



**Written Testimony of Bryan Widenhouse**  
State Legislative Affairs Manager, FAMM  
Vermont Senate Committee on Judiciary  
**In Support of S 140**  
March 11, 2026

Dear Chair Hashim, Vice Chair Norris, and members of the Senate Committee on Judiciary,

Thank you for the opportunity to support Senate bill [S 140](#), which would create a “second look” mechanism for incarcerated people in Vermont. I write on behalf of [FAMM](#), a national nonpartisan, nonprofit organization that advocates sentencing and prison policies that are individualized and fair, protect public safety, and preserve families. We unite current and formerly incarcerated people, their families and loved ones, and a diverse network of concerned citizens working to improve our system of justice. **FAMM supports S 140 and asks you to please vote “yes” on this legislation.**

As a key component of our Second Chances Agenda, FAMM supports legislatures across the country in creating pathways for long sentences to be reviewed and modified when appropriate. Prison sentences are not infallible, and a “second look” review process, such as **S 140**, provides a critical safety valve for a system that inherently defaults toward tough on crime sentences. By incorporating rigorous safeguards for public safety and elevating the voices of victims, this bill recognizes justice as an active, ongoing evaluation designed to restore rather than a frozen mandate. By recognizing the human capacity for change, and incentivizing it, second look policies can transform prisons from warehouses into places of restoration.

Our carceral system once aligned with principles of rehabilitation enabling progress toward parole or conditional release<sup>1</sup>. Through an era of “tough on crime” policies, rehabilitative efforts waned and some states abandoned review mechanisms in lieu of increasing punitive policies. This shift resulted in a 700% increase in prison populations.<sup>2</sup> The burdens of “mass incarceration” have strained resources, frayed the fabric of families and communities, and proved largely unsuccessful as the solution to crime.<sup>3</sup>

Vermont currently faces a confluence of prison overpopulation and severe understaffing. Research indicates the state’s Department of Corrections is reaching its highest population level in over five years, while vacancy rates for correctional staff remain at “crisis levels” across multiple facilities. This population growth includes a 22% increase within two years.<sup>4</sup> The state has considered proposals to build a new prison at a cost of over \$500 million dollars, followed by the need to fund staff salaries and operations. **At a time when Vermont cannot adequately staff its current prisons, building a new one would prove challenging. FAMM strongly encourages this committee to see S 140 as the fiscally responsible and fair solution.**

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<sup>1</sup> <https://www.vera.org/reimagining-prison-web-report/human-dignity-as-the-guiding-principle/legal-basis-for-practice-principle-3>

<sup>2</sup> <https://www.sentencingproject.org/reports/mass-incarceration-trends/>

<sup>3</sup> <https://www.sentencingproject.org/reports/incarceration-and-crime-a-weak-relationship/>

<sup>4</sup> <https://vnews.com/2025/09/22/vermont-overcapacity-correctional-facilities/#:~:text=About%2040%20more%20people%20are,and%20164%20currently%20operating%20beds.>

In the early 2010s, second look mechanisms began to rise as a prominent solution to mass incarceration and create safety valves for “tough on crime” policies. Major legal reform and advocacy organizations endorsed this fundamental transition.<sup>5</sup> The catalyst for a pivotal shift was a series of U.S. Supreme Court cases questioning the constitutionality of mandatorily sentencing juveniles to life without parole in prison. In 2016 the Court culminated this line of precedent cases in *Montgomery v. Louisiana*<sup>6</sup>, when it declared these sentences were unconstitutional and retroactively outlawed them. As a result, states with such policies were compelled to enact reviews for children previously sentenced to life without parole. Second look mechanisms were created to measure rehabilitation, ensure public safety, and determine if the original sentence remained in the interests of justice. To date, 1209 people have been released, representing approximately 45% of the total cases across the country.<sup>7</sup> The recidivism rate amongst this demographic is 5.2%, mostly for non-violent offenses.<sup>8</sup>

States and jurisdictions are continuing to build upon the U.S. Supreme Court’s new precedent through the “emerging adult” doctrine. When outlawing mandatory life without parole sentences for juveniles, the Court relied on established neuroscience of the adolescent brain. Research indicates critical decision making portions of the brain are not fully developed until the mid-twenties. When the Court delineated the age of demarcation at 18 years of age, it left itself short of the very research it relied on. The “emerging adult” doctrine seeks to better align laws with the science and provide appropriate state protections to developing young people. Examples are:

- District of Columbia, second look/judicial for persons under the age of 25
- California, parole eligibility for persons under the age of 26
- Maryland, second look/judicial review for persons under the age of 25
- Massachusetts, extends JLWOP protections to persons under the age of 21
- Hawaii, extends JLWOP protections to persons under the age of 21
- Michigan, extends JLWOP protections to persons under the age of 21
- Washington, extends JLWOP protections to persons under the age of 21
- Illinois, extends JLWOP protections to persons under the age of 21
- Connecticut, extends JLWOP protections to persons under the age of 21

States are turning to other categorical second look mechanisms to address unjust policies, shortsightedness of extreme sentencing, and over-incarceration. Some examples are:

- Medical/geriatric release mechanisms to safely release those who are the costliest to incarcerate, and the least likely to reoffend.
- Domestic Survivors Justice Acts to allow for sentence reductions for people who demonstrate sexual or domestic abuse were contributing factors in their crimes.
- At least five states have enacted judicial review policies focused on military veterans.

