

Explaining the Second Chance Sentencing Act (SB 321-325, HB 4556-4560)

Incarcerated people in Michigan serve, on average, the longest sentences in the nation, and legislation allowing incarcerated people to petition judges to take a second look at their sentences (aka 'Second Look legislation') would provide a remedy that would make our communities safer.

What Is Second-Look Legislation?

Under a passed second-look statute, an incarcerated person who has served ten years may petition the sentencing court to reduce their sentence.

When a judge denies a petition, incarcerated individuals are prevented from filing a new petition for two years (unless the court requires a longer waiting period). No court can require a waiting period of longer than five years.

After a successful petition with a reduction of more than 25%, a new petition cannot be filed for another five years. A petition can be entered before ten years if the prosecuting attorney consents.

People sentenced for a mass shooting are not eligible for a second look. People sentenced for domestic violence, criminal sexual conduct against a child under thirteen, child pornography, or human trafficking can be denied without a hearing.

Victims can object to any potential re-sentencing, and the original sentencing court makes the ultimate decision.

Why Second-Look Legislation is Good for Michigan:

Sentence length is one of the least effective possible ways to deter crime.

Research over decades suggests that certainty of punishment has a deterrent impact while the length of sentence does not. Also, incarceration, particularly incarceration of older people, costs money that would be invested more efficiently in directly reducing crime. Finally, as people age, they become increasingly unlikely to commit crimes.

Let's ensure that Michigan puts every dollar into the most efficient means of crime reduction by passing Second-look legislation.