

SECOND LOOK ACT

S.321 - Salazar / A.531 - Walker

Over the past 50 years, New York's laws have resulted in increasingly harsh sentences — with no opportunity for sentencing judges to review and reconsider individual cases.

- Decades-long prison terms have become the norm in New York. Every year, nearly 1,000 people are sentenced to 10 or more years in prison, and over 5,000 people—more than 10% of people in prison—have been there for 15 years or longer.
- New York State has the [third-largest population](#) of people serving terms of life imprisonment in the country. Nearly 9,000 New Yorkers are currently serving life sentences.
- Prisons have become inadequate hospitals and long-term care facilities for thousands of sick and aging people. There are over 8,000 people today over the age of 50 in New York prisons and [44%](#) of New Yorkers in state prison struggle with a chronic health condition.
- Nationally, the amount of time people are serving in prison has [increased dramatically](#). Between 1994 and 2014, the number of people in prison who had served more than 15 years increased 526%. This growth was most dramatic for people serving the longest sentences. The number of people in prison for 25 years or longer increased from 26 people in 1994 to 1,330 in 2014 (over 5,000% growth).
- This increase in sentence length stems primarily from the “tough-on-crime” laws passed in the 1970s and 1990s, which disproportionately targeted Black and brown communities.
- Those who are serving lengthy sentences have no opportunity to demonstrate to a judge that they have changed after years or decades in prison or that, given changed laws and norms, the sentence is no longer appropriate.

Under current law, sentencing judges do not have an opportunity to review and reconsider excessive sentences.

Judges have spoken out about their inability to address sentences that are extreme or unjust. For example, in 2016, Chief United States District Judge Stefan Underhill wrote in the [New York Times](#) that a 18-year sentence he had handed down was too harsh and lamenting that he was unable to modify it. It is time for a second look.

The Solution: The Second Look Act

The Second Look Act allows incarcerated people to petition for resentencing and permits judges to revisit and reduce sentences, giving New Yorkers the opportunity to return to their families and communities, and to rebuild their lives.

Nationally, second look bills are gaining momentum with legislation passed in four states— Illinois, Louisiana, Maryland, Oregon—and the [District of Columbia](#), and proposed in an additional 22 states. Federally, [U.S. Senator Cory Booker](#) has proposed second look legislation in Congress.

Key Provisions

- Allow judges to review and reconsider excessive sentences. Cases will be heard by a different judge than the initial sentencing judge.
- Allow incarcerated people to apply for a resentencing hearing after they have served 10 years or half of their sentence (if the sentence is over a decade). If a person is otherwise ineligible, the prosecutor can consent to their resentencing application.
- Create a presumption that resentencing will be granted if the person is over 55 years old at the time of the resentencing hearing, or was under 25 years old at the time the crime occurred. This provision reflects the Department of Corrections and Community Supervision (DOCCS) assessment of aging in prison and neurological research on young adults and developing brains.
- The right to counsel is guaranteed at every stage of second look proceedings.

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