

SECOND LOOK SENTENCING ACT

SB 239 / HB 2893

The Second Look Sentencing Act would give judges discretion to review the cases of individuals sentenced to long prison terms for crimes committed before their 25th birthday after they've served at least 10 years, bolstering public safety while providing second chances to those who prove they're ready to come home.

WHY WEST VIRGINIA NEEDS SECOND LOOK

West Virginia spends millions annually incarcerating people, including those who made terrible mistakes when they were young but have since changed, and now pose no public safety risk.

West Virginia spends over \$35,000/year per person in prison, more than the average income for someone working in the state. Keeping people in prison past the point at which they are likely to commit another crime is a waste of resources and doesn't make us safer.

People released through Second Look laws in other places have extremely low re-offending rates and often serve as mentors, preventing other young people from repeating their mistakes.

This common sense legislation will make West Virginia safer, fairer, and more efficient with taxpayer dollars.

SECOND LOOK PROVIDES A THOROUGH, SAFETY-FOCUSED REVIEW PROCESS

- The Second Look Sentencing Act would allow judges to review the case of a person sentenced for a crime committed before age 25 after they've served at least 10 years.
- Second Look doesn't guarantee release: judges conduct thorough, case by case evaluations, prioritizing victim input, rehabilitation evidence, and risk to public safety.
- Second Look respects victims' voices, requiring victim notification and judges to consider victim impact statements.
- If a judge finds that a person poses no threat to the community and the interest of justice warrants a sentence modification, they have the discretion to change their sentence.
- Individuals released under Second Look will be on supervised release for up to 5 years.

THE IMPACT OF SECOND LOOK

- If enacted into law on July 1, 2025, 300 West Virginians would become eligible to have their sentences reviewed by a judge, after serving an average of 22 years in prison.
- Second Look could save an average of 14 years in prison, or half a million dollars per person. If only 20% of the eligible population receives relief, the state would save over \$30 million.
- By enactment, 70 individuals will be over 50 years old, and have served at least 25 years. Research consistently shows that older people are less likely to re-offend after release from incarceration, while the cost of caring for elderly people in prison is significant. State savings could be significantly higher if a substantial number of elderly people with high medical needs are released.
- The eligible population spans all 30 judicial districts, with each judge projected to review an average of 4 cases upon implementation. Second Look will not overwhelm the court system or strain judicial resources.