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CRIMINAL JUSTICE REFORM

Second Look Policies
National Survey of Policies and Cost Savings

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INTERIM STUDY

What Are Second Look Policies?

A mechanism for reassessing a sentence after time, circumstances, and knowledge have changed.

> “A second-look mechanism is meant to ensure that these sanctions remain intelligible and justifiable at a point in time far distant from their original imposition.”
>
> **American Law Institute**

01 LAW CHANGE

Statutes, sentencing rules, and legal standards can change.

02 PEOPLE CHANGE

People mature, develop new identities, and build new lives.

03 SCIENCE CHANGES

Research can change how we understand culpability, risk, and rehabilitation.

Source: American Law Institute

Actors from Across the Criminal Justice System Support Second Look Laws

Fair and Just Prosecution

In 2021, Fair and Just Prosecution, a network of local prosecutors, issued recommendations signed by **over 60 current and former elected prosecutors and law enforcement leaders**, including those in **Mississippi, Missouri, Kansas, Texas, and Utah**, that included a sentence review mechanism.

National Association of Criminal Defense Lawyers (NACDL)

The National Association of Criminal Defense Lawyers (NACDL) published its model second look legislation and **recommended a judicial review of all sentences after 10 years** of incarceration.

American Bar Association (ABA)

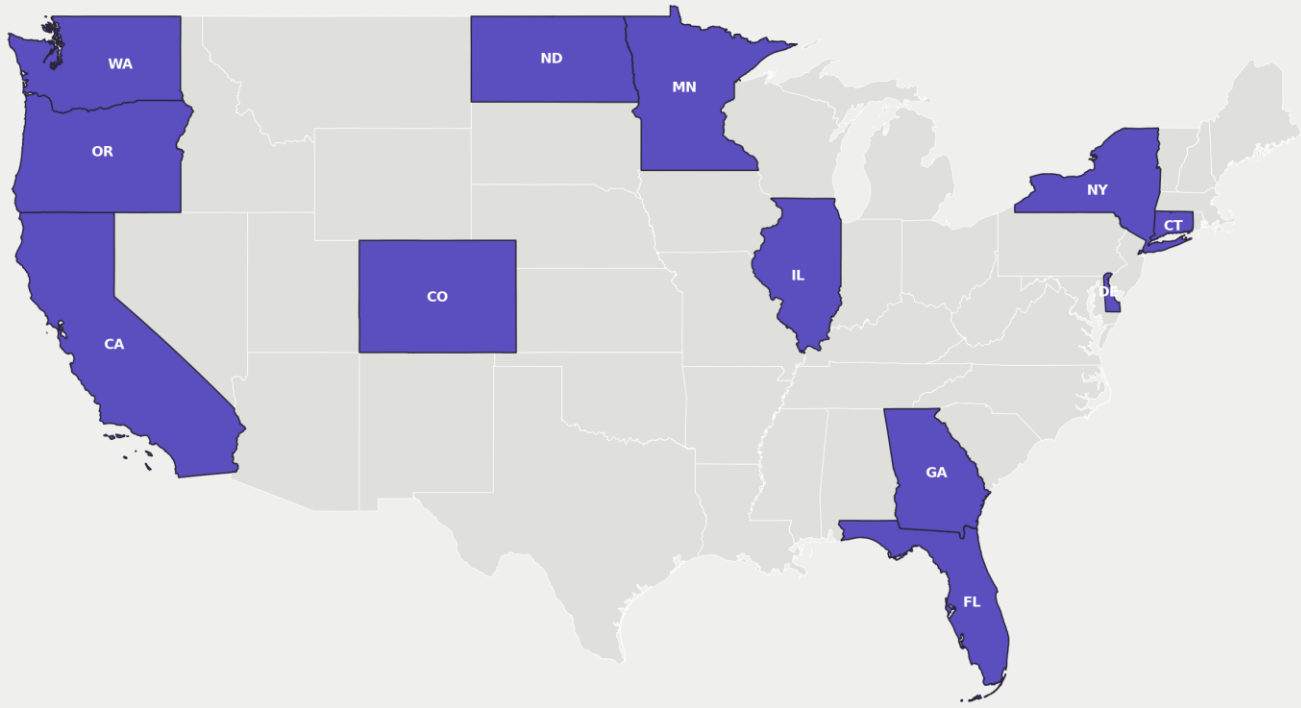
The American Bar Association (ABA) adopted Resolution 502 that urged governments to enact legislation permitting courts to **take a second look after 10 years** of incarceration.

Where Are Second Look Policies?

Second look policies have emerged across a range of states and policy models.

