **clemency**, an executive action by a governor or president to **commute** a sentence by reducing, substituting, or ending it. This happens **fairly infrequently**.
- **Sentence Overturned:** A sentence may be overturned for reasons like **police or prosecutor misconduct**, improper or **newly discovered evidence**, or **ineffective assistance of counsel**. This is also relatively uncommon.



More often, early release from custody (or early transfer to an alternative, such as community supervision or a halfway house) happens in two primary ways.

- **Good- or Earned-Time Credits Accrued:** **Good- or earned-time credits** reduce time served for good behavior or successful program participation.
- **Discretionary Parole Granted:** **Discretionary parole** allows release under supervision before a person’s sentence is fully completed.



Currently, at least **33 states** currently offer good-time credits, **34 states** offer earned-time credits, and **35 states** allow discretionary parole.

However, a different mechanism has become more widespread in recent years: resentencing.

## A NEW, SEPARATE MECHANISM OF REVIEW

Broadly known as “second look” policies, **resentencing** ordinarily comes in the form of defendant- or **prosecutor-initiated** petitions and are typically restricted by criteria such as offense type, age at the time of offense, amount of time served, or membership in a specific population (e.g., veterans, survivors of abuse). These policies allow individuals to return to court for a new hearing in which a judge can re-evaluate a previously imposed sentence. In such cases, the judge may uphold the original sentence, reduce it, or modify it.

As of summer 2025, **15 states** had enacted some form of resentencing statute.

One approach to resentencing policy that has gained traction is defendant-initiated resentencing, which does not require membership in a specific population. The District of Columbia plus six of those 15 states—Connecticut, Delaware, Florida, Maryland, North Dakota, and Oregon—have enacted such laws.

When considering this type of legislation, two natural questions emerge:

- How is the opportunity for a resentencing hearing meaningfully different from parole eligibility?
- Why is a resentencing hearing necessary if parole already exists?

These questions underscore a few important realities. While **parole and resentencing** serve fundamentally different purposes, operate through different mechanisms, and often produce very different outcomes, both play an important role within the criminal justice system.

## COMPARING PAROLE AND RESENTENCING

Category	Parole	Resentencing / Second Look
Primary Purpose	Determine whether a person can be safely released to supervision under an existing sentence	Reevaluate whether the original sentence itself remains appropriate
Core Question	“Should this person be released now?”	“Does the sentence this person is serving still make sense?”
Decision-Maker	Parole board	Judge/court
Branch of Government	Executive	Judicial
Factors Reviewed	Release suitability, supervision readiness	The sentence itself
Focus of Review	Public safety risk, institutional behavior, compliance, nature of offense	Rehabilitation, maturity, time served, proportionality, changed circumstances, updated laws

Category	Parole	Resentencing / Second Look
Role of Original Crime	Often central and heavily weighted	Considered but balanced against post-conviction growth or rehabilitation and current circumstances
Ability to Change Sentence Length	No—underlying sentence remains intact	Yes—sentence may be reduced, modified, or left unchanged
Possible Outcomes	Release or denial of release (occasional modifications only to specific terms)	Sentence upheld, shortened, lengthened, modified (in a range of ways), or converted to time served
Flexibility of Relief	Limited, often binary	Broader, more individualized
Timing	Typically based on statutory parole eligibility dates	Eligibility usually reached after specified number of years served
Eligibility Limits	Defined by parole statutes and sentence structure	Often restricted by offense type, age at offense, and/or years served
Procedural Structure	Administrative proceeding	Formal court hearing
Public vs. Private	Parole hearings open to the public (with limitations) in about half of states	Court hearings generally open to the public (limited exceptions); filings, transcripts, decisions become public record
Prosecutor Input	Typically limited after sentencing (generally not primary decision-makers in parole proceedings)	May formally participate, oppose, support, or initiate resentencing petitions depending on statute
Victim/Surviving Family Member Input	Usually permitted to submit statements or provide testimony to parole board	Usually permitted to submit statements or provide testimony during court proceedings
Due Process Protections	Little protection at point of decision	Procedural protections, judicial oversight typically greater
Use in Addressing Excessive Sentences	Limited; cannot alter the sentence itself	Designed to allow revisiting lengthy or outdated sentences
Possibility for Revocation	Parolees may be reincarcerated for any number of serious or technical violations	Individuals receiving sentence modification may be reincarcerated for violations (depending on any conditions placed upon release)
Political Dynamics	Often discretionary and politically sensitive due to role of elected executive	More structured through judicial standards and legal review; further removed from politics
Relationship to Rehabilitation	Rehabilitation may support release but does not alter the sentence	Rehabilitation can justify changing the sentence itself
Impact on Aging Prison Population	Can permit release (often inconsistent)	Specifically designed in many states to reconsider long incarceration of aging individuals
Underlying Philosophy	Consideration for supervised release within an existing punishment framework	Recognition that people, circumstances, and sentencing norms can change over time

**WHY BOTH MECHANISMS MATTER**

Because parole and resentencing answer fundamentally different questions, the existence of one does not eliminate the need for the other. Properly constructed, both can (and should) coexist as tools that promote accountability, transparency, and effective governance.

Second look policies do not erase accountability, nor do they require release. They simply create a structured judicial process—complementary to but distinctive from parole—for evaluating whether continued incarceration remains necessary after years or decades have passed. A justice system confident in its sentences should also be confident enough to revisit them when circumstances materially change.

Furthermore, the opportunity for a resentencing hearing can serve as a powerful rehabilitative incentive from day one. Unlike many parole systems that focus heavily on the original offense, second look policies are explicitly designed to evaluate personal growth. Parole grant rates have [declined across the board](#) since 2019, leaving many incarcerated individuals with little hope that years of hard, transformative work will ever pay off.

By contrast, second look policies place rehabilitation, maturity, institutional conduct, educational and vocational achievement, and demonstrated progress at the center of the review process. That framework not only creates a more meaningful opportunity for release in appropriate cases, it also reinforces the idea that taking accountability and improving oneself while incarcerated can result in tangible benefits—a principle our systems should strive to instill.

**TABLE SOURCES**

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[For the People: For Lawmakers](#)  
[Maryland Second Look: FAQ](#)  
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