

Resentencing Models

Policy	Timeline	Pathway	Considerations
Model Penal Code §305.6 Modification of Long-Term Prison Sentences; Principles of Legislation	<ul style="list-style-type: none"> ● Individuals incarcerated who have served <i>15 years</i> should be eligible for a sentence modification <ul style="list-style-type: none"> ○ Their right to apply for sentence modification shall recur <i>at least every 10 years</i> ● If individual was <i>under the age of 18</i> at time of their offense, they should be eligible after <i>serving 10 years</i> <ul style="list-style-type: none"> ○ Their maximum sentence should be limited to 20-25 years 	<p>Judicial panel or other judicial decision maker to hear and rule upon application for modification of sentence</p>	<ul style="list-style-type: none"> ● Inquiry will determine if the purpose of sentencing would be better served by a modified sentence ● Victims impact statements from original hearing and can contribute to sentence modification hearing
D.C. Second Look Amendment Act of 2019	<ul style="list-style-type: none"> ● If individual was <i>under the age of 25</i> at time of conviction, they may petition the court for resentencing after <i>serving 15 years</i> <ul style="list-style-type: none"> ○ If petition is denied, may file again in three years ● An individual may petition the court a <i>total of three times</i> 	<p>Petition the sentencing court with a copy served to the US Attorney</p>	<ul style="list-style-type: none"> ● Their age at time of offense ● History and characteristics of the individual ● Individual is no longer a danger to public safety ● Individual is ready for reentry <ul style="list-style-type: none"> ○ Whether the individual has shown maturity and rehabilitation ● Interests of justice warrant a sentence modification ● Whether the individual complied with the rules of

[D.C. Second Look
Amendment Act of 2019](#)
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incarceration

- Whether they completed any educational, vocational, or other program if available
- Any recommendation or report from the US Attorney
- Victim impact statements
- Reports of physical, mental, or psychiatric examinations of the individual conducted by licensed healthcare professionals
- Individuals family and community circumstances at time of offense
 - History of abuse, trauma, or involvement in the child welfare system
- Extent of the individual's role in the offense and whether and to what extent another person was involved in the offense
- Diminished culpability of juveniles under the age of 25
 - Hallmark features of youth - immaturity, impetuosity, and failure to appreciate the risks and consequences
 - Personal circumstances that support an aging out of crime
- Any other information deemed relevant to the decision

Policy	Timeline	Pathway	Considerations
National Association of Criminal Defense Lawyers Model Second Look Legislation	<ul style="list-style-type: none"> ● Individual who is incarcerated petition for release after <i>serving at least 10 years</i> <ul style="list-style-type: none"> ○ If petition is denied, may file a successive petition after two years ○ If petition is granted, may file a second sentence reduction five years after original petition 	<p>Petition sentencing judge</p>	<ul style="list-style-type: none"> ● Consent of prosecutor ● Age of petitioner at time of offense and relevant research regarding development of youth brain ● Victims input ● Age of petitioner at time of petition and research regarding the decline in criminal behavior as individuals grow older <ul style="list-style-type: none"> ○ Where a defendant who is 50 years of age or older on the date on which the petitioner files an application for a sentence reduction, rebuttable presumption that petitioner shall be released ● Nature of the offense <ul style="list-style-type: none"> ○ Changing societal attitudes regarding the propriety of criminalizing the offense ○ Appropriate sentence for the offense ● History and characteristics of petitioner <ul style="list-style-type: none"> ○ Rehabilitation ○ Disciplinary Action ○ Efforts to participate in educational and

[National Association of Criminal Defense Lawyers Model Second Look Legislation](#)
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- o vocational activities while incarcerated
- Circumstances of offense
 - o Petitioners role
 - o Substance use
 - o Victim of sexual or domestic violence at time of offense
- Evidence petitioner was denied effective counsel
- Innocence claim
- Any report from a physical, mental, or psychiatric examination of the individual conducted by a licensed healthcare professional
- Any evidence whether petitioner's sentence was enhanced because they exercised their constitutional right to a trial
- Any other information the court deems relevant to the decision