States highlighted below have statutes or policies that allow for judicial re-determination of sentences

- Washington
- Oregon
- California
- North Dakota
- Colorado
- Minnesota
- Illinois
- Georgia
- Florida
- New York
- Connecticut
- Delaware



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State map: U.S. county boundary data, aggregated to state boundaries

STATE SECOND LOOK REVIEW POLICIES



27 additional States
utilize non-court initiated review mechanisms.

These states include:

- Alaska
- Arizona
- Arkansas
- Missouri
- Texas
- Louisiana
- South Dakota

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THREE APPROACHES

Types of Second Look Policies

01

GENERALIZED SECOND LOOK

Broad judicial review after a defined period of incarceration or sentence imposition.

02

SECOND LOOK BASED ON AGE

Review tied to age at the time of the offense, often focused on youth or emerging adults.
Review tied to age at time of petition, often focused on the elderly or medically infirm.

03

SECOND LOOK FOR SPECIFIC POPULATIONS

Targeted review for people whose circumstances raise distinct concerns, including trauma, military service, or sentencing changes.

Generalized Second Look

Connecticut and Delaware have among the widest standards for generalized second look review.

Feature	Connecticut	Delaware
Primary Threshold	Trial conviction or guilty plea ≤ 7 yrs	25 years served OR DOC review path
Prosecutor Involvement	Required only for plea sentences > 7 yrs	None; direct petition allowed without DOC approval
Review Standard	Broad “Good Cause” judicial discretion	Medical or solely based on inmate rehabilitation
Key Exclusions	Excludes ~70 mandatory sentence crimes	Applies to sentences > 1 year served

DELAWARE

“Rehabilitation” is defined as the process of restoring a person to a useful and constructive place in society, especially through vocational, correctional, or therapeutic training.

Sources: Connecticut and Delaware second look statutes; statutory definitions as provided for this study

Second Look for Age: Youth Sentences

NORTH DAKOTA | § 12.1-32-13.1	
ELIGIBLE AGE	Offenses committed before turning 18
TIME SERVED	At least 20 years in custody
REHEARING	2nd motion after 5 years; 3rd/final after another 5 years
RELEASE TERMS	At least 5 years supervised release
DOC ROLE	Report and recommendation on conduct and program completion

FLORIDA | F.S. § 921.1402	
ELIGIBLE AGE	Offenses committed before turning 18
TIME SERVED	15, 20, or 25 years depending on sentence category
REHEARING	One subsequent review hearing, 10 years after initial hearing
RELEASE TERMS	At least 5 years probation if sentence is modified
DOC ROLE	Notice 18 months before eligibility

COURT FACTORS	Both frameworks consider maturity and rehabilitation, public safety, offense role, family and community circumstances, victim input, mental health or risk assessment, and educational or vocational progress. North Dakota also expressly addresses trauma, adult co-defendants, and demonstrated maturity.

Sources: N.D.C.C. § 12.1-32-13.1; Fla. Stat. § 921.1402

Second Look for Emerging Adults

NATIONAL INSTITUTE OF JUSTICE

People ages 18–24 were found to be more similar to juveniles than older adults in their "offending, maturation and life circumstances."

THE PREFRONTAL CORTEX

Brain development completion near age 25 refers specifically to development of the prefrontal cortex, a region involved in cognitive control and inhibition.

What the literature contributes to the policy question

DEVELOPMENT

PFC development continues into the mid-20s.

CONTROL

Cognitive control and inhibition are tied to PFC function.

RISK

Literature links PFC damage to impulse control and antisocial behavior.

POLICY

Some jurisdictions extend second look beyond juvenile sentences.

23% of States use a higher age limit than 18 ranging anywhere from 20 to 25.

Sources: National Institute of Justice; Arain et al. (2013); Odell (2022); Sapolsky (2004)

Second Look for Elderly Individuals

The First Step Act shifted federal compassionate release from a narrow administrative gatekeeping model toward direct judicial review.

01 DIRECT FILING

Individuals may file directly in federal court after giving BOP 30 days to act. There are no offense type or sentence length exclusions, except sentences imposed before 1987.

02 EXPANDED GROUNDS

Current standards include traditional medical, geriatric and family circumstances, plus unusually long sentences created by major sentencing changes and a catch-all provision.

03 IMPLEMENTATION

FY2020–FY2023: 31,069 motions filed; 4,952 granted and 26,117 denied. In FY2020, 96% of granted motions were self-filed.

FY2020–FY2023 **16%** GRANTED **84%** DENIED

COVID usage peaked in late FY2020 and filings have since declined.