People serving long sentences who are given second chances have a lower risk of recidivism and frequently become valuable contributing members of their communities. **S 140** is similar to Washington D.C.’s

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<sup>5</sup> <https://famm.org/wp-content/uploads/2019/07/Second-Look-White-Paper.pdf>

<sup>6</sup> <https://supreme.justia.com/cases/federal/us/577/190/#tab-opinion-3520320>,

<sup>7</sup> <https://cfsy.org/sentencing-children-to-life-without-parole-national-numbers/#:~:text=1%2C209,is%20down%20from%202%2C800%20people>.

<sup>8</sup> <https://pmc.ncbi.nlm.nih.gov/articles/PMC11758475/#:~:text=Second%2C%20we%20present%20recidivism%20ata,from%20criminal%20behavior%20in%20adulthood>.

“second look’ law and their results demonstrate the potential for this bill. For an in in depth look at the Washington D.C. law below please see FAMM’s documentary “[District of Second Chances.](#)”<sup>9</sup>

- Washington D.C.’s “second look” process allows people who were young at the time of their crime to be resentenced after they have served at least 15 years. D.C.’s second look law originally only applied to people who were under 18 at the time of the crime, but after seeing the success of people released under that law, the D.C. City Council extended it to people who were under 25 at the time of the crime. As of June 2023, 195 people had been released under this expanded second look law, and only 7 (4%) had been rearrested.<sup>10</sup>
- In Philadelphia, as of December 2019, 174 people sentenced to LWOP for crimes they committed as children had been resentenced and released. Only six (3.5%) have been re-arrested. Charges were dropped in four of the cases and two (1%) resulted in new convictions (one for Contempt and the other for Robbery in the Third Degree).<sup>11</sup>
- In Maryland, 200 people were released from prison following a state court decision that found the jury instructions used in their trials to be unconstitutional. When they were released, they were relatively old (the average age was 64) and all had served 30 years or more. Most had been convicted of murder, and the remainder were convicted of rape. As of May 2021, only 3% had been re-incarcerated.<sup>12</sup> They were released due to a legal technicality rather than based on showing that they had been rehabilitated or that they were safe to release, and yet their recidivism was nevertheless extremely low. This illustrates that it is the norm, rather than the exception, that people serving long sentences can at some point safely return to the community.
- In California, researchers surveyed 77% (110 people) of the 143 people who had been granted a second chance since 2013 after being sentenced to LWOP. Ninety percent reported working full or part-time, with 43 percent working in the nonprofit sector. In addition, 94 percent reported volunteering regularly, 84 percent said they financially assisted others.<sup>13</sup>

For these reasons, FAMM supports **S 140** (Senator Vyhovsky) and urges your “yes” vote and recommendation. Please feel free to contact me at (267) 644-8964 or [bwidenhouse@famm.org](mailto:bwidenhouse@famm.org) with any questions or to discuss this matter further.

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<sup>9</sup> District of Second Chances, <https://districtofsecondchances.com/>.

<sup>10</sup> Testimony of Warren Allen at Hearing on B25-291 before the Committee on the Judiciary and Public Safety of the Council of the District of Columbia (2023). <https://www.sentencingproject.org/app/uploads/2023/06/Warren-Allen-Safer-Stronger-Amendment-Act-2023-Testimony.pdf>

<sup>11</sup> Daftary-Kapur, T. & Zottoli, T. (2020). *Resentencing of Juvenile Lifers: The Philadelphia Experience*, Montclair State University. <https://secondchanceslibrary.org/wp-content/uploads/2022/06/Resentencing-of-Juvenile-Lifers-The-Philadelphia-Experience.pdf>.

<sup>12</sup> Millemann, M., Chapman, J.E., & Feder, S.P. (2022). *Releasing Older Prisoners Convicted of Violent Crimes: The Unger Story*, U. MD. L.J. RACE, RELIGION, GENDER & CLASS, 21:2, 185-247, <https://secondchanceslibrary.org/wp-content/uploads/2022/06/Releasing-older-prisoners.pdf>.

<sup>13</sup> Leavell, A., Calvin, E., & Root, B. (2023). “*I Just Want to Give Back*” *The Reintegration of People Sentenced to Life Without Parole*, Human Rights Watch. [https://secondchanceslibrary.org/wp-content/uploads/2023/06/usa\\_lwop0623.pdf](https://secondchanceslibrary.org/wp-content/uploads/2023/06/usa_lwop0623.pdf).