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Sources: First Step Act of 2018; U.S. Sentencing Commission compassionate release guidance and FY2020–FY2023 data

Second Look for Both Age Categories

CORE ELIGIBILITY

20 years served
Including jail-time credit

Murder and rape excluded
unless prosecutor consents

PROCEDURE & RIGHTS

Notice in the 20th year
Petition after 6 months
Original sentencing judge
Counsel for indigent petitioners
Hearing upon request

SPECIAL PROTECTIONS

Age 55 presumption
Right to attend and testify
Amend petition with counsel
Successive petitions permitted
Direct appeals by both sides

13 statutory factors guide the court's decision

1. Age at offense & brain development
2. Age at petition & desistance research
3. Public safety and age
4. Public safety and health
5. Offense nature & changing sentence norms
6. Rehabilitation history
7. Role, co-defendants & trauma
8. Physical, mental & psychiatric evaluations
9. Victim / family statements
10. Trial penalty evidence
11. Ineffective assistance of counsel
12. Actual innocence
13. Other relevant factor

Source: Georgia HB 894 and O.C.G.A. provisions summarized for this study

Second Look for Specific Populations

TRAUMA INFORMED

Domestic Violence Survivors

Oklahoma, Georgia, and New York have policies that require consideration of trauma in relation to people whose criminal conduct is connected to domestic violence victimization.

Policy question
How should coercion, trauma, and survival behavior affect later sentence review?

MILITARY VETERANS

California

Special consideration may include traumatic brain injury, PTSD, substance abuse, or mental health problems resulting from military service.

Policy question
Should service related trauma create a distinct pathway for review?

SENTENCING CHANGE

Habitual Offender Laws

Colorado provides a second look for people sentenced under habitual offender laws to 24 years or more who have served at least 10 years.

Policy question
Should major changes in sentencing policy trigger later review?

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Sources: state statutes and policies identified in the study materials

Effects of Second Look Acts

Available studies generally show low rates of new serious offending among people released after youth resentencing and for those released from long sentences.

3.45%

PHILADELPHIA

2 of 174 released juvenile lifers were reconvicted of a new offense.

30% to 45%

Federal

Incarceration terms of more than 10 years wereassociated with lower eight-year re-arrest rates (30-45% decrease depending on the model).

2%

Elderly Releases

Ages 50–65 = just over 2% recidivism

Ages 65+ = approaching 0% recidivism

3%

Natural Experiments in Maryland

188 people convicted of serious crimes were freed because of faulty jury instructions in their cases. This group returned to prison at a rate of less than 3%.

WHAT THE EVIDENCE SUGGESTS

The available evidence suggests that people released after lengthy sentences generally have low rates of new serious offending.

Sources: Montclair State study of Philadelphia juvenile lifers; United States Sentencing Commission (2020); Vera Institute of Justice (2025); The Sentencing Project (2022).

Second Look saves the state money.

Prisons spend the most on people who have served the longest. A second look lets a court review those sentences, and the savings follow.

$188.3M

in yearly budgets for **five Michigan prisons**, whose beds roughly match the number of people the model would release.

Alger, Baraga, Cotton, Marquette, Cooper Street: capacity and 2022 budget

Alger	Baraga	Cotton	Marquette	Cooper St.
$31.8M	$37.8M	$47.7M	$40.0M	$31.0M
808 beds	868 beds	1,692 beds	649 beds	1,282 beds

5,400 people fit the model's second look criteria

Michigan's Ford School and AFSC model shortens minimum sentences on an illustrative schedule. At half participation, 2,700 people are released.

$185M

saved by Maryland from Unger releases

Justice Policy Institute, 2018.

Up to 3x

the cost of incarcerating older adults compared with younger people

Estimates vary by system.

+64%

rise in medical care's share of the DOC budget, 2021 to 2026

The overall budget grew as well.

Sources: Michigan figures from the Ford School of Public Policy and American Friends Service Committee, Second Look Legislation Policy Briefing (facility budgets as of 2022; $188.3M corresponds to the full 5,400-person scenario). Maryland figure from the Justice Policy Institute (2018).

What Second Look laws have in common

Ten provisions recur across second look laws and proposals. Together they widen who can ask for review and make the review fair and workable.

- Increase the population of those eligible for sentence review
- Many create fully retroactive provisions
- Include judicial discretion and authority to reduce mandatory and plea-bargained sentences
- Provide subsequent sentence reviews with shorter wait times in between reviews
- Provide a right to appointed counsel for the petition and hearing
- Provide a right to a hearing
- List factors for court consideration
- Require written or oral court decisions addressing the factors
- Provide methods for crime survivor input
- Provide clear guidance about the court's authority to reduce the sentence, notwithstanding other parole or resentencing opportunities

Not every state includes every provision.

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THANK YOU

www.okjusticereform.org